

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,

requires that all vaccinated domestic animals which bite people, or cause a raise in the skin, be confined for a period of 10 days. This bill then will exempt those dogs that are employed by police or military agencies from confinement requirements of these state rabies laws if this dog bites someone during the course of its activity, training or its duties. Need for the bill was brought to us by local police authorities. They pointed out that dogs will sometimes bite a trainer through the sleeves, the protective sleeves that the trainers are using at the time of the training and/or even may bite the perpetrator during some of its duties. Technically, the dog must then immediately be confined for 10 days, and this really isn't necessary. These animals are all rabies vaccinated and they are all under supervision at all times anyway. So what we are asking is that we eliminate that part of the rabies law to allow these police dogs to continue in their normal course of duty. It is important to note that this exemption only applies to bites related to duties or training. An agency may still confine the dog, if they deem it necessary. Also there is an examination requirement if the dog dies within 15 days of the bite. I would urge your passing this bill along to Select File. Thank you.

SPEAKER BARRETT: Thank you, Senator Dierks. Any discussion on the bill offered by Senator Dierks? Any final comment, Senator Dierks? There are no lights on.

SENATOR DIERKS: Just pass.

SPEAKER BARRETT: Thank you. We'll proceed then to the question which is the advancement of LB 51 to E & R. Those in favor of that motion vote aye, opposed nay. Record, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 51.

SPEAKER BARRETT: LB 51 is advanced. That concludes General File discussion this morning. Any announcements, messages on the President's desk?

CLERK: Mr. President, yes, sir, there are. Your Committee on Judiciary, whose Chair is Senator Chizek, to whom was referred LB 229, instructs me to report the same back to the Legislature with the recommendation it be placed on General File; LB 230 to General File; LB 232 to General File; LB 233, General File with

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LB 169, 229, 230

Schmit.

SENATOR SCHMIT: Mr. President, I move that the bill be advanced.

SPEAKER BARRETT: Thank you. Shall LB 169 be advanced to E & R Initial? All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 169.

SPEAKER BARRETT: The bill is advanced. LB 229.

CLERK: LB 229, Mr. President, offered by Senator Chizek. (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: The Chair of the Judiciary Committee, Senator Chizek.

SENATOR CHIZEK: Mr. Speaker, colleagues, LB 229 concerns the method in which probate records are retained by county courts. The bill was introduced at the request of the Court Administrator's Office. Current law requires that all probate records be kept in the original paper form. Testimony at the hearing showed that these documents are oftentimes damaged by pests, elements and time. LB 229 would change the current law by allowing county courts the option of retaining the probate records either in original paper form or by storing them on microfilm. The committee unanimously passed LB 229 and I urge your vote onto Select File.

SPEAKER BARRETT: Any discussion? Any closing statement, Senator Chizek? Thank you. Shall LB 229 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 229.

SPEAKER BARRETT: LB 229 is advanced to E & R. LB 230.

CLERK: Mr. President, LB 230 by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to Judiciary, advanced to General File. I have no amendments to the bill.

January 23, 1989

LB 230, 232

SPEAKER BARRETT: The gentleman from the 31st District, Senator Chizek.

SENATOR CHIZEK: Mr. Speaker, colleagues, LB 230 concerns the procedure for summons and answering in forcible entry and detainer actions. Once again, this bill was introduced at the request of the Court Administrator's Office for the county judges. LB 230 makes the same procedure for issuance of summons and answers the same in forcible entry and detainer actions as it is in landlord-tenant actions. Both type of actions involve the same general topic. Testimony indicated there was no rational basis for a distinction between the two and I would urge your advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion on the advancement of the bill. Anything further, Senator Chizek? Shall LB 230 be advanced to E & R? Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 230.

SPEAKER BARRETT: The bill is advanced. LB 232.

CLERK: LB 232 by Senator Chizek. (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 Chizek, please.

SENATOR CHIZEK: Mr. Speaker and colleagues, LB 232 is a bill which concerns procedure of summons and answers in civil actions in county court. Once again, this was a bill that was brought to the committee by the Court Administrator's Office. Current law in county court requires a summons to be issued in 10 days, with answer date 10 days later. In district court, however, a summons must be served within 20 days, with the answer day 30 days following that. LB 232 makes the procedure uniform in both county and district courts by requiring county court to follow the district court procedure. With that, I would urge your advancement.

SPEAKER BARRETT: Discussion? Senator Lindsay, please.

January 24, 1989

LB 45, 97, 168, 169, 229, 230, 232
233, 341

have it thoroughly considered, that all three bills should be considered at once since they deal with the same section. So I'll ask you for your vote to rerefer LB 341.

SPEAKER BARRETT: Thank you, Senator Pirsch. Discussion. Any discussion on the motion to rerefer LB 341? If not, Senator Pirsch, anything further?

SENATOR PIRSCH: Oh, I move for the adoption of the motion.

SPEAKER BARRETT: Thank you. The question is the rereferencing of LB 341 from Judiciary to Government. Those in favor of that motion please vote aye, opposed nay. Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to rerefer the bill.

SPEAKER BARRETT: LB 341 is rereferred. To General File, Mr. Clerk, LB 97.

CLERK: Mr. President, if I might right before that, some items for the record?

SPEAKER BARRETT: Certainly.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 45 and recommend that same be placed on Select File with E & R amendments; LB 168 to Select File with E & R attached; LB 169 Select File, LB 229 Select File; LB 230 Select File; LB 232 Select File; LB 233 Select File, all signed by Senator Lindsay as Enrollment and Review Chair. (See page 412 of the Legislative Journal.)

Mr. President, the first bill for consideration this morning is LB 97. It was a bill introduced by Senator Landis. (Title read.) The bill was introduced on January 5, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Banking Committee, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, I promised that I'd try to do a little better job

January 27, 1989

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.

CLERK: LB 230, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 230 be advanced.

SPEAKER BARRETT: Shall LB 230 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. LB 232.

CLERK: Senator, I have no E & R. I do have an amendment to the bill by yourself. (Lindsay amendment is printed on pages 462-64 of the Legislative Journal.)

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: I'm having distributed now my proposed amendment to LB 232. The purpose of this amendment, what this amendment states is that...I guess I should back up. LB 232 provides that the answer date in county court be amended to be uniform with the answer date in district court. This amendment provides that same uniformity in Small Claims Court. If we're going to have the uniformity between the courts and that's going to be the only reason for having that uniformity, I think we should be extending that further. As I mentioned on the floor the other day when we were debating this, I don't think that we need that uniformity. I think there are different purposes for the different courts, and I think that the procedure is designed to effectuate those purposes. For that reason, I would urge that you adopt the amendment.

SPEAKER BARRETT: Thank you. Discussion on the amendment to LB 232? Senator McFarland.

SENATOR MCFARLAND: It's my day to speak, Mr. Speaker. Senator Chizek is not here. He's on his way from Omaha. He's a little delayed this morning. So they asked that I address some of these bills as the Vice Chair of the Education Committee. This bill has been discussed before on General File. And, as you will note, Senator Lindsay, at that time, raised the concern about whether we absolutely need uniformity between the district court system and the county court system. I haven't had a chance to see the amendment, and I'll have to take a look at it. I will just say that my initial reaction is to oppose the amendment because the idea of the bill is for clarity, for consistency, for uniformity within the procedures. The

January 30, 1989

LB 70, 97, 126, 229, 230, 233, 255

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 229, 230, 233, 251, 255
LR 26

voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 229 passes. LB 230.

CLERK: (Read LB 230 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 230 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 662-63 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 230 passes. LB 233.

ASSISTANT CLERK: (Read LB 233 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 233 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 663-64 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 233 passes. LB 251, please. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 26. Okay, now 251.

ASSISTANT CLERK: (Read LB 251 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 251 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Read record vote as found on pages 664-65 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 251 passes. LB 255, please.

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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.)