

January 10, 1990

LB 567A, 610, 1080-1090
LR 231

Mr. Clerk, would you proceed.

CLERK: (Roll call vote read. See page 253 of the Legislative Journal.) 22 ayes, 12 nays, Mr. President, on adoption of the resolution.

SPEAKER BARRETT: The resolution is adopted. Anything for the record, Mr. Clerk? New bills?

CLERK: Mr. President, I do.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, a hearing notice from the Natural Resources Committee offered by Senator Schmit as Chair.

New bills: (Read LBs 1080-1090 by title for the first time. See pages 254-56 of the Legislative Journal.)

Mr. President, Senator Withem has amendments to be printed to LB 567A and Senator Smith to LB 610.

Mr. President, I have a priority motion.

SPEAKER BARRETT: Mr. Clerk, proceed.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on adoption of LR 231.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if the Legislature is going to try to impose some kind of conduct on the other members, it should at least be done by a majority vote of the members of the Legislature. That resolution did not get a majority vote, and I'll tell you something else. The Legislature is governed by the Constitution, the Legislature is also governed by the statutes and the Legislature is governed by its rules. What happens in this Legislature is determined by rules. This resolution did not amend the rules. This resolution's contents does not constitute a rule. It's just a statement and it was passed by less than a majority of the members of the Legislature. So I think it ought to be reconsidered and I think when that next vote is taken we should defeat the resolution and you should put

February 13, 1990 LB 159, 163A, 624, 642, 862, 923, 943
976, 1010, 1086, 1090, 1091, 1141, 1171
1180, 1195, 1197, 1238
LR 239

PRESIDENT: Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, I do. A reminder, the Speaker would like to have a meeting of Committee Chairs tomorrow morning at eight-thirty, Committee Chairs tomorrow morning at eight-thirty in Room 2102.

Mr. President, your Committee on Education whose Chair is Senator Withem reports LB 1086 to General File, LB 1090 General File with amendments, LB 1195 General File, those signed by Senator Withem, and LB 1180 indefinitely postponed, LB 1197 indefinitely postponed. Urban Affairs reports LB 943 indefinitely postponed, LB 1171 indefinitely postponed, signed by Senator Hartnett. Banking reports LB 624 to General File, that signed by Senator Landis. (See pages 779-80 of the Legislative Journal.)

Mr. President, a series of priority bills designations. Senator Wesely as Chair of Health and Human Services selects LB 923, Senator Withem selects LR 239CA, Senator Warner selected LB 1141. General Affairs Committee selected LB 862 as one of its priority bills, that's offered by Senator Smith. Senator Dierks has selected LB 1238.

I have amendments to be printed to LB 163A by Senator Schimek. (See page 781 of the Legislative Journal.)

A confirmation report from the Education Committee. That is offered by Senator Withem.

A series of adds, Mr. President. Senator Weihing would like to add his name to LB 642, Senator McFarland to LB 1010, Senator Lowell Johnson to LB 976 and Senator Pirsch to LB 1091 and Senator Warner to LB 159, AM2372. That is all that I have, Mr. President. (See page 782 of the Legislative Journal.)

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, I move we adjourn until 9:00 a.m., February 14, Valentine's Day.

responsible municipal government. Each and every one of those employees would have to run in the next general election and stand for election at that time. Some of the new members appointed at...I would not even know personally, so this is not a personal vendetta against anyone. Precedence has been set. The Supreme Court, in such a law, says it has always been the general policy of this state that the governing officers of the cities and towns should be selected by a vote of the electors. The policy of the state is to provide means whereby the people shall be represented in that office by officials of their own selection. The process that we have right now, it is possible by several appointments made from a special interest group, to gain control of the city government and that direction may or may not be what the rest of the citizens of first class cities prefer to have in their government. There was one question during the hearing in regards to a point of concern and I did contact Mr. Ralph Englert, a deputy secretary of state, and he said that Mr. Englert is of the opinion that the current law as found in Section 32-537 would deal with such contingencies if 853 were elected, and that would be some of the concern of the first class cities, specifically in the case of a vacancy occurring after the primary election. Mr. Englert agreed that such a position would be contested at the general election following, it being the next regular election. Since the primary election is past, the ballot would have to be filled by petition and he goes on to explain that and so that's all it does, a very simple bill, a little bit more representative government and the people have a little more to say. The ones that are appointed just and for election in the next general election. There is no cost to the cities necessarily, but the people have an opportunity to vote on who represents them.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 853 to E & R please vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 853.

SPEAKER BARRETT: LB 853 advances. LB 1086.

CLERK: LB 1086, offered by Senator Hartnett. (Read title.) The bill was introduced on January 10, referred to Education, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Chair recognizes Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, this, as was stated by the Clerk, would amend the Nebraska Public Transportation Act, allowing municipalities or counties to contract with school districts, public school districts to use school buses for emergency evacuation of members of the public by qualified law enforcement personnel during an emergency or crisis situation which threatens the public's safety or well-being. The contract must require the county or municipality to be liable for costs, maintenance, operation, insurance and other reasonable expenses. Schools are relieved of liability for damage of personal property. Schools are not required to alter vehicles and so forth. At the present time we have...special ed people are able to transport this way, and so are elderly. So this would just expand it to counties, and it's permissive...counties and municipalities, and it's simply permissive legislation for a contract between the school district and the counties. So, with that, I'd ask for the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, those in favor of the advancement of LB 1086 vote yes, opposed no. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1086.

SPEAKER BARRETT: LB 1086 advances. LB 1216.

CLERK: LB 1216, Mr. President, was a bill introduced by Senator Baack. (Read title.) The bill was introduced on January 18, referred to Government, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Baack, please.

SENATOR BAACK: Mr. Speaker and colleagues, this is another very simple bill, but it is a very important one, because it does provide the Veterans Home Building Fund, as presently in statute, was put into statute, and the only purpose they could use that fund for was for the building of new nursing facilities in this state. This would allow for them to use these funds for either the building of nursing facilities, or improving those

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 853.

SPEAKER BARRETT: Thank you. Is there discussion? If not, those in favor of the adoption of the E & R amendments please say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further pending to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 853 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? Seeing none, shall LB 853 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1086.

CLERK: LB 1086, Senator, does have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 1086.

SPEAKER BARRETT: Any question? If not, shall the E & R amendments be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 1086 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any question? Any discussion? The question is, shall LB 1086 be advanced? Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 1216.

CLERK: LB 1216, Senator, I have no amendments to the bill.

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1213, 1217
1228

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Lowell Johnson.

SENATOR L. JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Senator Lowell Johnson, we appreciate it. Roll call, please.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 844 and find the same correctly engrossed, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1109, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228, all of those reported correctly engrossed. That is all that I have, Mr. President. (See page 1121 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the confirmation report of Senator Schmit.

CLERK: Mr. President, Senator Schmit as Chair of the Natural Resources Committee would report on the appointment of Duane Liebsack and Barbara Jo Bierman Batie to the Environmental Control Council. Do you want to take them separately, Senator, or together?

SENATOR SCHMIT: Let's take these two together, Mr. Chairman.

PRESIDENT: Okay, Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the body...

PRESIDENT: Senator Schmit, excuse me. (Gavel.) May we have it quiet so we can hear Senator Schmit. These are important, so we need to hear it. Thank you.

March 8, 1990

LB 919, 983, 1086, 1105

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 919 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1256 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 919 passes. LB 983.

ASSISTANT CLERK: (Read LB 983 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 983 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1257 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 983 passes. LB 1086, please.

ASSISTANT CLERK: (Read LB 1086 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1086 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1257-58 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 1 present and not voting, 9 excused, Mr. President.

PRESIDENT: LB 1086 passes. LB 1105.

ASSISTANT CLERK: (Read LB 1105 of the Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1105 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1258-59 of the

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LB 844, 853, 903, 919, 983, 1044, 1086
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228

PRESIDENT: LB 1217 passes. And the last one on General File today, LB 1228.

CLERK: (Read LB 1228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1228 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1264-65 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1228 passes. Senator Barrett, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President.

PRESIDENT: (Gavel.) May we have your attention for Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President and members, a very brief announcement. The Nebraska Press Association is presenting to the Legislature this morning, eight original paintings which have appeared in the Nebraska newspaper magazine from 1975 till about 1985 or thereabouts. Some of you have seen them in the Rotunda. The Press Association representatives are here now to make the presentation. The originals will be hung in the Capitol for an undetermined length of time. I would ask the body's indulgence, I would suggest we stand at ease for a maximum of five minutes for the presentation of these original paintings. Thank you, Mr. President.

PRESIDENT: All right, if no objection, we'll stand at ease for five minutes, but while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183 with the emergency clause attached, LB 1216, LB 1217 and LB 1228. (See page 1265 of the Legislative Journal.) Guests of Senator William Barrett, Dr. Jim Horner and UN-L leadership class, I believe there are about 18 of you in the south balcony. Would you folks please stand and be recognized. Thank you for visiting us this morning. We're going to be at ease for about five minutes and

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LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

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LB 688A, 844, 853, 903, 919, 983, 1031
1044, 1086, 1090, 1105, 1119, 1165, 1167
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:


Judy Smith