

January 17, 1990

LB 257, 871, 888, 890, 894, 909, 917
924, 932, 946, 954, 978, 990, 992
1018, 1028, 1046, 1047, 1079, 1080, 1085
1104, 1107, 1115, 1118, 1162-1169
LR 240

Services Committee, all signed by their respective chairs. (Re: LB 1104, LB 992, LB 894, LB 1028, LB 932, LB 909, LB 1079, LR236, LB 1115, LB 1107, LB 890, LB 924, LB 990, LB 1118, LB 978, LB 1018, LB 871, LB 1046, LB 1047, LB 917, LB 1085, LB 954, LB 946, LB 888, LB 1080. See pages 358-59 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 1162-1169 by title for the first time. See pages 359-60 of the Legislative Journal.)

Mr. President, a new resolution by Senators Moore and Hall. (LR 240.) It would propose an amendment to Article VII, Section 10 of the State Constitution. That will be referred to Reference Committee, Mr. President. That's all that I have, Mr. President. (See pages 361-62 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File, number 2, LB 257. Mr. Clerk.

CLERK: Mr. President, 257 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Baack, would you handle that, please.

SENATOR BAACK: Sure, I would move that the E & R amendments be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Pirsch. I have a note that she wants to withdraw, Mr. President.

PRESIDENT: Senator Pirsch, are you present?

CLERK: She's excused, I believe, Mr. President, until she arrives.

PRESIDENT: Okay, she is present somewhere. We'll withdraw them and check to make sure that's correct.

CLERK: The next amendment, Mr. President, is by Senator Withem. Senator, your amendment is on page...well, it was printed last year.

January 18, 1990

LB 161, 1136-1171, 1181-1194

Mr. President, finally, I have a reference report referring LBs 1136-1171. (See pages 373-74 of the Legislative Journal.)

Mr. President, announcement, the Speaker would like to hold a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. The Speaker is calling a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. That is all that I have, Mr. President.

PRESIDENT: Do we have some new bills, Mr. Clerk?

CLERK: Mr. President, new bills: (Read LBs 1181-1194 by title for the first time. See pages 374-77 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File, LB 161, Mr. Clerk.

CLERK: Mr. President, LB 161 was a bill that was originally introduced by Senators Rod Johnson, Scofield, Coordsen, Baack, Weihing, Schellpeper and Elmer. (Title read.) The bill was introduced on January 5 of last year, Mr. President. It was referred to the Agriculture Committee for public hearing. The bill was brought to the floor with committee amendments attached. It was considered on April 5, Mr. President. At that time Senator Johnson made a motion to bracket the bill until January 1 of this year. I have pending the committee amendments. They have not been adopted yet, Senator.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, the committee amendments are relatively straightforward. It is simple but I would like to share them with you and indicate that hopefully they are noncontroversial. There are four parts to the committee amendment. The first requires the Department of Agriculture to use other agencies when enforcement is necessary in the question of water quality. The Department of Agriculture is the lead agency in implementing this bill, but in many cases we have expertise, especially with water quality and other areas including the Department of Environmental Control, through their work; the Department of Health for the Safe Drinking Water Act and the State Resources Office and there is just a variety of different agencies that I think the department could turn to for assistance and I think the important thing is to make sure that

SPEAKER BARRETT: Thank you, sir. Members, return to your seats for a roll call vote on the adoption of the McFarland amendment. Mr. Clerk, proceed.

CLERK: (Read roll call vote.) 20 ayes, 21 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Motion failed. The call is raised. Mr. Clerk.

CLERK: Mr. President, I have nothing further to the committee amendments at this point.

SPEAKER BARRETT: Back to the committee amendments. Anything further, Senator Coordsen?

SENATOR COORDSEN: At this time, I would only move the adoption of the committee amendments, Mr. Speaker.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the adoption of the committee amendments to LB 313 please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 34 ayes, 5 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, Senator Coordsen.

CLERK: Mr. President, may I make an announcement?

SPEAKER BARRETT: Excuse me, Senator Coordsen. Mr. Clerk.

CLERK: Mr. President, Banking Committee, chaired by Senator Landis, wants to have an Exec Session at eleven in the Senate Lounge, eleven o'clock for Banking Committee. Mr. President, may I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, your Committee on Government reports LB 1216 to General File and LB 1056 indefinitely postponed, those signed by Senator Baack. Health Committee reports LB 1167

February 20, 1990 LB 1167, 1216

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 1216.

SPEAKER BARRETT: LB 1216 advances. LB 1167.

CLERK: Mr. President, 1167 was introduced by Senators Moore and Nelson. (Read title.) The bill was introduced on January 17, referred to Health, advanced to General File. I have no amendments to the bill.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Moore. Senator Nelson, please, excuse me.

SENATOR NELSON: Yes, Mr. Speaker, I hope, as an example the last bill, that my 15 minutes don't go real fast on this. I think this is one of the simplest bills that I've ever been able to handle since I've been in the Legislature. What LB 1167 simply would do is the Department of Public Institutions needs permission from the Legislature to sell or transfer any of their property. There are two pieces of property we're talking about, one is an easement for electrical lines on land the Department of Public Institutions leases to the United Veterans Club in Grand Island, and the second is to sell plots in the Blue Mound Cemetery to the City of Milford. The City of Milford cemetery is nearing capacity, and DPI has some land there that they could sell. But, with t'at, DPI needs permission to sell the land at the Soldiers and Sailors Home, and the cemetery land at Mead, Nebraska. That's all it does.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Nelson, what do you think?

SENATOR NELSON: I'm not sure about that. I don't know...

PRESIDENT: The question is, shall the house go under call?

SENATOR NELSON: ...cemeteries need to be enlarged and so on. I believe there are 25 people on the floor.

PRESIDENT: Record, Mr. Clerk.

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

1167.

PRESIDENT: LB 1167 advances. LB 903.

CLERK: LB 903, Mr. President, introduced by Senator Hall. (Read title.) The bill was introduced on January 3, referred to Retirement, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. This is a bill that comes out of a story that a constituent told me. She was a...the spouse of an individual who was an employee of...happened to be the Ralston Public School system, could happen in any school system. This individual, the gentleman, was a janitor, he was a maintenance person in the system. He had reached the retirement age of 65, was eligible to retire, and that happened between the Christmas break and the start of the second semester, the spring semester, chose not to retire because the school district had actually asked him would he not retire at the age of 65, because they would then have to find another maintenance person for the last half of the school year. He said, fine. The problem was the individual died, and he died before the end of the semester. He was not eligible to retire because he had...he had not retired, because they had asked him not to, even though he was eligible. What happened was the spouse was denied the widow benefits because her husband had not actually retired. And the way the school retirement statutes read, this woman, even though her husband was eligible but chose not to retire, because he had virtually been asked not to, was not eligible for surviving spouse retirement benefits. We can't help her, but LB 903 would keep this tragedy from happening any time in the future. And that's all the provision does, it allows for a surviving spouse of an individual who was eligible for retirement benefits, but yet had not retired, was still active, who passed away, to receive those benefits. I would urge advancement of the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Hall.

SENATOR HALL: If Senator Pirsch and Senator Byars would so...

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 that LB 1216 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1216 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1167.

CLERK: LB 1167, 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 1167.

SPEAKER BARRETT: Thank you. Discussion? Shall the E & R amendments be adopted? Those 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 1167 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, the question is the advancement of 1167. All in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 903, Mr. Clerk.

CLERK: LB 903, 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 903.

SPEAKER BARRETT: Thank you. Discussion? If not, shall the E & R amendments be adopted to 903? All in favor say aye. Opposed no. The ayes have it. Motion carried. They are adopted.

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1211, 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 1105, 1119, 1165, 1167

Legislative Journal.) The vote is 39 ayes, 0 nays, 2 present and not voting, 8 excused, Mr. President.

PRESIDENT: LB 1105 passes. LB 1119.

ASSISTANT CLERK: (Read LB 1119 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1119 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 1259-60 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 1 present and not voting, 8 excused, Mr. President.

PRESIDENT: LB 1119 passes. May I please introduce some guests in the south balcony. We have guests of Senator Dennis Byars. We have nine American Government students from the Odell, Nebraska, High School with their teacher. Would you folks please stand and be recognized. And thank you for visiting us today. LB 1165.

ASSISTANT CLERK: (Read LB 1165 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1165 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1260 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present and not voting, 7 excused, Mr. President.

PRESIDENT: LB 1165 passes. LB 1167.

ASSISTANT CLERK: (Read LB 1167 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1167 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1261 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 2 present

March 8, 1990

LB 1167, 1183, 1216, 1217

and not voting, 7 excused, Mr. President.

PRESIDENT: LB 1167 passes. LB 1183 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 1183 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1183 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1262 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused, Mr. President.

PRESIDENT: LB 1183 passes with the emergency clause attached. LB 1216, please.

ASSISTANT CLERK: (Read LB 1216 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1183 (sic) pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 1263 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 3 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1183 (sic) passes with the emergency clause attached. LB 1216, (sic) please. (LB 1217.)

CLERK: (Read LB 1217 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1217 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1263-64 of the Legislative Journal.) 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

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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

March 8, 1990

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,

March 13, 1990

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