

January 5, 1989

LB 48, 52, 84, 161-189

the Executive Board will meet in...the Reference Committee will meet in Room 2102 at three-fifteen today for purposes of referencing bills, Reference Committee at three-fifteen.

Mr. President, new bills. (Read LBs 161-189 by title for the first time. See pages 82-88 of the Legislative Journal.)

Mr. President, in addition to those items, I have requests from Senators Chambers, Nelson, Schellpeper, Hefner, Lamb, Crosby and Hartnett to add their name to LB 48 as co-introducer; Senator McFarland and Schellpeper to LB 52 as co-introducer and Senator Carson Rogers to LB 84 as co-introducer. (See page 88 of the Legislative Journal.)

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, an announcement from the Agriculture Committee and signed by Senator Rod Johnson, the Ag Committee has selected Senator Owen Elmer as its Vice-Chairperson. Mr. President, I believe that is all that I have.

PRESIDENT: Ladies and gentlemen, we're about to start the proceedings for the afternoon, and we're very grateful to have with us Father Dawson this afternoon for our invocation. Would you please rise for Father Dawson.

FATHER DAWSON: (Prayer offered.)

PRESIDENT: Thank you, Father Dawson. Please feel free to stay with us as long as you like. We're privileged to have with us this afternoon the Nebraska National Guard who will present colors. Would you please rise.

PRESENTATION OF COLORS

PRESIDENT: Ladies and gentlemen of the National Guard, we appreciate your being with us and presenting the colors today. If I might say a word to those who will be escorting the folks in today, it will be necessary that we do it a little bit different than we usually do it. When one group of ushers brings in their group, please bring them up onto the stage and then retire back to your seats until the inauguration proceedings are over with and then I will call you back one group at a time to take your group back, because if we should all come in and all stay up here on the podium, we wouldn't have

January 27, 1989

LB 70, 166, 177A, 261A, 277, 277A, 284A
312A

have it, motion carried, the bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Banking, Commerce and Insurance gives notice of hearing. That is signed by Senator Landis. Natural Resources Committee gives notice of hearing, signed by Senator Schmit. Urban Affairs Committee gives notice of hearing. That is signed by Senator Hartnett. Revenue Committee gives notice of hearing. That is signed by Senator Hall. Transportation Committee offers notice of hearing. That is signed by Senator Lamb.

New A bills, Mr. President. (Read LB 177A, LB 261A, LB 277A, LB 284A, and LB 312A by title for the first time. See pages 470-71 of the Legislative Journal.)

Mr. President, I have a Report of Registered Lobbyists for this past week. Mr. President, Natural Resources Committee would report LB 166 to General File with committee amendments attached. That is signed by Senator Schmit as Chair. That is all that I have, Mr. President. (See page 472 of the Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to General File discussion on LB 70, Mr. Clerk.

CLERK: Mr. President, LB 70 was a bill that was introduced by Senator Smith. (Read title.) The bill was introduced on January 5 of this year, referred to the General Affairs Committee. The bill was advanced to General File. I do have committee amendments pending by the General Affairs Committee, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairperson of the General Affairs Committee, Senator Smith. (Gavel.)

SENATOR SMITH: Thank you, Mr. Chairman. Members of the body, we have committee amendments on the bill, on LB 70. What it will simply do is to strike language allowing the commission to charge a fee for the warning signs. The commission would then pick up the cost of producing and distributing the signs. The cost on...the original cost on it was approximately \$500.

SPEAKER BARRETT: Are you....

SENATOR SMITH: Did you want me to give a short version of what

were 17, they couldn't. It has been a problem in a number of areas as those agencies that came to me had identified. So what we are simply doing is we have changed...amended the bill to age 14, so anyone 14 years on up now, or 14 through 18, would be subject to the same penalty as anyone who was 18 or 19 in terms of public exposure and decency. That is simply what the bill does.

PRESIDENT: Mr. Clerk, you have a motion on the desk, I understand.

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 138. Senator Chizek, as principal introduce, would have the option to lay it over, Mr. President.

PRESIDENT: Senator Chizek, there is a motion to indefinitely postpone. You have the choice if you want to take it up now or later.

SENATOR CHIZEK: Well, rather than, we seem to be rolling pretty good this morning. Why don't I lay it over until I have a chance to talk to Senator Chambers, okay.

PRESIDENT: Very good. Thank you. In that case, we will move on to LB 166.

CLERK: Mr. President, LB 166 was a bill introduced by Senator Lamb. (Read title.) The bill was introduced on January 5, referred to the Natural Resources Committee, advanced to General File. There are committee amendments pending by the Natural Resources Committee, Mr. President. (See page 472 of the Legislative Journal.)

PRESIDENT: Senator Lamb, are you going to take the amendments, too.

SENATOR LAMB: Yes, Mr. President.

PRESIDENT: Okay.

SENATOR LAMB: The amendment is merely the emergency clause. I would move the emergency clause and then we will discuss the bill.

PRESIDENT: Very good. You didn't wish to talk about the

emergency clause, did you, Senator Moore? Okay. The question is the Lamb amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Lamb, on the bill.

SENATOR LAMB: Mr. President, members, this is a bill I introduced at the request of a constituent who has a fish, commercial fishing permit, wants to clean out his lake which is mostly owned by this constituent, and sell the fish. And currently, he can sell the nongame fish. He can sell the carp is what we are talking about. He can sell the carp but he can't sell the bullheads. So this is merely giving a person in that situation the opportunity to, rather than just destroy the bullheads that come out of those ponds for fish management purposes, currently, because they are... bullheads are considered a game fish, they cannot be sold. And so after consultation with the Game and Parks Commission, this bill was drafted which was supported by Game and Parks. It merely would allow the sale of those bullheads which are seined. It does not change the status of bullheads as a game fish, but it does allow those fish to be sold or to be constructively used rather than destroyed. I would move the 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. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 166.

PRESIDENT: LB 166 is advanced. LB 353, please.

CLERK: LB 353, Mr. President, was a bill introduced by Senator Wesely. (Read title.) The bill was introduced on January 11, referred to the Health Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members of the

February 1, 1989

LB 13, 18, 19-32, 43, 80, 82, 106
113, 114, 166, 171, 172, 194, 200
238, 254, 353

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning Reverend David Lux of the St. Paul Methodist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND LUX: (Prayer offered.)

PRESIDENT: Roll call, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

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 254 and recommend that same be placed on Select File; LB 114, Select File; LB 43, Select File; LB 113, Select File; LB 171, Select File with amendments; LB 172, Select File with amendments; LB 80, Select File; LB 82, Select File; LB 200, Select File; LB 106, Select File with amendments; LB 194, Select File with amendments; LB 353, Select File, those all signed by Senator Lindsay as Chair. (Journal shows LB 166, Select File with amendments. See pages 527-28 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 238 to General File with committee amendments attached, signed by Senator Coordsen. (See page 529 of the Journal.)

Mr. President, communication regarding the signing of LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, LB 28, LB 29, LB 30, LB 31, and LB 32. The bills were signed on January 27 and delivered to the Secretary of State.

Mr. President, an Attorney General's Opinion addressed to Senator Hall. I have a hearing notice from the Natural Resources Committee that is signed by Senator Schmit.

Mr. President, a series of reports. Report from the Department

February 7, 1989

LB 35, 166, 187A, 194, 353, 354A, 362A
LR 26-28

in favor say aye. Opposed no. Carried, the bill is advanced.
LB 166.

CLERK: I have E & R amendments to 166, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 166 be adopted.

SPEAKER BARRETT: Shall the amendments to 166 be adopted? Those in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 166, as amended, be advanced.

SPEAKER BARRETT: Shall LB 166, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 353.

CLERK: LB 353, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 353 be advanced.

SPEAKER BARRETT: Shall LB 353 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. Thank you. Mr. Clerk, for the record.

CLERK: Mr. President, new resolutions. (Read brief descriptions of LR 26-28 for the first time. See pages 632-34 of the Legislative Journal.) All three of those will be laid over, Mr. President.

New A bills. (Read LB 187A, LB 354A and LB 362A by title for the first time. See pages 634-35 of the Legislative Journal.)

Mr. President, your Enrolling Clerk presented to the Governor, as of ten fifty-nine, bills read on Final Reading. (Re: LB 35,

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113
116, 158A, 165, 166, 171, 172, 175A
177A, 177, 194, 200, 208, 238, 261A
267, 277A, 284A, 296, 312A, 312, 321
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

February 13, 1989 LB 106, 113, 165, 166

and not voting, Mr. President.

PRESIDENT: LB 106 passes. LB 113.

CLERK: (Read LB 113 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 113 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 710 of the Legislative Journal.) 36 ayes, 0 nays, 13 excused and not voting, Mr. President.

PRESIDENT: LB 113 passes. LB 165.

ASSISTANT CLERK: (Read LB 165 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 165 pass? All those in favor vote aye, opposed nay. Have you all voted? Senator Hall. Why don't you say it again, your microphone wasn't on.

SENATOR HALL: Could I ask that the body check in since we are under call and that there be a roll call vote on the issue?

PRESIDENT: Yes, you may. Will you please record your presence? Senator Scofield, would you check in, please? Thank you. Senator Lowell Johnson, would you check in, please? Senator Bernard-Stevens, would you check in, please? That is it. You asked for a roll call vote, Senator Hall? All right, Mr. Clerk.

CLERK: (Roll call vote taken. See page 711 of the Legislative Journal.) 20 ayes, 15 nays, Mr. President, on the final passage of 165.

PRESIDENT: The bill does not pass. LB 166 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 166 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 166 pass with the

February 13, 1989 LB 166, 171, 172, 194

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 712 of the Legislative Journal.) The vote is 37 ayes, 0 nays, 12 excused and not voting, Mr. President.

PRESIDENT: LB 166 passes with the emergency clause attached. LB 171, please.

ASSISTANT CLERK: (Read LB 171 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 171 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 712-13 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

PRESIDENT: LB 171 passes. LB 172.

ASSISTANT CLERK: (Read LB 172 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 172 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 713-14 of the Legislative Journal.) The vote is 37 ayes, 0 nays, 12 excused and not voting, Mr. President.

PRESIDENT: LB 172 passes. LB 194 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 194 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 194 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 714 of the

February 13, 1989

LB 43, 48, 80, 82, 106, 113, 166
171, 172, 194, 200, 296, 321, 322
353

PRESIDENT: LB 321 passes. LB 322.

ASSISTANT CLERK: (Read LB 322 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 322 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 717 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

PRESIDENT: LB 322 passes. LB 353.

ASSISTANT CLERK: (Read LB 353 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 353 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 718 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 353 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 43, LB 80, LB 82 with the emergency clause, LB 106, LB 113, LB 166 with the emergency clause, LB 171, LB 172, LB 194 with the emergency clause, LB 200, LB 296, LB 321, LB 322, and LB 353. We will move on to Select File, LB 48.

CLERK: Mr. President, LB 48 is on Select File. The body considered it briefly on Friday. At that time, Mr. President, Senator Bernard-Stevens had offered an amendment to the bill. The amendment is found on page 697 of the Journal.

PRESIDENT: Senator Bernard-Stevens, do you want to recall for us what your amendment is, please?

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. Briefly recall the amendment, and I'll be up front with the body. I'm having a little trouble, in my own mind,

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LB 43, 80, 82, 106, 113, 158A, 166
171, 172, 194, 197, 200, 260, 263
296, 321, 322, 332, 340, 353, 433
481, 717, 729, 731, 772, 773, 804
LR 15

SPEAKER BARRETT: Shall LB 263 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. For the record, Mr. Clerk, on the President's desk.

CLERK: Mr. President, your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 260, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 332, General File with amendments; LB 729, General File with amendments; LB 197, indefinitely postponed; LB 433, indefinitely postponed; LB 481, indefinitely postponed; LB 717, indefinitely postponed; LB 731, indefinitely postponed; LB 804, indefinitely postponed; and LR 15CA, indefinitely postponed. Those signed by Senator Hall as Chair. (See pages 724-26 of the Legislative Journal.)

Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 772 and LB 773 as indefinitely postponed, both signed by Senator Hartnett. Your Enrolling Clerk did present to the Governor, as of ten forty-five, bills read on Final Reading, Mr. President. (Re. LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322, and LB 353.)

Senator Warner has amendments to be printed to LB 340; and Senator Labedz to LB 158A. Mr. President, that's all that I have. (See pages 727-28 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, sir. Senator Robak, please.

SENATOR ROBAK: Mr. President, I move we adjourn until tomorrow at nine o'clock.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:

Sandy Ryan
Sandy Ryan