

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 30, 1989

LB 56, 90, 127, 167, 184, 185, 195
342, 344

SENATOR R. JOHNSON: Mr. President, members, during the past weekend I was in Aurora and addressing a group and received some information on a former colleague of ours, in fact, my predecessor, Senator Maurice Kremer. He is fighting a rather serious battle with cancer and has been undergoing chemotherapy treatments and is in rather poor health, and I am sure he would appreciate any calls or letters or cards that you might send to him to wish him well because he was a man of great integrity in this body, and I think those that had a chance to serve with him would echo my thoughts that he was an institution in himself and I think he would appreciate anything, any kind gesture we would send along to him.

PRESIDENT: Do you have his address or is he in the hospital or...

SENATOR R. JOHNSON: I can get it for those who would like it. He is home. He has been driving back and forth to receive his treatments at Hastings Memorial...or Mary Lanning Hospital but he is home at this particular time.

PRESIDENT: Okay, we could get that address from your office.

SENATOR R. JOHNSON: You sure can.

PRESIDENT: Fine, thank you for the announcement. We appreciate it. Now back to you, Mr. Clerk.

CLERK: Series of notices, General Affairs offers notice of hearing, signed by Senator Smith as Chair. Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 56 to General File, LB 127 General File, LB 167 General File, LB 185 General File, LB 90 indefinitely postponed, those signed by Senator Schmit. (Legislative Journal shows LB 184 to General File. See page 491.)

Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 342 to General File with amendments, LB 344 to General File with amendments, those are signed by Senator Wesely as Chair. Natural Resources Committee, whose Chair is Senator Schmit, reports LB 195 to General File with amendments. That is signed by Senator Schmit. (See pages 491-92 of the Legislative Journal.)

Mr. President, Senator Bernard-Stevens would like to print

SENATOR LAMB: LB 127 is advanced to E & R Initial. Mr. Clerk.

CLERK: Mr. President, the next bill is LB 167 offered by Senator Schmit. (Read title.) It was introduced on January 5, referred to the Natural Resources Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LAMB: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members, this bill changes the penalty for entering a park permit area without a valid permit from an infraction to a Class V misdemeanor, which is a maximum of a \$100 fine and no minimum, no imprisonment. The reason for this bill is that when out of state persons visit our Game and Parks areas and violate the park permit principle they cannot be...the violation cannot be enforced as an infraction. This gives us the ability to enforce the use...the invalid use of a park permit or the absence of a park permit. I would be glad to answer any questions.

SENATOR LAMB: Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, members of the body, Senator Schmit, can I ask you a question?

SENATOR SCHMIT: Surely.

SENATOR LAMB: Would you respond, Senator Schmit?

SENATOR SCHMIT: Surely.

SENATOR HARTNETT: I'm on a question binge this morning. I guess one of the things I have with the fees and so forth, you know, I have occasion to go to the parks, maybe not...for a very short period of time and you have to pay the...you know, it's not that much but if you only want to go in there for 15 minutes, you've got to get the permit to get in the place. If they have...you know, for a short period of time, have they ever considered that? You work probably closer to the Games and Parks than I do, but that's one of my bones of contention with it.

SENATOR SCHMIT: Well, we could put a parking meter out there for you, I guess, Senator Hartnett, but that probably wouldn't

be very practical in a lot of cases. I know that we have kicked it around. I have found myself in the same position you are, but when it comes right down to it the basic purpose of the park permit fee is to raise money and I guess we have decided, after kicking the fee around a number of different levels, that we just as well leave it there and treat it that way. I know that there are those who, from time to time, out of curiosity or some other reason want to just drive through a park and we never really did consider that sort of a permit.

SENATOR HARTNETT: Okay, thank you.

SENATOR LAMB: Is there further discussion? If not, Senator Schmit, did you care to close on your bill?

SENATOR SCHMIT: (Microphone not on immediately) ...the bill be advanced.

SENATOR LAMB: The motion is the advancement of LB 167. Those in support vote aye, those opposed vote no. Have you all voted? Please record, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 167.

SENATOR LAMB: LB 167 has been advanced to E & R Initial. Mr. Clerk.

CLERK: LB 184, Mr. President, was offered by Senator Schmit. (Read title.) The bill was introduced on January 5, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LAMB: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members, this is a bill which allows those individuals who raise game birds to use a different method of identification, a single-tag method of identification. At the present time, you need to have a two-part tag and when the game is sold one part needs to be separated and mailed in and it causes some additional confusion. The individuals who are in this business are all well recognized and cooperate with the Game and Parks and it was felt that this new method of identification was satisfactory. I would be glad to answer any questions.

February 3, 1989

LB 48, 56, 127, 167, 184, 185, 231
273, 366, 804
LR 22

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as chaplain of the day, Pastor Wayne Hineman of the Rosemont Alliance, in Lincoln, Nebraska. Would you please rise for the morning prayer.

REVEREND HINEMAN: (Prayer offered.)

PRESIDENT: Thank you, Pastor Hineman. We appreciate your coming out on this cold morning to have our invocation. Thank you. Roll call, please.

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

PRESIDENT: Any corrections this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 48 and recommend that same be placed on Select File; LB 231 Select File with amendments, LB 273 Select File with amendments; LB 366 Select File, LB 56 Select File, LB 127 Select File, LB 167 Select File, LB 184 Select File with amendments, LB 185 Select File; all those signed by Senator Lindsay as Chair of the E & R Committee. (See pages 577-78 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding LB 804. That will be inserted. (See pages 578-59.)

Gubernatorial appointment to the Power Review Board. That will be referred to Reference Committee. A report, Mr. President, from the Nebraska Energy Office required by statute. That will be on file in my office.

Mr. President, LR 22 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 22.

CLERK: That is all that I have at this time, Mr. President.

February 9, 1989

LB 56, 127, 167, 184, 366

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 56.

CLERK: LB 56, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 56 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. Senator, LB 127.

CLEPK: LB 127, Senator, no amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 127 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 167.

CLERK: LB 167, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 167 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 184.

CLERK: LB 184, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, on the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 184 be adopted.

PRESIDENT: You have heard the motion. All in favor say aye.
Opposed nay. They are adopted. On the advancement.

CLERK: Nothing further, Senator.

SENATOR LINDSAY: Mr. President, I move that LB 184 as amended
be advanced.

February 10, 1989

LB 48, 56, 127, 167, 184, 185, 208
231, 361, 366, 426, 643, 714, 760
LR 2

SENATOR LANDIS: We can regulate promotion. I think David raises the fair question, you're getting more than the evil that you have claimed for in the bill and I say, you're right, we are but that's the only way, realistically, in my mind, to stop free samples for kids. And, unfortunately, we're cutting out for the doves as well as the crows here but it's got to be done to have a workable system to ban free sampling.

SPEAKER BARRETT: Time has expired.

SENATOR LANDIS: I don't think this involved structure in the amendment is a workable system to stop free samples for kids. So I'm going to vote against the amendment and for the bill.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Dierks, Withem and Conway.

SENATOR MOORE: I move we adjourn until Monday morning, February 13th.

SPEAKER BARRETT: Anything for the record? Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly engrossed; LB 127; LB 167; LB 184; LB 185; LB 231; LB 366, all correctly engrossed.

Revenue Committee reports LB 426 to General File with amendments; LB 643, General File with amendments and LB 361, General File with amendments. (See pages 700-03 of the Legislative Journal.)

Senator Wesely has amendments to LB 208 to be printed. (See page 704 of the Legislative Journal.)

Series of adds, Senator Haberman to LB 760; Senator Hefner to LB 714; and Senator Hefner to LR 2.

Mr. President, unanimous consent that Banking Committee will change their hearing room for next Monday's hearing to the East Chamber. That's all that I have.

SPEAKER BARRETT: Thank you. Before calling a vote on the motion to adjourn, ladies and gentlemen, the Chair wants to exercise the privilege of announcing the fact that Ed Howard of

February 16, 1989 LB 56, 127, 167, 184

on Final Reading pursuant to Rule 8, Section 5. LB 198 will not be read. Another reminder that all members are to be in their seats during Final Reading. Proceed, Mr. Clerk, with the reading of LB 56.

CLERK: (Read LB 56 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 56 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See page 770 of the Legislative Journal.) 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 56 passes. LB 127E.

CLERK: (Read LB 127E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 127 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 770-71 of the Legislative Journal.) 36 ayes, 1 nay, 1 present and not voting, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 127E passes. LB 167.

CLERK: (Read LB 167 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 167 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 771-72 of the Legislative Journal.) 36 ayes, 1 nay, 1 present and not voting, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 167 passes. LB 184.

ASSISTANT CLERK: (Read LB 184 on Final Reading.)

Chambers, Hefner, Wesely and Lynch, the Chair is very pleased to recognize some guests in the north balcony, Dr. Jim Horner from the Ag College has a UN-L leadership class of 30 as our guests. Would you please stand and be recognized by your Legislature. Thank you. We're very glad to have you with us today. Also, some very special guests of this Legislature today under the north balcony, we have Virginia Thrall, the Director of the Midwestern Office of the Council of State Governments and also Stacie Alexander, a staff associate, also with the Midwestern Office of the Council of State Governments. After the call is raised, I would hope that members will have an opportunity to say hello to these people and visit with them. Would you ladies please stand and be recognized. Thank you. We're delighted to have you here.

While the Legislature is in session and capable of transacting business, I propose to sign and I do sign engrossed LB 195, LB 366, LB 184, LB 167, LB 127 and LB 56 and, finally, engrossed LB 185. (See page 777 of the Legislative Journal.) Discussion on the Schimek motion, Senator Moore, Senator Chambers on deck.

SENATOR MOORE: Mr. Speaker and members of the body, I rise to support Senator Schimek's motion to return this bill to Select File and, by returning this bill to Select File, we would have the opportunity to strike the portion of the bill that I, personally, find objectionable. When this bill was on Select File I voted against the bill and I voted against it on Final Reading and I think it would be wise for us to strike this portion out of the bill. Now Senator Chambers and Senator Chizek and others have wondered why a senator from greater Nebraska, like myself, and Senator Lamb would dare have the audacity to question what the Omaha City Council is telling us they want. I guess I, personally, as I did on Select File, have a problem with having all these people elected at once. I just think you're better off having staggered terms. It is a simple, personal view I have and because I'm that way, I'm voting that way. I don't think I am here, just like neither is Senator Chambers here to serve as a rubber stamp for the Omaha City Council. I have the...it's my job to question and my job to exercise my right, to exercise my judgment. In my judgment, it's bad policy to elect the whole city council at once. For that reason, and not only...I don't care if it was the York City Council asking for it or the Omaha City Council asking for it, I'd still be voting no on this and I am sorry if I am not cowering and licking the boots of the Omaha City Council like

February 16, 1989 LB 56, 127, 140, 167, 183-185, 195, 366
520, 582A

pages 786-88 of the Legislative Journal.)

I have a new A bill. (Read LB 582A by title for the first time.
See pages 788-89 of the Legislative Journal.)

Madam President, bills read on Final Reading this morning are now presented to the Governor for her review. (Re: LB 56, LB 127, LB 167, LB 184, LB 185, LB 366 and LB 195.) Senator Schellpeper would like to print amendments to LB 520; Senator Chizek has amendments to LB 140. And, Madam President, Senator Elmer would like to add his name to LB 183 as co-introducer. (See pages 789-91 of the Legislative Journal.)

SENATOR LABEDZ: If there are no objections.

CLERK: I have nothing further, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Lowell Johnson, would you like to adjourn us until Tuesday, February 21st.

SENATOR L. JOHNSON: I would. Madam President and members of the Legislature, I move that the Legislature adjourn until 9:00 a.m., Tuesday, February 21.

SENATOR LABEDZ: Thank you, Senator Johnson. We are adjourned until Tuesday, February 21st, 9:00 a.m.

Proofed by: Arleen McCrory
Arleen McCrory

February 22, 1989 LB 48, 56, 127, 158A, 165, 167, 184
185, 195, 277A, 298, 366
LR 31, 33

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain Reverend Harlan Johnson. Would you please rise for the invocation.

REVEREND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Johnson. I was waiting for the line, on time to be here for the morning invocation. Thank you very much for being with us and your thoughtful prayer. Roll call, please. Record, Mr. Clerk. please.

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

PRESIDENT: Thank you. Any corrections this morning?

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 48 as correctly engrossed; LB 158A, correctly engrossed; LB 277A, correctly engrossed; and LB 298, correctly engrossed, those signed by Senator Lindsay as Chair. (See pages 817-18 of the Legislative Journal.)

Notice of hearing, Mr. President, from the Transportation Committee, that's offered by Senator Lamb as Chair. Communication from the Governor to the Clerk. (Read communication regarding LB 56, LB 127, LB 167, LB 184, LB 185, LB 366, LB 195, and LB 165. See page 819 of the Journal.)

Mr. President, that's all that I have.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 31.

CLERK: Mr. President, I do have another item, forgive me. LR 33, offered by Senator Beyer. (Read brief synopsis of the resolution. See pages 818-19 of the Journal.) That will be laid over.