

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

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LB 77, 228A, 258, 456, 468, 587, 597
683

CLERK: (Read record vote. See pages 1252-53 of the Legislative Journal.) 28 ayes, 11 nays, Mr. President, on the motion to raise the bill.

PRESIDENT: The motion passes. Anything for the record about now, Mr. Clerk?

CLERK: Yes, sir, I do. Your Committee on Appropriations, whose Chair is Senator Warner, reports LB 258 to General File, and LB 468 to General File with amendments, signed by Senator Warner. Health and Human Services Committee reports LB 456 to General File with amendments. That is signed by Senator Wesely. Senator Haberman has amendments to LB 587 to be printed; Senator Abboud to LB 597. (See pages 1253-56 of the Legislative Journal.)

Mr. President, a new A bill, LB 228A. (Read for the first time by title. See page 1257 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: We move on then to LB 77.

CLERK: Mr. President, LB 77 is a bill introduced by Senator Warner. (Read title.) The bill was introduced on January 5. It was referred to the Banking, Commerce, and Insurance Committee for public hearing. The bill was advanced to General File and I do have committee amendments pending by the Banking, Commerce, and Insurance Committee, Mr. President. (See page 679 of the Legislative Journal.)

PRESIDENT: Senator Landis, are you going to handle the amendment? Senator Conway, are you prepared to handle that as Vice-Chairman of the committee?

SENATOR CONWAY: Mr. President and members, speaking on behalf of the committee, the committee amendments that were applied to LB 77 were purely technical. The committee amendments would insert and amend Section 81-8,239.01 to give the State Risk Manager the authority to carry out the duties prescribed by the bill as introduced, purely technical, but giving authority to the State Risk Manager.

PRESIDENT: Thank you. Senator Hannibal, did you wish to speak about the committee amendments. I don't see Senator Hannibal

is violated. Senator Baack would give his property to Senator Ashford and his heirs, but if Senator Ashford or any descendant of his fails to take care of Senator Baack's grave, then the property goes to Senator Chambers. Now that violates it. That means Senator Chambers could get the property only if Senator Ashford didn't take care of Senator Baack's grave, and so what would happen is when Senator Baack made his will up, somebody could go and contest it and say, well, that is crazy because Senator Ashford could have this property for years and years and years and his children could have it for years and years and years, and if just one of them failed to take care of Senator Baack's grave, Senator Chambers would automatically get the property, and so the rule against perpetuities would say, no, that is wrong. That is tying it up for too long. Senator Ashford wouldn't be allowed to sell his property and, thus, somebody could unknowingly, let's say Senator Weihing could buy the property from Senator Ashford, never know that if he didn't take care of the grave, it would automatically go to Senator Chambers. And we don't want those sorts of things to happen because most of us don't want Senator Chambers to have anything, and so that would violate the rule against perpetuities. Quite frankly, this is a well-thought-out and drafted bill. I must, in all seriousness, tell you that it has been scrutinized by many people who spend their entire life looking at property interest and I would urge its adoption and recommend it to you. Thank you.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 377.

PRESIDENT: LB 377 is advanced. LB 258.

CLERK: LB 258, Mr. President, introduced by the Government Committee and signed by its members. (Read title.) The bill was introduced on January 9, referred to Appropriations, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and members, this...this was

a bill introduced by the Government Committee and then was referred to the Appropriations Committee for the hearing. The Appropriations Committee held the hearing and then advanced the bill on an 8 to 0 vote with one member absent and...and then the Appropriations Committee named it as a committee priority bill. What this bill does is it eliminates the Tax Refund Fund. Presently, when we...when monies are brought into the state they are immediately put into the appropriate fund that they are to go to, such as the General Fund, but if there are any of these funds that may eventually go back to the taxpayer in the form of refunds, they are put into a separate fund called the Refund Fund and then they have to be distributed out of the Refund Fund. The...what this bill...and what this does is it creates an additional accounting procedure that is simply not necessary. We can maintain the proper records, have the proper kind of accountability without this procedure in place in our statutes. So what this does is it eliminates that fund, the Refund Fund, and then the monies would be credited to the...to the fund that they're supposed to go to as they come in and then any refunds that are due would come out of that same fund without having to go through the...through this middle process. Another thing that the bill does is it creates the Revenue Distribution Fund. This is because there are certain of the revenues that the state receives. They come in and they do not accrue to any specific fund because there's not a...because there is not a specific fund that they're supposed to go to immediately. So then they would go into the Revenue Distribution Fund and at the end of the month those funds would be funneled then to the appropriate fund that they are supposed to go to. So this would be...in these cases where the monies come in that aren't for a specific fund right now, they would...this would not eliminate an accounting procedure for these funds but it would eliminate an accounting procedure for the other funds that do come in and we would not have to have the Refund Fund. This...that's hard to say. That sounds funny, doesn't it? This...this...I know it's awfully hard to go from perpetuities to the Refund Fund but it's one of those things that happens. This bill has the support of DAS, the Department of Revenue and the State Treasurer's Office because it simply is a procedure that we don't need on the books and it's just a separate accounting procedure that we don't need to go through. And, with that, I would ask if there's any questions. If not, I would simply urge the advancement of the bill.

PRESIDENT: Are there any questions? If not, the question is

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LB 258, 780

the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The bill is advanced. Move on to Select File, LB 780.

ASSISTANT CLERK: Mr. President, the first item is E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 780.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed no. They are adopted.

ASSISTANT CLERK: Mr. President, the next amendment is from Senator Hall. It's found on page 1482 of the Journal.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, and members, the amendment that I'm offering to the bill is a bill that I brought in to the General Affairs Committee. It was advanced out unanimously. It was put on consent calendar and then was pulled off consent calendar for the third year in a row. It is clearly an issue that is one of substantive nature. I am not going to try to deny that from the committee. It deals with the issue of Sunday liquor. I would urge the adoption of the amendment.

PRESIDENT: Senator Hartnett, please. Did you want to close, Senator Hall? The question is the adoption of the Hall amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please. Senator Hall.

SENATOR HALL: Mr. President, I would ask for a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

May 15, 1989

LB 95, 258, 280, 289A, 444, 640, 761
762, 767, 767A, 780

I have a Reference Report referring gubernatorial appointees. Enrollment and Review reports LB 95, LB 280, LB 444, LB 640, LB 762, LB 767, LB 767A, LB 780, all are reported correctly engrossed. Enrollment and Review further reports LB 258 and LB 289A to Select File, Mr. President. (See pages 2364-69 of the Legislative Journal.)

The next amendment, Mr. President, is by Senator Kristensen. Senator, I have amendment number 1723, AM1723, Senator.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Mr. Clerk, is that the one that is printed on page 2149?

CLERK: Yes, sir.

SENATOR KRISTENSEN: Thank you. Mr. President and members of the body, I almost shudder to say this but I think this might be one of the amendments to this bill that shouldn't receive a whole lot of controversy. What it is, and it deals with two things in specifics, most of you have probably been contacted by constituents of Senator Morrissey, myself, or Senator Dierks. You have probably seen people with their frustration levels at their highest, not only on the floor, but in the halls, and certainly within the communities that have been picked as potential host sites for this facility. One of the common themes, at least when I go out and do town hall meetings in those areas, is that there is a lot of tensions, a lot of scared people, a lot of people that have some grave concerns about the future of not only just their own personal lives and their farms and their communities but what is perceived about these farms and communities, and about what sort of image and cloud is going to be cast over them in the future, if they are selected, or the fact that they are just under consideration. I had several people come to me, and in particular a couple of ministers who are doing a lot of good work in that area in terms of counseling, and they have received a rash of people searching for some answers and some consoling, and, if for nothing else, just how to cope with this anxiety. The way we cope in here is we call the question, we take our votes, they are either up or they are down, and we can go on with the issues because we know

SENATOR LABEDZ: Senator Lynch.

SENATOR LYNCH: Madam President and members, I intend to withdraw this amendment but I just thought I should take a minute, a real minute, to explain what the purpose of this amendment was. Actually, the purpose of this amendment was to incorporate LB 529 which did have a hearing before the Banking and Insurance Committee on March 9th of this year. I know the amendment's been published in the Journal. I don't...can't remember the number of it. It's up there on the...no, it's not. But, in any case, since I'm withdrawing it, it's not that important, except to mention that the reason this amendment which would accomplish the same thing in purpose and in principle as the amendment you just adopted is not being considered is because of the, I think, respect for and the integrity of the system we have. Since this bill was not put out to the floor for consideration, because it waited in committee for amendments, we thought that it would be best interest of all of us to wait until next year, put it out of the committee with some priority early in the session for your consideration. But I did want you to know and I did want the record to reflect that this amendment would have accomplished, with LB 529, the same thing that we discussed on the other two and that was to offer flexibility...more flexibility for those people involved with the...with the investment of public funds so that we can take every advantage of those opportunities investment...investmentwise to and with and for the best interests of those public funds. With that, I will respectfully withdraw the amendment.

SENATOR LABEDZ: The amendment is withdrawn. Do you have anything else, Mr. Clerk?

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

SENATOR LABEDZ: Senator Lindsay.

SENATOR LINDSAY: Madam President, I move that LB 377 as amended be advanced to E & R for Engrossment.

SENATOR LABEDZ: The motion is to advance LB 377 to E & R. All those in favor say aye. Opposed. LB 377 is advanced. LB 258, Mr. Clerk.

CLERK: Madam President, the first item on 258 are Enrollment

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LB 258, 352, 355

and Review amendments, Senator.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments.

SPEAKER BARRETT: Shall the E & R amendments to LB 258 be adopted? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 258, as amended, to E & R for Engrossment.

SPEAKER BARRETT: Shall LB 258 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. To Item 9 on the agenda, Mr. Clerk.

CLERK: LB 352, Mr. President?

SPEAKER BARRETT: Yes.

CLERK: I have no amendments to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 352 be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 352 be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 355.

CLERK: Mr. President, on 355 I have E & R pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 355.

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LB 258, 279, 301, 302, 305, 308, 309
309A, 310, 355, 355A, 469, 588, 727
813, 814, 816, 816A

and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816 passes. LB 816A.

ASSISTANT CLERK: (Read LB 816A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2566-67 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816A passes. Pursuant to the agenda that you have in front of you, we will proceed to Select File and then return to item 6, Select File, LB 525, which was bracketed at one-thirty. The call is raised. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 813E, LB 814E, LB 301, LB 302, LB 308E, LB 309E, LB 309AE, LB 469E, LB 727, LB 305, LB 310E, LB 816 and LB 816A. Mr. Clerk, proceed to LB 279.

CLERK: Mr. President, I have some items for the record. May I read?

SPEAKER BARRETT: Certainly.

CLERK: Mr. President, explanation of vote by Senator Beck. (See page 2567 of the Legislative Journal.)

I have a report of Registered Lobbyists for this week. (See page 2568 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 258, LB 355, LB 355A and LB 588 as correctly engrossed. (See pages 2567-68 of the Legislative Journal.) Those are offered by Senator Lindsay as Chair of Enrollment and Review.

Mr. President, LB 279 is on Select File. I have no E & R amendments to the bill. I do have other amendments, however. The first is by Senators Landis, Wesely and Hartnett. Senator, I have AM1192 in front of me. That was printed earlier this year. It's on page 1464.

May 23, 1989

LB 187, 187A, 213, 258, 272

acceptable solution to this problem.

PRESIDENT: Thank you. Senator Korshoj, please.

SENATOR KORSHOJ: Question.

PRESIDENT: Thank you. You were the last one so it won't be necessary, but thank you anyway, Senator. The question has been asked for unanimous consent to bracket. Is there any objection? If not, it is bracketed. Senator Lynch, you meant that to apply to LB 187 and LB 187A?

SENATOR LYNCH: Mr. President and members, I think we have to consider both separately since they're two separate bills.

PRESIDENT: Okay. The question is, unanimous consent to bracket LB 187A. Is there any objection? If not, it is bracketed also. LB 213 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 213 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 213 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2689 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 213 passes with the emergency clause attached. LB 258 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 258 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 258 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2690 of the Legislative Journal.) Vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 258 passes with the emergency clause attached. LB 272 with the emergency clause attached.

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LB 213, 258, 272, 279, 289, 289A, 355
355A, 357

may recognize you. Thank you for visiting us today. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 213, LB 258, LB 272, LB 279, LB 289 and LB 289A. Move on to LB 355 with the emergency clause attached.

CLERK: (Read LB 355 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 355 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2697-98 of the Legislative Journal.) 41 ayes, 0 nays, 7 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 355 passes with the emergency clause attached. May I introduce a couple of guests, under the north balcony, of Senator Scofield. We have Kathy Andersen and her son, Jason, from Lakeside, Nebraska. Will you folks please stand so that we may welcome you. Thank you for visiting us today. LB 355A with the emergency clause attached.

CLERK: (Read LB 355A on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 355A with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2698 of the Legislative Journal.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 355AE passes. LB 357.

CLERK: (Read LB 357 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 357 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.