

January 9, 1989

LB 58, 84, 98, 102, 140, 141, 241-266

CLERK: Mr. President, new bills. (Read titles for the first time to LBs 241-266. See pages 112-18 of the Legislative Journal.)

Mr. President, in addition to those items, the Rules Committee would like to announce that Senator Carson Rogers has been selected as Vice-Chair of the committee.

Mr. President, Revenue Committee will be or are...is conducting a meeting underneath the south balcony.

Mr. President, the Judiciary Committee will conduct an Executive Session upon recess on the south side of the Chamber; Judiciary upon recess. And Transportation will meet in the lounge upon recess...or, Senator...I'm sorry, Senator Lamb, do you want that this afternoon, Senator? I'm sorry, Transportation upon adjournment this afternoon in the Senators' Lounge; Transportation this afternoon.

Mr. President, Government Committee has selected Senator Bernard-Stevens as Vice-Chair.

Mr. President, Senator Conway would like to add his name to LB 140 as co-introducer; Senator Beck to LB 102 and to LB 141; Senators Smith and Hartnett to LB 58; Senator Hartnett to LB 98; Senator Rod Johnson to LB 84.

Mr. President, the last note is a Reference Committee meeting at two-thirty this afternoon in Room 2102; Reference Committee at two-thirty in Room 2102. That's all that I have.

PRESIDENT: Senator Emil Beyer, for what purpose do you rise?

SENATOR BEYER: Mr. Speaker, a point of personal privilege. I hope that the senators have noticed that we have a familiar face back in the Legislature and that's our Page Supervisor, Kitty Kearns. We're glad to have her back and we've missed her and we wish her good health from now on. (Applause.)

PRESIDENT: Thank you. Ladies and gentlemen, would you please listen as your Speaker speaks.

SPEAKER BARRETT: Thank you, Mr. President, and members, just a reminder to committee chairs, committee clerks, if you plan to have a hearing next week, I believe the first day would be the

January 25, 1989

LB 13, 18, 19-32, 89, 114, 122, 165
168, 169, 177, 221, 254, 646, 742

SENATOR LINDSAY: Mr. President, I move that LB 168 be advanced as amended.

SPEAKER BARRETT: Shall 168 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 169.

CLERK: LB 169, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 169 be advanced.

SPEAKER BARRETT: You have heard the motion to advance 169. Those in favor say aye. Opposed no. Carried. The bill is advanced. Thank you. Messages on the President's desk.

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:11 a.m. (Re: 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. See page 445 of the Legislative Journal.)

Mr. President, your Committee on Government, Military and Veterans Affairs reports LB 165 to General File with amendments; LB 177 to General File with amendments; LB 254 General File with amendments, all signed by Senator Baack as Chair. Banking Committee reports LB 221 to General File with amendments, that is signed by Senator Landis. Transportation Committee reports LB 114 to General File with amendments; and LB 122 as indefinitely postponed. Those are all signed by Senator Lamb as Chair. (See pages 445-446 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee. That is signed by Senator Baack.

Mr. President, Senator Hartnett would like to have an Executive Session I believe in the Senators Lounge upon adjournment; Urban Affairs Committee, Senators Lounge upon adjournment.

Mr. President, Senator Crosby would like to add her name to LB 89; Senator Smith to LB 646; and Senator Labeledz to LB 742. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to General File, LB 254.

CLERK: Mr. President, 254 was a bill introduced by the Government, Military and Veterans Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 9 of this year, referred to the Government Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Government Committee, Mr. President.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Mr. President and members, the committee amendments, we'll handle those first and then I will go into an explanation of the bill. The committee amendments are purely technical and were offered just in order to correct a few minor drafting errors. So, with that, I would urge the adoption of the amendments and then I will go into an explanation of the bill.

PRESIDENT: Thank you. Any further discussion on the amendments? If not, the question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Back to Senator Baack, please.

SENATOR BAACK: Mr. President, might I...I might...I would like to make a request that I might have just a couple of extra minutes on this introduction. It's a fairly long and technical bill, if you might grant me that.

PRESIDENT: Any objections? No objections, so ruled.

SENATOR BAACK: Thank you, Mr. President. This bill, LB 254, is a rather complicated, technical bill dealing with the Nebraska laws governing relocation assistance. Relocation assistance refers to the payments and advisory services that are available to individuals and businesses whenever they are permanently displaced from property as a result of a public finance project.

This whole bill came about...last session the Government Committee was asked to consider LB 1089 and it was the precursor of LB 254. The problems with...the problem with 1089 is that it was poorly drafted, for one, and the other one...and the other problem that we had was whether or not the changes that we were making in our relocation assistance were necessary according to federal mandate. The Department of Roads came in last year and said, we have to have this bill because of a federal mandate. They had no documentation of that at that time and that was one thing that the committee said we had to have. We had to show that we absolutely needed this to meet a federal mandate. They came up with that documentation. We do have to have this in place. This has to be in place, in fact, by April 2nd of this year, of 1989. So, therefore, this bill does contain the emergency clause and must be passed with the emergency clause. If we do fail to enact this bill by April 2nd, we stand to lose...we stand to lose a lot of federal dollars that are based on relocation assistance and the Department of Roads would be the most affected by this because they use relocation assistance more than any other agency and they estimate that we would lose approximately \$25 million in federal funds if we do not pass this by the 2nd of April and it's not in place by the 2nd of April this year. LB 254 is the result of the committee counsel. Cynthia Johnson Howard has been working all summer with the Department of Roads and also with the Federal Highway Administration to try and take the federal mandates that were passed in the federal relocation assistance laws of 1987 and make those applicable to Nebraska law and make them fit within our laws. And she has done an excellent job of that. And the bill is rather technical in nature and I will continue to explain some more about the bill. First of all, first of all, this is going to apply to all publicly funded projects, not just federally funded projects and this was a decision by the Government Committee to do this this way. It's not mandated that it be for all projects. It's mandated that it be just for federally funded ones. We decided that, as a policy matter, it would be better to do it for all public projects, then you have one set of rules and regs governing relocation assistance for all agencies. You have it all in place and then everything is equal and consistent across the board. We felt that to do it any differently and to say, well, the federally funded ones will have one scheme of things, state and local will have another scheme of things, that, for one thing, it would probably be a bone of contention and another it may be unconstitutional to do that. So we made it apply to all publicly funded projects

across the board. Basically, the bill has two major things in it and the first thing that is in it, and these are mandated changes, it increases the benefits that are payable to individuals, businesses, farms and other entities displaced by publicly financed projects. It increases those. I will talk about the increases here in a little bit as I go through a short section by section analysis of the bill. But that's one of the major changes it makes. The second is...the second major change, it establishes the Department of Roads as the lead agency for purposes of relocation assistance statutes. This is very similar to what the feds did because, on the federal level, the Federal Highway Administration serves as the lead agency for all federal projects. This just follows along with theirs. This is not...the fact that we're making them the lead agency is not federally mandated. You do not have to do that. This was a policy decision by the Government Committee saying that we needed to do that and the Department of Roads was the one to be the lead agency because they are the so-called expert in this area because they use the relocation assistance laws much more than any other agency. So that the Department of Roads would be the one that would be setting all of the rules and regulations for all of the other agencies in dealing with relocation assistance. They are to confer with those other agencies when they are making these rules and regs but they do have the final rule and reg making authority as far as these go. There was...at the public hearing of the bill there was no opposition to LB 254 and there were...the State Department of Roads and a number of people came in and testified. We have made...the results of the bill and Cynthia's work all summer were given to all the state agencies. They are well aware of what we're doing here and we had no comment back that they did not desire this to happen. So I think it's fairly well acceptable to all of the state agencies. Okay, I'm going to just highlight a few of the major aspects of the bill. Section 4...and I will tell you whether or not these are federally mandated, these changes. Section 4 is a federally mandated change. And what it does is it changes the definition of "agency". "Agency", under current statute in Nebraska, only applies to strictly governmental projects for relocation assistance. This one, the agency definition is expanded now this says that any project carried out by a private entity, which is receiving any kind of public funding, will also fall under this. So the change is going from strictly governmental to having both strictly governmental and private projects that have public funding. Those are both described under "agency" in Section 4. Section 8 is another

change and this is also a federally mandated change and it's going to change the definition of "displaced person". And a displaced person, in our statutes, is a person who qualifies for relocation assistance and in our statutes right now they apply for this relocation assistance only when they are displaced from real property due to the acquisition, that's the key word, the acquisition of that real property. That's the definition that's in our statute right now. What this does is it broadens that definition and says, displaced person will also include, for the first time, any person, business or farm operation permanently displaced by activities other than acquisition. And an example of that would be either a rehabilitation or a demolition project. Those people would also qualify for relocation assistance. So this is an expansion of that definition. Section 15 is another section and all of this section is also federally mandated. It has several changes in it. First of all, it makes...this is the section that allows for actual and reasonable expenses, including moving expenses when someone is displaced. This also makes the change, of course, to be the same as Section 8 when it says that permanent displacement due to rehabilitation and demolition as well as acquisition. That just brings that in line with the section that we had in Section 8 that we just discussed. In addition, the displaced person would also receive actual expenses, actual and reasonable expenses if they have to move from property A to property B due to a demolition, rehabilitation or acquisition type of displacement. And, finally, there is going to be a new payment that would be available to small businesses and farms and that new payment, which could not exceed \$10,000, would cover the actual and reasonable expenses incurred as a result of reestablishing the operation at a new site. And this is also federally mandated. Section 16 is another one that provides for actual and reasonable expenses. It, again, talks about actual and reasonable expenses. And in this one which is also mandated is a payment of allowance and this allowance would be for actual and reasonable expenses for someone who is displaced from a dwelling. And, right now under present statute, this is limited to \$500. Under LB 254 there would be no dollar limit set. It would be up to the lead agency, the Department of Roads to set a limitation and there is no dollar limit in the bill. Section 17 is right after...it follows right along the lines of Section 16 because it allows a similar allowance for business and farms when they are displaced and it allows them a payment ranging from 1,000 to \$20,000 for them to reestablish themselves in a new place. The current law is the allowance is 2,500 to

\$10,000, so it raises the upper limit is what it does and lowers the bottom, the minimum. Section 18 is one that deals with replacement housing and this is in current law already. The replacement payment is already in current law and this payment is made to anyone displaced from a dwelling that they have occupied and owned for at least six months prior to the beginning of the negotiations that led to the displacement. That is in current law. The changes...and this is mandated by the feds, are the limits that we have set. Currently, the limit in our statute is \$15,000, for that figure, the limit would go to \$22,000. The actual figure on a case by case basis would be made by the displacing agency and they would have to follow their own rules and regs as they made those...as they filed those limitations. Section 20 is the last one of major consequence and this...what this one does is it raises the payment that is offered to certain renters who are displaced by a publicly financed project and what it does is it raises...the limit in current law is \$4,000, this would raise it to \$5,250. There are a number of other things that have been mandated by the feds but they're not major changes in state law so I'm not going to go over those. The ones that I have gone over are the ones that are the most significant and the most meaningful as far as actual federally mandated changes to our state laws. So, with that, I would be happy to answer questions. Thank you.

PRESIDENT: Thank you. Senator Pirsch, please.

SENATOR PIRSCH: Senator Baack...

SENATOR BAACK: Yes.

SENATOR PIRSCH: ...I would like to ask you a question if you would yield.

SENATOR BAACK: Certainly, I will try and answer.

SENATOR PIRSCH: I appreciate...

SENATOR BAACK: I'm not guaranteeing anything but I'll try.

SENATOR PIRSCH: I appreciate the amount of time that you did take to go through these and all throughout we were talking about federal mandates. Is this the carrot and stick of federal mandates or how did those come down?

SENATOR BAACK: Well, they came down through the federal relocation assistance laws were changed in 1987. And that's...

SENATOR PIRSCH: Do they contribute to this or this is "thou shalt" with no purse, with no dollars attached?

SENATOR BAACK: Well, the dollars attached are the ones that we receive for dealing with relocation assistance on federal projects.

SENATOR PIRSCH: Okay...

SENATOR BAACK: Those are the dollars that are attached.

SENATOR PIRSCH: ...on the federal projects we receive dollars...

SENATOR BAACK: Right.

SENATOR PIRSCH: ...and if we do not change our statutes, at least in the federal and, of course, then there is a question of treating different people differently.

SENATOR BAACK: Right.

SENATOR PIRSCH: So all of those mandates then are because we need that participation of federal dollars for federal relocations.

SENATOR BAACK: Yes. Just the Department of Roads estimates that they alone would lose about 25 million in federally mandated funds. And we did make them provide documentation to say that that is actually the case. I know we hear that a lot and we hear...people are coming in and say, well, the feds say you have to do this. I am one who says, okay, you have to prove that to me first.

SENATOR PIRSCH: Uh-huh.

SENATOR BAACK: And we did make them specifically show...some people from the Federal Highway Administration came in and showed us that we do have to do this and it has to be in place by the 2nd of April of this year.

SENATOR PIRSCH: Okay, thank you.

PRESIDENT: Thank you. Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Baack, I have an issue I need to take up with you. Early in your testimony you said...you referred to LB 1089 of last year, and I believe you said it was poorly drafted. Is that what you had said, Senator Baack? LB 1089 last year was my brew pub bill and I think it was excellently drafted. Obviously, you have the wrong bill number. Thank you, Senator Baack.

PRESIDENT: Senator Baack, would you like to close on the advancement of the bill?

SENATOR BAACK: No, I would just...I would just urge its advancement.

PRESIDENT: You just what?

SENATOR BAACK: Just urge its advancement.

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

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 254.

PRESIDENT: LB 254 advances. If I could break in just a moment, Mr. Clerk. I would like to introduce a few guests. Senator Howard Lamb has some guests under the north balcony. They are from Ainsworth, Nebraska, and they represent the KBR Public Power District. Betty McBride and Dale Caskey. Would you folks please stand. I see a good friend in the north balcony, Mr. Jack Preston from far west Nebraska. He's also interested in rural electrics and ranching, and so forth. Would you please stand, Jack Preston. Welcome. The third thing is one of our members, Senator Carson Rogers, is becoming of age tomorrow. His birthday is tomorrow, and under each balcony you will find some macadamian nuts that his daughter Gina has sent from Hawaii. You might be interested to know that his daughter Gina is with Rudy Lewis who is now with the University of Hawaii. So, Senator Rogers, we appreciate your becoming of age and appreciate the macadamian nuts. I ate one and I hadn't lived till I ate that one. So feel free...they're under both

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 6, 1989

LB 70, 155, 177, 195, 198, 209, 238
254, 338, 357A, 773
LR 25

CLERK: 5 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Notice of hearings from the Agriculture Committee. That's signed by Senator Rod Johnson as Chair.

New A bill, LB 357A, by Senator Nelson. (Read by title for the first time. See page 605 of the Legislative Journal.)

Enrollment and Review reports LB 195, LB 198, and LB 209 to Select File with E & R amendments attached on each. Those are signed by Senator Lindsay. (See page 606 of the Legislative Journal.)

Transportation Committee would offer LB 155 to General File with amendments. That's signed by Senator Lamb. (See page 608 of the Legislative Journal.)

LR 25, Mr. President, is offered by the Appropriations Committee. (Read brief description of the resolution. See pages 607-08 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 70 from Senator Hall; Senator Moore to LB 177; Senator Coordsen to LB 238, and Senator Baack to LB 254. That's all that I have, Mr. President. (See pages 609-10 of the Legislative Journal.)

PRESIDENT: Senator Dennis Byars, would you step to your microphone and say something about adjourning tomorrow, February 7th, until nine o'clock, but wait just a minute, the Clerk has something.

CLERK: Excuse me, Senator. Mr. President, I have amendments to be printed to LB 773. That's offered by Senator Korshoj.

PRESIDENT: Are you ready to adjourn now? Now, Senator Byars.

SENATOR BYARS: I would move that we adjourn this body until nine o'clock on February the 7th, 1989.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Okay, Senator Lindsay, back on the job.

SENATOR LINDSAY: Mr. President, I move that LB 221, as amended, be advanced to E & R.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 254.

CLERK: Mr. President, on 254 I have no E & R. The first amendment I have to the bill, however, is from Senator Baack. Senator, your amendment is on page 609 of the Journal.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, this amendment is on page 609 and this amendment we believe is necessary because we found some...the legal counsel found some evidence that we might be having an unlawful delegation of legislative authority contained in the bill. So we put language in there that clears this up and that's all that it does. It just clears it up that it is not an unlawful delegation of authority for the Legislature, in two different sections of the bill.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I hope you all listened to Senator Baack and you know why I said on the first day that the best thing about him is his staff.

PRESIDENT: We haven't had any other ideas other than that so it must be true. So the question is the adoption of the Baack amendment. All those in favor vote aye, opposed nay. Senator Baack, you may need to go out and round up some people. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

PRESIDENT: The Baack amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Baack would move to amend the bill. (Read the Baack amendment as found on page 696 of the Legislative Journal.)

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Right. This is simply another clarification amendment that says that if a person is...the way it reads right now it just talks about a person being displaced and this clears it up to say that as the result of a publicly financed project, because that's what this whole bill deals with. And so it's just a clarifying amendment.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Baack amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Baack's amendment, Mr. President.

PRESIDENT: The Baack amendment is adopted.

CLERK: Mr. President, Senator Chambers would move to amend the bill. (The Chambers amendment appears on page 696 of the Legislative Journal.)

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I talked over this very apparently insignificant amendment with Senator Baack and he has no problem with it. It would be on page 4, line 25, the current language indicates that if a person is displaced and would be relocated, it would be to a place generally not less desirable. I'm striking the word "generally" so that there won't be an ambiguity. If there is to be a discussion, it should be simply over whether the relocated person has been placed in a new location that is less desirable or not, and not have an argument over what the word "generally" means. And Senator Baack has no objection to this, so it would strike that word "generally".

PRESIDENT: All right, thank you. The question is the adoption of the Chambers amendment. All those in favor vote aye, opposed nay. I need a little help, please. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Chambers' amendment.

PRESIDENT: The Chambers amendment is adopted.

CLERK: Mr. President, Senator Baack would move to amend the bill. (The Baack amendment appears on page 696 of the Legislative Journal.)

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, this is another amendment that was brought to us, a concern by the League of Municipalities and the City of Lincoln and the City of Omaha. And what it does is it again clears up a couple of portions of the bill that left some discretionary power with the lead agency and it just...it clears that up again where they do not have so much discretion and it may have been an unlawful delegation again in this case so...and it does not do any harm to the bill. It's something that's probably necessary for the League and for the City of Lincoln. With that, I would just urge your adoption of the amendment.

PRESIDENT: Thank you. Any further discussion? If not, the question is the adoption of the Baack amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

PRESIDENT: The Baack amendment is adopted.

CLERK: Mr. President I have nothing further on the bill.

PRESIDENT: Okay, Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 254, as amended, be advanced to E & R Final.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 114.

CLERK: Mr. President, LB 114, I have no E & R. I do have an amendment to the bill from Senator Schellpeper. The amendment is on page 543 of the Journal, Mr. President.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President and members, this

February 14, 1989 LB 114, 148, 221, 254, 632, 633

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...Valentine's Day, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us today, as our chaplain of the day, Dr. Rob Welch of the Havelock Christian Church in Lincoln, Nebraska. Would you please rise for the convocation.

DR. ROB WELCH: (Prayer offered.)

Mr. President Thank you, Dr. Welch. Come back and see us again. Roll call, please.

CLERK: I have a 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 engrossed LB 114 and find the same correctly engrossed; LB 221 and LB 254, all correctly engrossed. (See page 731 of the Legislative Journal.)

Mr. President, your Committee on Retirement whose Chair is Senator Haberman reports LB 632 to General File with amendments, and LB 148 as indefinitely postponed. Signed by Senator Haberman as Chair. (See page 731 of the Legislative Journal.)

Mr. President, I have a reference report referring LRs 27 and 28 to the Transportation Committee, as well as certain gubernatorial appointments to the appropriate Standing Committee for confirmation hearing. (See page 732 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Baack regarding LB 633. (See pages 733-34 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Health Committee.

March 9, 1989

LB 54, 84, 140, 162A, 214, 214A, 254
284, 284A, 318, 320, 357, 432, 443
499, 588, 611, 652, 781
LR 1, 7

General File; LB 432 is indefinitely postponed; LR 1 indefinitely postponed; LR 7 indefinitely postponed, and LB 588 advanced to General File with committee amendments. (See page 1049 of the Legislative Journal.)

Your Enrolling Clerk has presented the bills read earlier this morning to the Governor. (Re: LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318 and LB 320. See page 1057 of the Legislative Journal.)

Priority bill designations: Government Committee is 640 and 639, Senator Abboud LB 592, Senator Hall LB 653, Senator Lindsay LB 681, Senator Elmer LB 429.

New A bill, Mr. President, LB 162A from Senator Rod Johnson. (Read by title for the first time as found on page 1057 of the Legislative Journal.)

I have amendments to be printed to LB 357 from Senator Schellpeper and Nelson, Senator Lindsay to LB 54, Senator Baack to LB 254, Senator Chizek to LB 140, Senator Hall to LB 781, Senator Withem to LB 652. (See pages 1049-57 of the Legislative Journal.)

Unanimous consent for addition of names as co-sponsors, LB 611 Senator Rod Johnson; and LB 84 from Senator Haberman. (See pages 1057-58 of the Legislative Journal.)

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

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 33rd District, Senator Jacklyn Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to make a motion to adjourn until Monday, March 13 at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock Monday morning. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory
Arleen McCrory

strengthening the moral and spiritual values of our homes. This is really a great day. Thank you. (Applause.)

SPEAKER BARRETT: Thank you, Mrs. Clark, and again congratulations. And now the Young Mother of the Year, Lynn Kalemkiarian from Lincoln. Lynn.

LYNN KALEMKIARIAN: I would also like to thank all you for taking the time to be here this morning. It is a very special time for Harriet and myself. And I'm really very proud to be the representative of young mothers around the state on behalf of the Nebraska Mothers Association. And I would also like to thank all of you for all you're doing to make this state a better place for our families and our young people and I wish for you the best of luck as you continue at that process of making it a better spot. Thank you. (Applause.)

SPEAKER BARRETT: And, again, on behalf of the Legislature, congratulations to both of you, Mrs. Clark and Mrs. Kalemkiarian. We're happy to have you here today. I would also like the Legislature to turn and recognize and at least observe the families of both of these ladies under the north and the south balconies. Would you please welcome these visitors today. Thank you. Congratulations again and our best wishes go with you. Escort committee, please. Will the members please return to their desks for Final Reading. Members, please return to your desks for Final Reading. Return to your seats, please for Final Reading. While we're waiting, I am pleased to announce that Senator Beck is wishing her colleagues a happy St. Patrick's Day today and is having the Pages momentarily distribute a little something to keep us sweet today. Courtesy of Senator Beck. Proceed with the first bill, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk. Senator Baack would move to return LB 254 to Select File for a specific amendment. The amendment is found on page 1049 of the Journal.

SPEAKER BARRETT: Senator Dennis Baack, please.

SENATOR BAACK: Yes, Mr. Speaker and members, I would ask your support in returning this bill to Select File for a couple of corrections that need to be made. As you are aware, this is the Relocation Assistance Act that we are working under LB 254 which puts us in compliance with the federal guidelines that we do not lose some of our federal monies. What we are doing with this

amendment is we are...on Select File, we caught a couple of unlawful delegations of authority in the bill. We found a couple more in there that we needed to correct so that's the first thing that we do here. The second thing that we do here is a little more substantive. And what it says is that it would make the payment of attorney's fees permissive in condemnation actions when there is a settlement made and that is current law. That's what we have now in Nebraska. Under the original bill, this would have made the payment of those fees mandatory. And we found that...when the bill was drafted, we kept...we tried to meet all the federal requirements as we did it. We found in searching over the bill for these...for the unlawful delegations that this was not something that we had to do. We did not have to make the payment of these fees mandatory. We could make it permissive and still stay in compliance with the feds. So we went back, changed it to permissive and that would be...just keep the law as it is today. We're not making a change in making these fees mandatory. With that, I would just urge you to return the bill to Select File and to add this amendment. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the Baack motion to return the bill? If not, those in favor of that motion please vote aye, opposed nay. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill has been returned. Senator Baack.

SENATOR BAACK: I have already explained the amendment. I would just move the amendment.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the adoption of the amendment vote aye, opposed nay. Record.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of Senator Baack's amendment.

SPEAKER BARRETT: The amendment is adopted to 254E. Shall the bill be readvanced? Those in favor say aye. Opposed nay. Carried. It is readvanced. Mr. Clerk.

CLERK: (Read LB 326 on Final Reading.)

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LB 154, 183, 254, 421, 592
LR 61

LB 154 correctly engrossed, LB 183, LB 254, LB 421, all correctly engrossed. (See pages 1228-29 of the Legislative Journal.)

Mr. President, new resolution, LR 61 by Senator Schmit asking the Legislature to congratulate the Wahoo boys basketball team for winning the Class B State Basketball Championship. (See page 1229 of the Legislative Journal.)

Mr. President, Senator Chambers would move to bracket LB 592 until April 25 of this year.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, I have two reasons for doing this, one is that I am serious about the motion; the other is to maybe make it possible that some will have the opportunity to speak who otherwise might be knocked down by a call of the question. Very few issues on this floor relate directly to me and mine in the way that this does that will cause me to speak as I am doing today on the floor of this Legislature. Never have I seen any concern for doing a program that would uplift those in my community, never have I seen the fervor for that as I see for these kinds of things of increasing the punishments, putting people in jail and so forth. When the North Freeway was running through my community and I stood up here and tried to explain the damage that would be done and, in fact, it has been done, the increased number of vacant lots, the inability of people to afford housing who used to have housing have all come to fruition, got nowhere. There are people from all over the state, none of whom are in my district and my district won't even run the risk of being affected by it, who are concerned about a low-level nuclear waste facility and they write me letters and call me on the phone and cry to me in person about how it might damage their community and be harmful to them. And I tell them there were probably over 40 other senators over there who care not a pop of the finger for my community. The pollution from the cars driving right through what they call a low-rent housing project, right through the middle of an OHA housing development where many, many small children live, this Legislature did not care, did not care, and does not care now. I told you that I had talked to Mayor Calinger about putting together a program where we don't just talk about jobs, but there are some realistic opportunities made available to these young people. He never got back to me. Some of the things he

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LB 154, 254, 281, 421

Record, please.

ASSISTANT CLERK: (Read record vote. See page 1310 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 154 passes. LB 254E.

ASSISTANT CLERK: (Read LB 254 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 254 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See page 1311 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 254E passes. Before proceeding to the final bill on Final Reading, the Chair is pleased to advise that Senator Moore has guests in the north balcony. We have with us 20 fourth grade students from Emmanuel Lutheran in York with their teacher. Would you folks please stand and be recognized. Thank you. We are glad to have you with us. LB 421.

CLERK: (Read LB 421 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 421 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1311-12 of the Legislative Journal.) 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 421 passes. To reiterate the announcement yesterday, we do plan to work through the noon hour today, hopefully with an early adjournment around midafternoon this afternoon for the holiday. Also the bills under item 7 on today's agenda, Select File, senator priority bills, 54, 49 and 49A have been handled, so we will momentarily move to Select File, nonpriority bills, beginning with LB 281. And while the Legislature is in session and capable of transacting business, I

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LB 154, 155, 254, 265, 281, 421, 619
623

propose to sign and I do sign, LB 154, LB 623, LB 155, LB 619, LB 265, LB 254, and LB 421. The call is raised. Mr. Clerk, the first bill.

CLERK: Mr. President, LB 281 is on Select File. I have no E & R amendments. I do have an amendment to the bill by Senator Chambers. Senator Chambers amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chambers, on your amendment.

SENATOR CHAMBERS: Mr. Chairman, let me look at this, because my amendment may have already been adopted.

SPEAKER BARRETT: Fine.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am on the bill now. I was thinking of a different bill. The amendment says that the provisions of this bill shall apply prospectively or from the date that the bill takes effect, and in order that there will be no confusion, nothing unfair to anybody, we are setting up a new system. We are loosening certain legal requirements so that when that is done I think those kind of activities ought to...the bill should apply only after the bill takes effect. So that is what the amendment would do. It doesn't change anything in the bill, which I don't like. I don't like the bill. But if you are going to have a bill like this, where you can have a noncertified document used in this state for the purpose of depriving an individual of a right or a privilege, then the least you can do is say that it will apply only to things that occur after the date that the bill is passed.

SPEAKER BARRETT: Thank you. Discussion. Senator Lamb, followed by Senator Lindsay.

SENATOR LAMB: Yes, Mr. President and members, you will remember that there was extended discussion about this bill previously. This has to do with points taken off your license from other states, and this bill allows the Department of Motor Vehicles to certify that in fact you have been convicted in another state, and that the record is true and correct. We have gotten an Attorney General's Opinion on the bill in regard to whether it violates the rules of evidence. The Attorney General's Opinion has been positive. He says the bill is okay, and in regard to

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LB 154, 155, 250, 254, 265, 272, 281
421, 503A, 619, 623, 683

SPEAKER BARRETT: Thank you. Anyone else? A record vote has been requested. All in favor of the advancement of the bill please vote aye, opposed nay. Shall LB 281 be advanced, that is the question? Have you all voted? Have those who care to vote voted? Record, please.

CLERK: (Read record vote. See pages 1314-15 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on the advancement of LB 281.

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

CLERK: Yes, Mr. President, I do. I have amendments to be printed to LB 272 by Senator Landis; and LB 683 by Senator Wehrbein. I have a new A bill, LB 503A by Senator Goodrich. (Read for the first time by title. See pages 1315-16 of the Legislative Journal.)

Mr. President, I have a lobby report for this past week; a confirmation report by the Judiciary Committee. It is signed by Senator Chizek. Notice of hearing by the Rules Committee for Thursday, April 6.

And, finally, Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, LB 421. See page 1317 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Labedz has a very special guest under the south balcony, a friend of hers, Tom Kelly, who is a student at Westside Middle School. Tom, would you stand up and take a bow. We're glad to have you with us. Also observed under the south balcony is a former member of this body, Senator George Syas of Omaha. Senator Syas. Nice to have you back, George. LB 250, Mr. Clerk.

CLERK: Mr. President, Senator, I have E & R amendments on LB 250, first of all.

SPEAKER BARRETT: Senator Lindsay.

CLERK: E & R amendments, Senator.

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LB 147, 154, 155, 254, 265, 340A, 421
619, 623, 683, 781

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Schmit would move to amend the bill.

SPEAKER BARRETT: Senator Schmit. Senator Schmit, on your amendment. It is withdrawn.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER BARRETT: Thank you. Senator Chambers, this would be your closing.

SENATOR CHAMBERS: I am not going to close. I will just move to advance LB 340A to E & R Engrossing.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please signify by saying aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, anything to read in?

CLERK: I do, Mr. President, thank you. A communication from the Governor to the Clerk. (Read. Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, and LB 421. See page 1350 of the Legislative Journal.)

Mr. President, Senator Wehrbein has amendments to be printed to LB 683; Senator Smith to LB 781. (See page 1351 of the Legislative Journal.) That is all that I have. Mr. President.

SPEAKER BARRETT: Thank you. To the next bill, Mr. Clerk. LB 147.

CLERK: Mr. President, the next bill is LB 147. I have no E & R to the bill, Mr. President. I do have an amendment pending, however, from Senator Ashford. Senator, this is AM0891. (See pages 1351-52 of the Legislative Journal.)

SPEAKER BARRETT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. This amendment concerns the addition to the separate juvenile court bench in Douglas County of a third juvenile court judge. If I might give a brief history, there are two separate juvenile courts, three, actually, separate juvenile courts in the State