

January 11, 1990

LB 874, 893, 970, 1009, 1102-1111
LR 8, 233

chance for justice in these courts, a perfect poor man's chance, which means no chance. We see that even with the present system. There are inequities and unfairnesses in the way the courts operate. We are going to build in an additional level that encourages unfairness and arbitrariness by the State Supreme Court. I am opposed to this bill. I think what would have been responsible would be to have public hearings...

SENATOR LABEDZ: Time is up, Senator Chambers. Senator Abboud. Mr. Clerk, do you have something to read in?

CLERK: Yes, Madam President, I do, new bills. (Read for the first time by title: LB 1102, LB 1103, LB 1104, LB 1105, LB 1106, LB 1107, LB 1108, LB 1109, LB 1110, LB 1111. See pages 279-82 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Government Committee. That is signed by Senator Baack as Chair of the committee. (Re: LB 970, LB 1009, LB 893, LB 874, LR 233CA. See page 281 of the Legislative Journal.) That is all that I have, Madam President, at this time.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Abboud. Senator Landis.

SENATOR LANDIS: Madam Speaker, members of the Legislature, if you could imagine a process by which we, as legislators, were asked not just to rule on the bills that we introduce but on every idea given to us by our constituents and every idea given to us at the behest of the citizens of the State of Nebraska, you'd approximate the situation that the Supreme Court finds itself in. Their work load is not of their own making. We, as the legislative branch make our own work load collectively by being able to say yes or no to the ideas our constituents bring to us. Every now and then we say, okay, fine, I will draft it and we'll introduce it. My guess is for everyone of those, you have got two or three bills that are suggested to you that you say I don't think it will work or I would rather not carry that. Best of luck, maybe you have got another avenue, but, in fact, we can't take that...I am not going to take that problem on. Maybe we don't do it enough but we do it. But imagine a Legislature in which any person in the State of Nebraska could provide us a bill idea that we would have to draft into bill form, hold a public hearing on, have a debate on this floor, and then write our decisions as a body, not just our own individual

January 17, 1990

LB 163, 821, 822, 823, 824, 825, 826
827, 828, 829, 1102-1135, 1158-1161

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...pastor at UN-L, and now is pastoral associate at Trinity Lutheran Church here in Lincoln. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Dr. Norden, thank you for being with us again, we appreciate it. Come back again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements this morning?

CLERK: Mr. President, Reference Report referring LBs 1102-1135, as well as three gubernatorial appointments to the appropriate standing committees for hearing. (See pages 348-49 of the Legislative Journal.)

Received a report from the Department of Roads filed pursuant to statute, Mr. President. That's all that I have.

PRESIDENT: Would you like to introduce any new bills, or would you not like to?

CLERK: Mr. President, I'm sorry, I do have some other items. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 821 and recommend that same be placed on Select File; LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, all on Select File, some of which have E & R amendments attached, Mr. President. Now, that's all that I have, Mr. President. (See pages 350-51 of the Legislative Journal.)

PRESIDENT: New bills, please.

CLERK: Mr. President, new bills. (Read LBs 1158-1161 by title for the first time. See page 352 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File then, LB 163.

it, motion carried, the bill is advanced. Any items for the record, Mr. Clerk?

CLERK: Mr. President, yes, I do. Mr. President, your Committee on General Affairs whose Chair is Senator Smith to whom was referred LB 1102 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, and LB 1236 General File, both signed by Senator Smith as Chair. (See page 703 of the Legislative Journal.)

Mr. President, Senator Beck would like to print amendments to LB 163. (See page 703 of the Legislative Journal.)

New A bills. (Read LB 843A and LB 910A by title for the first time. See page 703 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that in our south balcony we have a number of guests representing the Nebraska Society of Radiologic Technologists. Would you people please stand and be recognized by your Legislature. Thank you. We're pleased to have you with us. Also, Senators Kristensen and Smith have a guest under the north balcony, Jean Korth from Hastings. Jean, would you please stand and take a bow. Also, visitors from Senator Korshoj's district, John and Joyce Broderson from Herman, Nebraska, under the south balcony. Would you people please stand and be recognized. Thank you. We're pleased to have all of you guests with us this morning. Proceeding to item number eight on the agenda, consent calendar, and on to item nine, General File, consent calendar bills. Again, the following rules, or the rules that have applied to consent calendar in the past are applicable today. If three members of the Legislature object to a bill being considered today, they can advise the Chair in writing. If the debate extends beyond 15 minutes and the introducer is not closing, the bill will be removed from consent calendar. Mr. Clerk, LB 610. Excuse me, for what purpose do you rise, Senator Haberman?

SENATOR HABERMAN: I would like to rise, a question of the Chair and a point of clarification, ask the Chair a question, a point of clarification.

SPEAKER BARRETT: Proceed.

SENATOR HABERMAN: Would you please explain to the body the

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body, LB 1178 is to correct an error that we made in some way last year when we passed, I believe it was LB 238, which was to provide a way for commission employees to collect their commissions. We got kibitzers even here. I wouldn't have believed it on such an auspicious afternoon. But we have...unintentionally, the law, as engrossed, required that a judgment, a fine be levied if there was a dispute and that was not the intent. And this changes a word "shall" to "may", to allow the judge a (laugh), let the transcribers put that in...to let the judge in a disputed case make that assessment of a fine in addition to the back wages not mandatory. So I would move whatever it is we're moving here this afternoon in LB 1178. Thank you.

SPEAKER BARRETT: Thank you. Discussion? Senator Schellpeper.

SENATOR SHELLEPER: Mr. Speaker and members, I would like to have Senator Coordsen explain the bill, if he would, please.

SPEAKER BARRETT: Senator Coordsen.

SENATOR COORDSEN: We used to have a member of the body that went at great length with waving of the hands and other gestures to say, "trust me."

SPEAKER BARRETT: Any other comments, discussion, questions? Seeing none, shall the bill be advanced? Those in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1178.

SPEAKER BARRETT: LB 1178 is advanced. LB 1102.

CLERK: 1102 offered by Senator Elmer. (Read title.) Introduced on January 11, referred to General Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. Speaker, this is probably the least dangerous bill that we will pass this session. All it

does is grant the nonprofit corporate status to...the section grants noncorporate status to many organizations such as the Farmers Alliance, Knights of Labor, Grand Lodge, the Knights of Pythias of Nebraska, Western Bohemian Fraternal Association, the Degree of Pocohantas, Order of Little Hambra, the Grand Lodge, the Sons of Herman of Nebraska, Pathfinder Club, Rotary International, Kiwanis International, Cosmopolitan International, Optimists International, International Associations of Lions Clubs, et cetera, et cetera. Somehow Sertoma International has not been included in that group. This fine piece of legislation includes Sertoma International with this select group. Thank you. Urge the passage of the bill.

SPEAKER BARRETT: Thank you. Discussion. If none, all in favor of the advancement of the bill vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1102.

SPEAKER BARRETT: LB 1102 is advanced. LB 1109.

CLERK: 1109 offered by Senator McFarland. (Read title.) The bill was introduced on January 11, referred to Education, advanced to General File. I have no amendments to the bill

SPEAKER BARRETT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. Speaker, fellow senators, this is a bill that was brought to me by the Lincoln Public Schools. I had worked with them in trying to clarify some language with respect to board meetings. Specifically, this bill, LB 1104 (sic), would change the meeting dates and procedures for the Class IV which would be Lincoln and Class V school boards. Meetings would be required one or more times a month. Current law prescribes twice monthly meetings. As I recall there was some testimony that, for example, in December when you have the Christmas vacation it is sometimes difficult to hold two meetings in that month and you may want to hold more than two meetings on some other months. It is clarified in the bill that meetings of the Lincoln Board of Education are subject to the open meetings law rather than just the general, vague phrase, open to the public. It was advanced unanimously from...by our Education Committee. I would urge you to support it. Thank you.

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, 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, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

pending.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 831.

SPEAKER BARRETT: Any discussion? The question is, shall LB 831 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 932.

CLERK: LB 932, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 932 be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion. If not, shall 932 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1178.

CLERK: LB 1178, Senator, I have no amendments to the bill.

SPEAKER BARRETT: The gentleman from the 9th Legislative District.

SENATOR LINDSAY: Mr. President, I move that LB 1178 be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? The question is, shall LB 1178 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1102.

CLERK: LB 1102, Senator, does have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 1102.

SPEAKER BARRETT: Discussion? 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 move that LB 1102 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? The question is, shall LB 1102 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1109.

CLERK: LB 1109, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1109 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, the question is, shall 1109 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1165.

CLERK: LB 1165, Senator, does have E & R amendments.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 1165.

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 1165 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? The question is, shall 1165 as amended be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1217.

CLERK: LB 1217, Senator, has no amendments.

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

March 7, 1990

LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even