

for review by the membership. (See page 95 of the Legislative Journal.)

Mr. President, I received a report from the committee chair by Senator Lowell Johnson regarding a study of the Presidential Primary Study. That report is required pursuant to Statute 32-562. That will be on file in my office.

Mr. President, Senator Coordsen would like to announce that Senator Pirsch has been selected as Vice-Chair of the Business and Labor Committee.

Mr. President, two announcements, Senator Baack would like to have a meeting of the Government Committee for an organizational meeting, this morning at ten o'clock in the Senators Lounge; Government Committee, ten o'clock in the Senators Lounge. Mr. President, Senator Smith would like to have an organizational meeting of the General Affairs Committee at nine-thirty this morning underneath the north balcony; General Affairs, nine-thirty this morning, called by Senator Smith. Mr. President, that is all that I have at this time.

PRESIDENT: Thank you. We will move on to introduction of new bills.

CLERK: Mr. President, new bills. (Read LBs 190-201 for the first time by title. See pages 95-97 of the Legislative Journal.)

PRESIDENT: We will leave the introduction of new bills for a moment and move on to number seven, a motion on the election contest. Senator Warner. The chair recognizes Senator Warner.

CLERK: Mr. President, the motion offered by Senator Warner is found on page 34 of the Legislative Journal.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, I'd move adoption of the motion. You will recall that there was a protest filed at the beginning of the session on one of the seats, and that the Credentials Committee was selected, I believe I indicated that the report which was filed by the Credentials Committee presumed that this motion would be offered. It is written in such a way that the same individuals

January 26, 1989

LB 58, 80, 82, 92, 142, 200, 201
204, 225

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill.

SPEAKER BARRETT: The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes. Mr. President, a motion from Senator McFarland to rerefer LB 225 from Urban Affairs to the Education Committee. That will be laid over. Judiciary reports LB 80 to General File, LB 82 General File, LB 200 General File, LB 201 General File, LB 204 General File, those are signed by Senator Chizek. Banking Committee reports LB 92 to General File with amendments attached, signed by Senator Landis as Chair. (See pages 451-52 of the Legislative Journal.)

Judiciary offers notice of hearing, Mr. President, for Friday, February 3, and February 22. Mr. President, in addition to that notice, a notice from Senator Warner, as Chair of the Credentials Committee regarding a meeting of that committee on Friday at twelve o'clock in Room 2102. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to LB 142.

CLERK: Mr. President, LB 142 was a bill introduced by Senators Baack and Conway. (Read title.) The bill was introduced on January 5, referred to Transportation, advanced to General File. I have Transportation Committee amendments pending, Mr. President. (See page 439 of the Legislative Journal.)

SPEAKER BARRETT: The Chair of the Transportation Committee, Senator Lamb. (Gavel.)

SENATOR LAMB: Thank you, Mr. President. This is another bill similar to the last one, disabled American veterans license plate, \$5 fee. The committee amendments establish the \$5 fee, also provides the logo D.A.V on the bottom of the license plate, and then this bill is also used as a vehicle to change the fees for Pearl Harbor survivors and ex-prisoner of war special plates to be consistent with the \$5 fee, and provides for an effective date of January 1, 1990, so that these new plates will not have to be issued before the new round of plates are issued in 1990. So that would save that expense. The arguments in regard to the \$5 fee have already been made on the previous bill, and this amendment merely brings the disabled American veterans and the

PRESIDENT: LB 82 advances. LB 200, please.

CLERK: Mr. President, LB 200 was a bill that was introduced by Senator Chizek. (Read title.) It was introduced on January 9, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: Mr. President and colleagues, it was brought to our attention that the Supreme Court, in 1984, decided that the Legislature had failed to provide any penalty for theft of mislaid property when the value of that property was less than \$100. In all other types of theft less than \$100, such as theft by taking, misrepresentation, and so on, a penalty is provided. The court did say there was a penalty if the value was over \$100. So what we have is a small loophole to close with LB 200. And it simply makes that conduct a misdemeanor. One example would be if a woman had bought some books and was reading them in a coffee shop mall cafe, laid the books down to walk back and get a napkin but forgets about the books. Joe takes the books. If the book is valued at less than \$100, no crime. If the book is valued at more than \$100, it's a misdemeanor. I have been asked the question...Senator Chambers had asked me the question if someone had ordered seven or eight magazine subscriptions in his name and sent them to his house, would this apply in that instance? No it would not apply in that instance because contract law, et-cetera, and those who accept those magazine subscriptions have the responsibility to see that they have the right person contract and so this would not have any bearing, Senator Chambers. I would ask for the adoption of the bill...or the advancement of the bill.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Chizek did deal with the issue that concerns me about the bill. That having been resolved, I have no problem with it. But what has happened to me and will probably happen to some of you all, if you become what is considered controversial, magazines are subscribed to, various items and products are written...I mean, are sent to me through companies supposedly because I have made a request through the mail or by phone for those items. The only thing, I mean, you cannot be put in a position of having to return things that are sent to you through

the mail that you did not order and I simply wanted it clear that this bill does not in any way impose a new responsibility on a person that does not exist now. One clever person even sent a gift subscription to Sports Illustrated to Bob Kerrey in my name. None of these things will I pay for. None of these magazines do I return. And because somebody wants to be funny, they're not going to impose on me any duty or responsibility to return these magazines or any of these items. And the only reason I'm telling it to the rest of you, they may decide that since it was a such a clever thing they will include you in the club, consisting of one right now, and if they do, don't even worry about it.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, and members, if I could ask Senator Chizek again to go over what the intent of this legislation is. What kind of situation are we talking about? Just some examples would be helpful.

SENATOR CHIZEK: Were you here when I gave the one?

SENATOR WESELY: I heard a little bit. I wasn't clear, could you...

SENATOR CHIZEK: Example would be your wife goes and buys three hardback books worth \$20 apiece. She stops at a restaurant, sets the books on the table, goes to get a coke, comes back, the books are gone. The law, because it's less than \$100, there is no application there. And the court said that if it was over \$100, then the law is applicable. But less than \$100...

SENATOR WESELY: It isn't.

SENATOR CHIZEK: ...it isn't.

SENATOR WESELY: What is the penalty if it's over \$100 versus what you have got...

SENATOR CHIZEK: Class II...Class III, I believe. They're both Class IIIs, I think.

SENATOR WESELY: Okay, I'm just wondering...

SENATOR CHIZEK: Class III misdemeanor, Senator.

January 31, 1989

LB 74, 106, 200, 201, 398, 499

SENATOR WESELY: For below and...okay. This says it's a Class III if it's below 100.

SENATOR CHIZEK: Class III, yes.

SENATOR WESELY: What is that? Do you know? Do you recall? I would just be curious.

SENATOR CHIZEK: It's...the maximum would be three months, 500.

SENATOR WESELY: Okay. Thank you. Appreciate that.

PRESIDENT: Thank you. Senator Chizek, would you like to close on the advancement of your bill?

SENATOR CHIZEK: Well, I probably would waive. Simply I would say if you're going to send...people are going to do to me what they did to Senator Chambers, send me Sports Illustrated and some of them, with that, I would urge advancement of the bill.

PRESIDENT: The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 200.

PRESIDENT: LB 200 is advanced. LB 201. Would you like to put something in, Mr. Clerk, please.

CLERK: Mr. President, I would, thank you. Your Committee on Education, whose Chair is Senator Withem, reports LB 74 to General File, LB 398, General File, LB 499, General File.

Mr. President, with respect to LB 201, that's a bill offered by Senator Chizek. I have a unanimous consent request to pass that bill over at this time.

PRESIDENT: Any objection? If not, so ordered. We'll pass over LB 201. Move on to LB 106.

CLERK: Mr. President, LB 106 is a bill offered by Senator Moore. (Read title.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no

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 80, 82, 172, 200

CLERK: I have E & R, Senator.

SPEAKER BARRETT: Senator Lindsay, on the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 172 be adopted.

SPEAKER BARRETT: Shall the amendments be adopted to 172? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 172, as amended, be advanced.

SPEAKER BARRETT: Shall 172, with amendments, be advanced? All in favor say aye. Opposed no. Carried, it is advanced.
LB 80.

CLERK: I have no amendments, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 80 be advanced.

SPEAKER BARRETT: Shall LB 80 be advanced? All in favor say aye. Opposed no. Ayes have it, carried, it is advanced.
LB 82.

CLERK: I have no amendments to LB 82, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 82 be advanced.

SPEAKER BARRETT: Shall LB 82 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced.
LB 200.

CLERK: LB 200, Senator, no amendments pending.

SPEAKER BARRETT: Senator Lindsay.

February 7, 1989

LB 106, 194, 200

SENATOR LINDSAY: Mr. President, I move that LB 200 be advanced.

SPEAKER BARRETT: Shall LB 200 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 106.

CLERK: I have E & R, Senator.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the amendments...the E & R amendments to LB 106 be adopted.

SPEAKER BARRETT: Shall the amendments to 106 be adopted? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 106, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? Those in favor say aye. Opposed no. Carried, it is advanced. LB 194.

CLERK: I have E & R to 194, Senator.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 194 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted to the bill? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 194, as amended, be advanced.

SPEAKER BARRETT: Shall the bill, as amended, be advanced? All

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 194, 200, 296, 321

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

PRESIDENT: LB 194 passes with the emergency clause attached. LB 200, please.

ASSISTANT CLERK: (Read LB 200 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 200 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 715 of the Legislative Journal.) The vote is 37 ayes, 0 nays, 12 excused and not voting.

PRESIDENT: LB 200 passes. LB 296.

ASSISTANT CLERK: (Read LB 296 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 296 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 715-16 of the Legislative Journal.) The vote is 37 ayes, 0 nays, 12 excused and not voting.

PRESIDENT: LB 296 passes. I have been asked to announce that the doughnuts being handed out are compliments of the Lincoln legislative group who had a breakfast this morning. So, thank you for the doughnuts. LB 321, please.

ASSISTANT CLERK: (Read LB 321 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 321 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 716-17 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 1 present and not voting, 12 excused and not voting, Mr. President.

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,

February 13, 1989

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

February 21, 1989 LB 43, 75, 80, 82, 106, 113, 166
171, 172, 194, 196, 200, 296, 321
322, 353, 546, 635, 639, 752

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 of the day, Dr. Al Norden who is pastor emeritus of the University Lutheran Chapel at Lincoln. He has served there for 30 years. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Thank you, Dr. Norden. We appreciate your coming and doing this for us. 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 today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. 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, signed by Governor. See page 793 of the Legislative Journal.)

Mr. President, your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 546 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 639 General File, LB 76 General File with amendments, LB 196 indefinitely postponed, LB 635 indefinitely postponed, LB 752 indefinitely postponed, those signed by Senator Baack as Chair of the committee. (See page 793 of the Legislative Journal.)

Received a report from the Department of Roads, quarterly report from the State Highway Commission, and a report from the Equal Opportunity Commission, Mr. President. Those will be on file in my office. And that is all that I have, Mr. President.