

January 9, 1989

LB 112, 202-240
LR 3

LBs 202-240 for the first time by title. See pages 100-108 of the Legislative Journal.)

Mr. President, I have a notice of hearing by Senator Rod Johnson who is Chair of the Agriculture Committee for Tuesday, January 17.

Mr. President, Senator Hannibal would like to announce that Senator Conway has been selected as Vice-Chair of the Intergovernmental Cooperation Committee.

Mr. President, a new resolution, LR 3. It is offered by Senator Baack and a number of the members. (Read brief explanation. See pages 108-109 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a request from Senator Smith to withdraw LB 112. That will be laid over. I believe that is all that I have, Mr. President.

PRESIDENT: Senator Lynch, are you ready to go back to work now? We will return back to adopting of permanent rules. Senator Lynch.

SENATOR LYNCH: Mr. President and members, I have one more proposed committee amendment, simple little amendment. It has to do with cloture. This change would adopt a cloture rule that would become effective after 12 hours debate at each stage of debate on any appropriation bill, and after 8 hours at each stage of debate on all other bills. To briefly explain it, and then Senator Moore will take it from there, let me give you a scenario. Some of you may be familiar with 428, the motorcycle helmet bill. It was my bill. An amendment, say, was offered under this rule by Senator Moore to the bill. As you know, sometimes amendments can take and need more time for discussion and debate than the bill, itself. After 8 hours of debate on Select File, I would move for cloture, or if that bill happened to be a committee bill, the chairman of the committee would move for cloture. The presiding officer then, under this proposal, would immediately recognize the motion and orders debate to cease on Moore's amendment. The vote on the Moore amendment would be taken without further debate. After that, a vote on the cloture motion without debate, 33 votes would be needed for that motion on cloture would be successful. If the cloture motion were successful, a vote on the advancement of the bill,

March 13, 1989

LB 49, 85, 137, 146, 178, 179, 215
293, 345, 377, 387, 424, 434, 463
515, 555, 617, 669, 685, 710, 799
LR 27, 28

Without any further discussion, I believe we should just go ahead and try to advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? If not, the question is the advancement of LB 49 to E & R Initial. All in favor vote aye, opposed nay. Shall LB 49 be advanced? That is the question. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 49.

SPEAKER BARRETT: LB 49 is advanced. The Chair is pleased to announce that Senator Moore has some eighth graders from Emmanuel Lutheran in York. I believe there are 12 of them in the north balcony, with their teacher. Would you folks please stand and be recognized. Thank you for being with us. Also, Senator Sharon Beck has a special visitor from District 8 this morning, Dr. Paul Paulman, who is here today as doctor of the day. Please welcome Dr. Paulman. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Retirement Systems reports LB 137 to General File with amendments. That is signed by Senator Haberman. (See pages 1076-77 of the Legislative Journal.)

Transportation Committee reports LB 424 to General File with amendments; LB 799, General File with amendments; LB 146, indefinitely postponed; LB 434, indefinitely postponed; LB 515, indefinitely postponed; LR 27, advanced to the floor, and LR 28, advanced to the floor, all of those reports signed by Senator Lamb as Chair of Transportation. (See pages 1077-80 of the Legislative Journal.)

Natural Resources Committee reports LB 617 to General File; LB 710 to General File; LB 293 to General File with amendments. Those are signed by Senator Schmit as Chair. (Journal page 1080 shows LB 293 as indefinitely postponed and LB 387 as indefinitely postponed.)

Judiciary Committee reports LB 215 to General File; LB 377, General File; LB 669, General File; LB 555, General File with amendments; LB 685, General File with amendments; LB 85, indefinitely postponed; LB 178, indefinitely postponed; LB 179, indefinitely postponed; LB 345, indefinitely postponed; LB 463,

graders from Trinity Lutheran in Fremont with their teacher, in our north balcony. Would you folks stand? Thank you. We're very pleased to have you students with us this afternoon. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have amendments to be printed to LB 813 by Senator Morrissey. (See pages 2304-05 of the Legislative Journal.)

And, Mr. President, I have Report of Registered Lobbyists for this past week as is required by statute. (See page 2305 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To the next bill, LB 215, please.

CLERK: LB 215, Mr. President, was introduced by Senator Schimek. (Read title.) The bill was introduced on January 9, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Schimek, please.

SENATOR SCHIMEK: Mr. President and members of the body, I don't think this is a bill that we're ever going to have to suspend the rules on to close debate. I think this is a fairly noncontroversial bill. The Judiciary Committee advanced it five to nothing. What it does is it transfers the explosives permit administration, that's for users, for storage, for purchase permits, from the State Fire Marshall to the State Patrol. Both the State Patrol and the State Fire Marshall's office are in agreement on this. Right now the State Patrol handles most preblast explosive problems while the State Fire Marshall's deals mostly with postblast investigations. The bomb technicians with the State Patrol are better trained and equipped to handle explosives and having the administration of permits with the State Patrol centralizes all explosives information with one agency. Now the State Fire Marshall deputies are trained in postblast investigations and will continue these duties. There is not really much of a fiscal impact with this bill, around \$1,600 a year, I believe. And I would be happy to answer any questions on the bill.

SPEAKER BARRETT: Thank you. Any discussion? Any questions? Senator Schimek, there are no lights. Anything further?

SENATOR SCHIMEK: I would move advancement of the bill. Thank you.

SPEAKER BARRETT: Thank you. Shall LB 215 be advanced to E & R Initial? Those in favor vote aye, opposed nay.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Please vote. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 215.

PRESIDENT: LB 215 advances. LB 377.

CLERK: LB 377, Mr. President, was introduced by Senator Kristensen. (Read title.) It was introduced on January 12, Mr. President. It was referred to Judiciary, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Mr. President and members of the body, for those of you who have some legal training and background, they will now shut their ears and refuse to participate in this debate. The rule against perpetuities is one of those things that is really a monument to man's ability to create complexity in his life, and that is what the rule against perpetuities is. A lot of what I am going to say, this sounds like Senator Chambers, is for the record. The statement of the rule against perpetuities is as follows: No interest is good unless it must vest, if at all, not later than 21 years after some life in being at the creation of the interest. Now that, Senator Ashford, that was for your law school career because I am sure that you didn't pick that up the first time around. Actually, law students spend semesters trying to learn what this rule is. We have the rule in Nebraska. It is made by common law. In other words, it has been passed down since the 17th century back when land was wealth and land owners frequently wished to perpetuate the ownership of land so they created all these neat little ways of tying up land forever. And so the courts proceeded to have a rule against perpetuities which would stop people from doing this to property and tying it up forever. And Senator Chambers told me I had two minutes to present this case. I am nearing my conclusion but, quite frankly, what this does is

May 15, 1989

LB 84, 137, 211, 215, 272, 377, 487
639, 813, 816
LR 211

SPEAKER BARRETT: Any discussion? If not, those in favor vote aye, opposed nay. Record.

CLERK: 27 ayes, no nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lamb.

SENATOR LAMB: I'd move to readvance the bill, Mr. President.

SPEAKER BARRETT: Question is the readvancement of the bill. Those in favor say aye. Opposed no. Carried. The bill is readvanced. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign Legislative Resolution 211. Senator Baack, for what purpose do you rise?

SENATOR BAACK: Mr. Speaker, I move that we recess till 1:30.

SPEAKER BARRETT: Mr. Clerk, anything for the record?

CLERK: Mr. President, amendments to be printed to LB 816 by Senator Haberman, Senator Landis and Scofield, LB 813; notice of confirmation hearing by the General Affairs Committee. Enrollment and Review reports LB 211, LB 639, LB 272, LB 137, LB 215, and LB 377 to Select File.

Mr. President, Senator Abboud asked unanimous consent to add his name to LB 84 as co-introducer. That's all that I had, Mr. President.

SPEAKER BARRETT: Thank you, and the question is recessing until 1:30. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record?

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LB 137, 137A, 215

SENATOR HABERMAN: Mr. President.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Senator Chizek informed me that he wished to have that amendment withdrawn.

SPEAKER BARRETT: Thank you. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Lindsay.

SENATOR LINDSAY: Are we on the advancement of the bill?

SPEAKER BARRETT: Yes, sir.

CLERK: Advance.

SENATOR LINDSAY: Mr. President, I move that LB 137 be advanced to E & R for Engrossment.

SPEAKER BARRETT: Shall 137 be advanced to E & R? Those in favor say aye. Opposed no. Ayes have it, the bill is advanced. There is an A bill which I'd like to proceed to next, LB 137A which is not on the agenda, but I'd like to handle it right now. Mr. Clerk.

CLERK: Mr. President, I have no amendments to 137A.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 137A be advanced to E & R for Engrossment.

SPEAKER BARRETT: The question is the advancement of 137A. Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 215.

CLERK: Mr. President, 215, Senator, I have E & R pending to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the

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LB 215, 377

E & R amendments.

SPEAKER BARRETT: Shall the E & R amendments to 215 be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Senator, I have nothing further to that bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 215 as amended be advanced to E & R for Engrossment.

SPEAKER BARRETT: Shall LB 215 as amended be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 377.

CLERK: Senator, I have no E & R to that bill but I do have other amendments. Mr. President, Senator Rod Johnson would move to amend the bill.

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Senator Rod Johnson.

SENATOR R. JOHNSON: Madam Chairman, I filed a couple of amendments. Can you tell me, Mr. Clerk, what amendment this one is?

CLERK: Senator, you're on...I am on, excuse me, AM1820.

SENATOR R. JOHNSON: I wish to withdraw that.

SENATOR LABEDZ: If there is no objection, it is withdrawn.

CLERK: Mr. President, the next amendment I have is by Senator Weihing.

SENATOR WEIHING: Mr. President...

SENATOR LABEDZ: Senator Weihing.

SENATOR WEIHING: ...I wish to withdraw that at this moment.

SENATOR LABEDZ: If there is no objection, the amendment is

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LB 89, 137, 137A, 211, 215, 228, 279
289, 289A, 352, 639, 651, 651A, 761A
762A, 815A, 817A

Teachers buy books. Teachers buy supplies for kids that don't have them. They take money right out of their own pockets and give it to kids. And so it's...I guess that's one of the reasons why I feel very strongly about giving the money directly to teachers. Senator Warner's remarks struck a chord with me and reminded me of all the contributions that I know that individual teachers make to kids. And so I would urge us to get on with it. Let's pass this bill. It's time we did something for teachers.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: I will give my time to Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker. just to say I guess it's time to withdraw this. I apologize to the...to the original supporters of this bill, at least, because I think some of them wanted to read it tonight and because if my amendment was adopted, they couldn't, but I think it makes it a better bill, obviously, a bill that I can now support and I think there has been some fights among some varying entities on this bill. I think now we've got a bill that really does help education in the state. And, with that, I withdraw the amendment. The last things I will say on LB...the last things that all of us will say on LB 89 and come Monday we'll pass the bill over to the Governor.

SPEAKER BARRETT: Thank you. It is withdrawn. Anything further, Mr. Clerk?

CLERK: Nothing further on that bill, Mr. President.

SPEAKER BARRETT: Yes, for the record.

CLERK: Mr. President, amendments to be printed, Senator Scofield to LB 761A; Senator Chizek to LB 279. (See pages 2546-47 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 137, LB 137A, LB 211, LB 215, LB 228, LB 289, LB 289A, LB 352, LB 639, LB 651, LB 651A, LB 761A, LB 762A, LB 815A and LB 817A, Mr. President. (See pages 2548-50 of the Legislative

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LB 137A, 137, 211, 215, 228, 352, 639
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

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LB 137A, 211, 215, 228

emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2665-66 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137A passes with the emergency clause attached. LB 211, please.

CLERK: (Read LB 211 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 211 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2666 of the Legislative Journal.) 39 ayes, 8 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 211 passes. LB 215, please.

ASSISTANT CLERK: (Read LB 215 on Final Reading.)

PRESIDENT: Record, please.

ASSISTANT CLERK: (Read record vote as found on page 2667 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 present and not voting.

PRESIDENT: LB 215 passes. LB 228, please.

ASSISTANT CLERK: (Read LB 228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2668 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting.

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LB 211, 215, 228, 352, 639, 739, 761
762A, 815, 815A, 817

LB 739, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761. Move on to LB 762A.

ASSISTANT CLERK: (Read LB 762A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2672-73 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762A passes. LB 815, please.

ASSISTANT CLERK: (Read LB 815 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2673-74 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815 passes. LB 815A.

ASSISTANT CLERK: (Read LB 815A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2674 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815A passes. LB 817, please.

ASSISTANT CLERK: (Read LB 817 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

going to very much cripple a lot of the communities for recruiting the teachers in if this little provision is not included in the bill. So, if for no other reason, this is a very important aspect and then, like I say, I also concur with Senator Chambers' position relative to other things that the bill was doing.

SPEAKER BARRETT: Thank you. Senator Langford.

SENATOR LANGFORD: Call the question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Shall debate cease? Those in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, no nays, to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Withem, would you care to close?

SENATOR WITHEM: Yes, I would. I'll be brief in the closing. There are three good reasons to override this veto. Number one and most importantly today, we're not going to ask you to override the A bill, so there's no fiscal impact on this override. I guess the first one today that is merely a policy matter and will not be a fiscal matter. Secondly, the original LB 250 was a very good piece of legislation talking about competencies in human relations and the importance for those for teachers. Point three in the immediacy of needing to get this bill overridden is the amendment that Senator Schimek had added to this bill dealing with temporary certificates for those who have not necessarily been able to pass at this time. Not...excuse me, not being able to pass but have not had the opportunity to take this particular test, so that's the immediacy of it and, because of that, I'm going to give Senator Schimek part of the remainder of my time if she promises to give Senator Hall some time after she's finished. Do you promise to do that, Senator Schimek?

SPEAKER BARRETT: Senator Schimek.

SENATOR WITHEM: She promises.

SENATOR SCHIMEK: Mr. President and members of the body, I just wanted to reemphasize what Senator Conway mentioned about