

February 28, 1989

LB 99, 183A, 227A, 260A, 278, 323, 329A  
355, 357, 357A, 386, 437A, 441, 447  
491, 511, 569, 678, 720, 724, 726  
755, 781

**SPEAKER BARRETT:** The A bill is advanced. Messages on the President's desk.

**CLERK:** Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 386 indefinitely postponed, those signed by Senator Withem. Natural Resources Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis as Chair. Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 General File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, LB 724 General File with amendments, LB 726 General File with amendments, those signed by Senator Wesely as Chair. Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select File, LB 441 Select File with E & R amendments. (See pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

**SPEAKER BARRETT:** Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

**SENATOR KRISTENSEN:** Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

provide education, training and other forms of rehabilitative support for those people to try to see if we can't help them off of their addictions and then ultimately eradicate the particular use of the drugs that are in the state. So I think this is a proper step and movement forward, an opportunity to be very serious about the fact that we're not going to allow the business of drug trafficking in the State of Nebraska. And, with that, I offer LB 260 for advancement to E & R.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 260 to E & R Initial. Those in favor please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 27 ayes, 3 nays, Mr. President, on the advancement of LB 260.

SPEAKER BARRETT: LB 260 is advanced. Before proceeding to the A bill, the Chair is pleased to note that Senator Lynch has a brother, Phil, and Phil's wife, Mary, visiting today under the north balcony. Would you folks please stand and be recognized. Thank you. We're pleased to have you with us. Mr. Clerk, the A bill.

CLERK: Mr. President, LB 260A offered by Senator Conway. (Read title.)

SPEAKER BARRETT: Senator Conway, please.

SENATOR CONWAY: Mr. Speaker and members, LB 260A is simply an appropriation bill requesting a \$32,800 General Fund appropriation for this coming July and another \$31,200 after that. The expenditures are dedicated for any permanent or temporary salary necessary to initiate this particular activity through the Department of Revenue. So, with that, I offer the 260A.

SPEAKER BARRETT: Thank you. For purposes of discussion, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I guess you've got to spend money to make money. And if you're going to be out there dealing in the drug underworld just like the drug dealers, the Legislature has got to appropriate some money and get on out there and do it too. I have had some good recommendations of other things that ought to be taxed,

prostitution, cattle rustling, how about that? Contaminating the groundwater, all of these...somebody is agreeing back there on everything. We really need to tax those truckers some more. Silent night. Anyway, you know that it's going to cost money to do this but I think it can be considered something like a campaign contribution which is being underwritten by all the taxpayers. It's going to fund a worthless program, a zero, a nothing. And, with that, I have about had done with this thing because there is nothing I can do to stop it. I really applaud those with the courage and the understanding necessary to vote against the bill itself. And, with that, Senator Hall, I will express again my great disappointment in you, straight from the teachings. Senator Kristensen is a former prosecutor, what do you expect? Senator Conway, old Senator Conway, how the mighty have fallen. Can I ask you a serious question though about this? How much is going to have to be appropriated under this A bill?

SENATOR CONWAY: I already closed the book but it's approximately thirty...a little over thirty...right at \$32,000 a year.

SENATOR CHAMBERS: And you said it's to hire somebody to do what?

SENATOR CONWAY: They...the A bill, as you know, typically are not brought forward by the senators, they're brought forth by Fiscal who I'm sure conferred with the Department of Revenue that felt that it would take an additional temporary or permanent per diem and salary to be out and follow up on this. The way the thing works under criminal process is that the Department of Revenue is notified and they're going to have to send someone out and start putting into motion the lien approach in order to collect. So I assume they assume there may be some cost associated with that.

SENATOR CHAMBERS: Well, if this is going to be handled like they handle other tax matters, why do they have to hire somebody to do what it is they're already doing? Because they're not going to have that much activity anyway, we have been told.

SENATOR CONWAY: I don't think they will have at the front end, but they're going to have some cost associated with creating the stamps and the like, but I don't think that their cost would be incurred until the criminal discovery is made and then the

notification made to the Department of Revenue that they are also subject to taxation and these people have no proof of that taxation and then they're going to have to kick the activity into gear.

SENATOR CHAMBERS: Why can't the Revenue Department use the staff that they have now, since this is going to be the same type of procedure?

SENATOR CONWAY: I would assume the Department of Revenue would lay claim to the fact that all of their staff are operating at 100 percent of capacity currently.

SENATOR CHAMBERS: And for \$30,000 they can get somebody to handle all the...this will be the state version of the DEA, in other words. This is the Drug Enforcement Administration for \$30,000?

SENATOR CONWAY: No, again, let me reiterate, this is not the drug enforcement, this is the tax enforcement provision associated with the tax associated with this illegal act.

SENATOR CHAMBERS: But Senator Warner wants it to be drug enforcement to place an additional burden on those who sell and engage in this activity, but you're not doing it for that purpose.

SENATOR CONWAY: No, Senator Warner and I have differing opinions on why this bill should be in place.

SENATOR CHAMBERS: But you all both agree it's a good bill, for whatever reason.

SENATOR CONWAY: He suggested that he wasn't interested in the revenue side of it. I assume maybe he will get up now and defend the appropriation side of it.

SENATOR CHAMBERS: So you start at the equator, you go north, he goes south, and if each of you goes halfway, you're a world apart, but if you continue,...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...you will cross each other and wind up at some point more or less together? That's your philosophy on

February 26, 1990      LB 260A, 602, 856, 857, 858, 874, 875  
891, 893, 906, 907, 957, 964, 966  
984, 997, 1013, 1039A, 1064A

this?

SENATOR CONWAY: Luckily, the world is round, yes, you will meet somewhere.

SENATOR CHAMBERS: And those...blessed are those who go in circles for they shall be called what?

SENATOR CONWAY: Ah...

SENATOR CHAMBERS: I will let it go.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Conway, on the advancement of the bill?

SENATOR CONWAY: No, sir, I just request the advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 260A be advanced? Those in favor vote aye, opposed nay. Voting on the advancement of 260A. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays on the advancement, Mr. President.

SPEAKER BARRETT: The A bill is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Senator Peterson has amendments to be printed to LB 1064A. (See page 983 of the Legislative Journal.)

New A bill by Senator Haberman, LB 1039A. (Read by title for the first time. See page 983 of the Legislative Journal.)

I have a motion from Senator Hannibal involving a reconsideration. That will be laid over. (See page 983 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 and LB 1013. See page 984 of the Legislative Journal.)

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

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber and this the 36th day in the life of the Second Session of the Ninety-first Legislature. Our Chaplain of the day, Pastor Scott Pixler, Campus Minister of the Independent Christian Churches at the University of Nebraska, Lincoln. Pastor Pixler.

PASTOR PIXLER: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Pixler. We are pleased to have you with us. Roll call.

SENATOR WEIHING PRESIDING

SENATOR GOODRICH: Mr. President,

SENATOR WEIHING: Record, Mr. Clerk. Senator Goodrich, are you requesting the attention of the Chair?

SENATOR GOODRICH: I sure am. I fully realize the Chair hasn't made any rulings yet, but we want to challenge the Chair anyhow. This is pick on John day.

SENATOR WEIHING: And what do you challenge the Chair on?

SENATOR GOODRICH: We haven't figured that out yet. We are just going to challenge the Chair anyhow.

SENATOR WEIHING: I move that you are out of order, Senator Goodrich.

SENATOR GOODRICH: Okay.

SENATOR WEIHING: Are there any corrections to the Journal?

CLERK: Mr. President, I have no corrections this morning.

SENATOR WEIHING: Any messages, reports, announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 260 and recommend that same be placed on Select File, LB 260A Select File, and LB 799 Select File, those all signed by Senator

March 5, 1990

LB 260, 260A, 594

CLERK: LB 260, Senator, I have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 260.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments to 260, please say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 260 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 260, please say aye. Opposed no. Carried. The bill is advanced. LB 260A, Mr. Clerk.

CLERK: LB 260A, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 260A.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments, say aye. Opposed no. Carried. They are adopted.

CLERK: Nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 260A as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Shall LB 260A be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 571 is removed at this point in time. The last bill is LB 594, Mr. Clerk.

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A  
348, 542, 594, 642, 678, 843A, 855  
855A, 953, 953A, 965, 980, 980A, 1032  
1136, 1236  
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

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LB 260, 260A, 272A

Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote. See pages 1700-01 of the Legislative Journal.) The vote is 36 ayes, 8 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 260 passes. LB 260A.

ASSISTANT CLERK: (Read LB 260A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 260A pass? Those in favor vote aye, opposed nay. Record.

ASSISTANT CLERK: (Record vote read. See page 1701 of the Legislative Journal.) The vote is 39 ayes, 6 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 260A passes. LB 272AE.

ASSISTANT CLERK: Mr. President, I have a motion on that bill. Senator Haberman would move to return the bill to Select File for a specific amendment, that being to strike the enacting clause.

SPEAKER BARRETT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, I intend to withdraw the amendment but I wanted the opportunity to make a few remarks. At the present time, \$10.5 million has been returned to the Commonwealth depositors, another \$2 million is on tap to be returned in the near future. So that would make a total of \$12.5 million. Now one of the reasons I am so opposed to the State of Nebraska refunding these funds is that the arguments of the proponents are that the state failed these people, that they did not follow through and do their job from the NGI (sic) board or the Department of Banking, or whoever. But I would like to call to your attention, fellow senators, back in 1984 when we had the Commonwealth problem we had many, many, many grain elevators go defunct and go under. Hundreds and hundreds of farmers lost their total grain income. Why did this happen? It's because a state agency, a state agency did not do their job proper. They did not do enough inspections. They did not see that the grain elevators were properly insured

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LB 187, 187A, 259, 259A, 260, 260A, 272A  
313A, 313

Journal.) 29 ayes, 19 nays, 1 excused and not voting,  
Mr. President.

SPEAKER BARRETT: LB 272A passes. Senator Landis, for what  
purpose do you rise?

SENATOR LANDIS: Could I rise for a point of personal privilege  
for just a moment, Mr. Speaker?

SPEAKER BARRETT: Proceed.

SENATOR LANDIS: On behalf of a great many people, I would like  
to thank this body for its statesmanship and its compassion. I  
recognize it's done with political cost but with a sense of  
responsibility. And on behalf of many people, I want to say  
thank you.

SPEAKER BARRETT: Thank you. While the Legislature is in  
session and capable of transacting business, I propose to sign  
and I do sign, LB 187, LB 187A, LB 259, LB 259A, LB 260, and  
LB 260A. Have you anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceed to LB 313.

CLERK: (Read LB 313 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 313 become  
law? All in favor vote aye, opposed nay. Have you all voted?  
Record, Mr. Clerk.

CLERK: (Read record vote. See pages 1704-05 of the Legislative  
Journal.) 46 ayes, 1 nay, 1 present and not voting, 1 excused  
and not voting, Mr. President.

SPEAKER BARRETT: LB 313 passes. The A bill.

CLERK: (Read LB 313A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 313A become  
law? Those in favor vote aye, opposed nay. Have you all voted?  
Please record.

March 29, 1990

LB 163, 163A, 164, 164A, 187, 187A, 259  
259A, 260, 260A, 272A, 313, 313A, 338  
488, 488A, 503, 503A, 520, 520A, 536  
567, 567A, 662, 898, 899, 1031, 1125  
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed.

RECESS

April 4, 1990

LB 260, 260A, 313, 313A, 488, 488A, 520  
567, 567A, 663, 663A, 854, 899, 1124  
1125, 1141  
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative