

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

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LB 60, 97, 126, 207, 235

PRESIDENT NICHOL PRESIDING

PRESIDENT: For our chaplain of the day we have Reverend Gary Wachter of the Second Baptist Church in Lincoln. Would you please rise for the invocation.

REVEREND WACHTER: (Prayer offered.)

PRESIDENT: Thank you, Reverend, we appreciate your message. Roll call, please. Record, Mr. Clerk, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Do you have any corrections to the Journal this morning?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance, whose Chair is Senator Landis, to whom was referred LB 60, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 97, General File; LB 126, General File; and LB 207, General File. And that's all that I have this morning, Mr. President.

PRESIDENT: Thank you. I would like to introduce a guest that we have under the south balcony, please. We have Shirley Early Steinkoenig, guest of Senator Weihing this morning. She lives in Denver and is here on business reasons. So, Shirley, would you please stand and we'll welcome you to the Legislature. Thank you. Move on to the motion, number five, please, by Senator Wehrbein.

CLERK: Mr. President, Senator Wehrbein would move to withdraw LB 235. He offered his motion yesterday. It's found on page 294 of the Journal.

PRESIDENT: Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. Speaker and members, I would like to request permission to withdraw LB 235. They had some problems in the drafting of it and I would like to have it considered for withdrawal. It's on page 294, as said, in the Journal.

SPEAKER BARRETT: Thank you, Mr. President. I think, for the record, I should, in closing, say that under this proposal the requirement of agent registration would be clearly specified. With the adoption of LB 60 the Nebraska Securities Act would be clear on the issue of agent registration for individuals who sell certain exempt securities. Finally, we have the opportunity as well to clarify the definition of investment adviser by amending the statute so that it clearly follows the intentions of the Uniform Securities Act and other exceptions found in the Nebraska Securities Act. With that, I urge the advancement of the bill. Thank you.

SENATOR LAMB: The motion is the advancement of LB 60. Those in support vote aye, those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 60.

SENATOR LAMB: We have a guest of Senator Wesely under the north balcony. The name of the gentleman is Elmer Owen, catch that, Elmer Owen. Would you recognize Mr. Elmer Owen under the north balcony, please. Next bill, LB 126 by Senator Goodrich.

CLERK: Mr. President, 126 introduced by Senator Goodrich. (Title read.) The bill was introduced on January 5, referred to the Banking Committee. The bill was advanced to General File. I have no amendments to the bill.

SENATOR LAMB: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, for the old-timers around here, you all know this is just the wild card bill for the credit unions. The next bill up will be the wild card bill for the savings and loans. It's an annual event. For the benefit of those that are new though, what it boils down to is this. The Legislature in Nebraska cannot delegate legislative authority to some other source. For example, if there is a federal chartered savings and loan or a federal chartered credit union, the federal regulatory bodies and Congress can change what they can do during the course of a year. Then that means that the federal chartered ones can do one thing, but the state chartered haven't been given the authority to do that yet. So every year, since we cannot delegate the legislative authority, we then have to go through

each year and give the state chartered organizations the same rights and privileges as the federal chartered credit unions which in turn says, in essence, you can now do that which a federal charter can do, but we have to do it as of a specific day each year. So consequently, that's what we're doing right now with this wild card bill, the next one up also is just the annual procedure for telling the state chartered credit unions that they can now do that which a federal chartered credit union can do. Thank you.

SENATOR LAMB: As there are no other speakers, Senator Goodrich, do you care to close? Senator Goodrich waives closing. The motion is to advance LB 126. Those in support vote aye, those opposed vote no. Have you all voted? Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of 126.

SENATOR LAMB: LB 126 has been advanced. Next bill is LB 207, Senator Lowell Johnson's bill.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, LB 207 is a bill to provide the six state chartered savings and loan associations with the same rights and privileges that are provided to the 19 federally chartered associations in the State of Nebraska. The rights, the responsibilities and the privileges of federally chartered savings and loan associations are covered under the terms and regulations of the Federal Home Loan Bank Board. The state chartered institutions, of course, operate under the statutes of the State of Nebraska and the rules and regulations of our Nebraska Department of Banking and Finance. LB 207 does not relieve Nebraska savings and loans from any applicable state taxes. Since the federal and state chartered associations perform the same functions and compete against each other, LB 207 is necessary to guarantee equality of opportunity and responsibility. The bill needs to be passed each year, as Senator Goodrich indicated for his bill, in order to keep these two differently chartered types of savings and loan associations on a same competitive basis. The equal rights bill has allowed state chartered savings and loans to keep in step with their federal counterparts in the areas of consumer loans, checking accounts, corporate stock purchases and other areas in their financial services. Mr. President, I move the advancement of LB 207.

Withem, any comment? Thank you. Any discussion? Seeing none, we will proceed to the vote. The question is the suspension of Rule 3, Section 13. Those in favor vote aye, opposed nay. Record, please.

CLERK: 0 ayes, 28 nays, Mr. President, on the motion to suspend Rule 3, Section 13.

SPEAKER BARRETT: Motion fails. Proceeding then to the suspension of Rule 3, Section 19. Senator Withem. Thank you. Any discussion? Proceeding then to the vote. The question is the suspension of Rule 3, Section 19. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 0 ayes, 30 nays, Mr. President, on the motion to suspend Rule 3, Section 19.

SPEAKER BARRETT: Motion fails. Anything on the desk, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, I have a motion from Senator Warner as Chair of the Credentials Committee. That will be read and laid over, Mr. President.

Mr. President, I have a series of gubernatorial appointments. Those will be referred to Reference. (See pages 395-97 of the Legislative Journal.)

Mr. President, hearing notices from the Transportation Committee, from the Banking Committee, from the General Affairs Committee, all signed by the respective Chairs.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 60 and report the same to Select File; LB 126, Select File; LB 207 to Select File, and LB 189, Select File; and LB 51, all reported to Select File, Mr. President. (See pages 398-99 of the Legislative Journal.) That's all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File. LB 45. Mr. Clerk.

CLERK: Mr. President, LB 45 was a bill that was introduced by Senator Bernard-Stevens. (Read title.) The bill was introduced on January 5 of this year, referred to Natural Resources. It

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LB 126, 225, 229, 230

should be in Education.

SPEAKER BARRETT: Thank you. The question is, then, the rereferencing of LB 225 from Urban Affairs to Education. Those in favor please vote aye. Opposed nay. Have you all voted on the rereferencing of the bill? Have you all voted? Record, please.

CLERK: 13 ayes, 20 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The Chair is pleased to take this opportunity to introduce some visitors from District 10, Senator Pirsch's district, Barbara and Kim Dutiel from Omaha with Joy Sanderson, an exchange student from Tune, Denmark. Would you folks please stand and be recognized. We are glad to have you with us this morning. Thank you. For the record, Mr. Clerk.

CLERK: Mr. President...oh, no.

SPEAKER BARRETT: Thank you. Select File, please.

CLERK: Mr. President, Select File. The first bill, LB 126. Senator Lindsay, I have no amendments to the bill.

SPEAKER BARRETT: E & R Chairman, Senator Lindsay.

SENATOR LINDSAY: I move that LB 126 be advanced.

SPEAKER BARRETT: You have heard the motion to advance LB 126. Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 229.

CLERK: LB 229, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 229 be advanced.

SPEAKER BARRETT: Thank you. Shall LB 229 be advanced? Those in favor vote aye. Opposed nay. Carried, the bill is advanced. LB 230.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have a special chaplain with us this morning who has a famous relative. Those of you who are interested in the fine arts material will recognize the name DeGrazia, and we have with us this morning Dr. Louie DeGrazia of the Vine Congregational Church in Lincoln. Would you please rise for the invocation.

DR. DeGRAZIA: (Prayer offered.)

PRESIDENT: (Cavel.) Thank you, Dr. DeGrazia. We appreciate your coming this morning. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal this morning?

CLERK: No, no corrections, Mr. President.

PRESIDENT: How about messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 70 and recommend that same be placed on Select File. That is signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 97 and find the same correctly engrossed; LB 126, LB 229, LB 230, LB 233 and LB 255, all correctly engrossed, all signed by Senator Lindsay. (See pages 483-84 of the Legislative Journal.)

Mr. President, I have a report from the Natural Resources Committee, from the Papio NRD, actually, regarding payment of attorney fees that is required to be filed pursuant to statute. (See page 484 of the Legislative Journal.)

Mr. President, notice of hearings offered from the Judiciary Committee, signed by Senator Chizek as Chair. That's all that I have at this time, Mr. President.

PRESIDENT: Thank you. Just a couple of items, in passing. Senator Lowell Johnson's son's picture is on the front page of

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LB 97, 126, 133, 229

please.

CLERK: (Read record vote as found on pages 659-60 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 97 passes. LB 126, with the emergency clause attached.

CLERK: (Read LB 126 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 126 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 660 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 126 passes with the emergency clause attached. LB 133.

CLERK: (Read LB 133 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 133 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 661 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 133 passes. LB 229, please.

CLERK: (Read LB 229 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 229 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 661-62 of the Legislative Journal.) 44 ayes, 0 nays, 1 present and not

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LB 57, 58, 70, 94, 97, 115, 116
126, 133, 142, 156, 191, 229, 230
233, 251, 255, 256, 295, 327

CLERK: (Read record vote as found on pages 671-72 of the Legislative Journal.) 33 ayes, 11 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes. LB 256.

CLERK: (Read LB 256 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 256 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 672-73 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 256 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 57, LB 94, LB 97, LB 126 with the emergency clause attached, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, two items. Government Committee reports LB 191 to General File with committee amendments attached. I have amendments to be printed, by Senator Chambers, to LB 116. That's all that I have, Mr. President. (See page 673 of the Legislative Journal.)

PRESIDENT: Thank you. For those that are interested in the General File list that is coming up, we'll be skipping the third one, LB 744, and over on the back page LB 336. So, with that, we'll go to General File and LB 327.

CLERK: Mr. President, LB 327 was a bill introduced by Senator Wehrbein. (Read title.) The bill was introduced on January 11 of this year, referred to the Government Committee, advanced to General File. I have committee amendments pending by the Government Military and Veterans Affairs Committee, Mr. President.

PRESIDENT: Senator Baack, are you going to handle the committee amendments?

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LB 37, 48, 57, 58, 70, 77, 94
97, 115, 120, 126, 133, 142, 156
209, 229, 230, 233, 251, 255, 256
295, 311, 350, 521, 597, 598, 692
703, 777, 780

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 209 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. May I introduce a guest, please, of Senator Hefner. We have Mr. Art Anderson of Bloomfield, Nebraska. Would you please stand, Mr. Anderson. Thank you. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, thank you. Your Committee on Appropriations gives notice of hearing for March 7...I'm sorry, for February 24. That's signed by Senator Warner. A location change for Appropriations hearings on March 1, also offered by Senator Warner.

Mr. President, General Affairs Committee offers LB 703 to General File; LB 777 to General File; LB 780 to General File. Those are signed by Senator Smith as Chair of the Committee.

Agriculture Committee reports LB 37 to General File with amendments; LB 120 to General File with amendments. Those are signed by Senator Johnson as Chair. (See pages 678-79 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis reports LB 77 to General File with amendments; LB 311, General File with amendments; LB 350, General File with amendments; LB 598, General File with amendments; LB 692, General File with amendments, and LB 597, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 679-82 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:30 a.m. (Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256.)

Mr. President, Senator Moore would like to print amendments to LB 48. (See page 682 of the Legislative Journal.)

And, Mr. President, Senator Weihing would like to add his name to LB 521 as co-introducer. That's all that I have, Mr. President.

February 15, 1989 LB 57, 58, 70, 74, 94, 97, 115
116, 126, 133, 142, 156, 175A, 177A
208, 229, 230, 233, 251, 255, 256
261A, 263, 267, 273, 281, 284A, 295
338, 378, 391, 398, 416, 443, 458
459, 499, 502

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Please rise for the opening prayer. Our Chaplain for the day is Father Daniel Sieker, of Blessed Sacrament in Lincoln. Father Sieker.

FATHER SIEKER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Sieker. Please come back again. Roll call.

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

SPEAKER BARRETT: Thank you. Corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 502 and recommend that same be placed on Select File, LB 281 Select File, LB 416 Select File, LB 443 Select File, those signed by Senator Lindsay as Chair. Mr. President, your Committee on Enrollment and Review reports LB 74 as correctly engrossed; LB 116, LB 175A, LB 177A, LB 208, LB 261A, LB 263, LB 267, LB 273, LB 284A, LB 338, LB 378, LB 391, LB 398, LB 458, LB 459, and LB 499, all reported correctly engrossed, all signed by Senator Lindsay. (See pages 746-47 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read. Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, LB 256. See page 748 of the Legislative Journal.)