

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 132, 147, 224, 265, 267, 397, 619  
623

the bill on to Select File.

SPEAKER BARRETT: Thank you.

SENATOR KRISTENSEN: I think the Chambers amendment is a reasonable compromise, and it gets to the point of what we wanted to do, and I would call the question.

SPEAKER BARRETT: Thank you. That won't be necessary. Senator Chambers. No closing, thank you. The question is the adoption of the Chambers amendment to LB 267. Those in favor please vote aye, opposed nay. Voting on the Chambers amendment to LB 267. Have you all voted? Record, please.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of Senator Chambers' amendment.

SPEAKER BARRETT: The amendment is adopted. Anything further?

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

SPEAKER BARRETT: Senator Abboud. No closing. No lights on. Is there any discussion on the advancement of the bill? Seeing none, those in favor of advancing 267 to E & R Initial please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 267.

SPEAKER BARRETT: LB 267 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, to whom was referred LB 147 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 224 General File, LB 265 General File, LB 397 General File. Those are signed by Senator Chizek as Chair. Natural Resources Committee whose Chair is Senator Schmit reports LB 132 to General File, LB 619 General File, LB 623 General File. Those are signed by Senator Schmit as Chair.

I have a confirmation report from Senator Schmit as Chair of the Natural Resources Committee; and a notice of hearing from the Revenue Committee signed by Senator Hall. That is all that I

February 14, 1989      LB 48, 88, 159, 265, 281, 292

shall debate cease? All those in favor vote aye, opposed...record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator Lamb, would you like to close, please.

SENATOR LAMB: Mr. President, members, I might just comment further on Senator Chambers' question as to whether this would affect tickets that have already been issued. It is my understanding that this does not become an issue until the individual, who has been assessed the points and has had the license taken away, challenges this in court. So this bill would affect those challenges that come about after the bill is effective, the effective date of the bill, which is three months after the Legislature adjourns. It does not have an E clause. So it would affect the tickets that are issued before the effective date of the bill, but it would affect only those appeals that come about after the bill does become effective. I hope that is clear, that the tickets could be issued previous to the effective date of the bill, but the appeals, it would apply only to those appeals which come about after the effective date of the bill. I'm comfortable with the bill. I think it is a step in the right direction. I did not think that the rights of the people are being jeopardized and I would ask that the bill be advanced.

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

CLERK: 27 ayes, 7 nays, Mr. President, on the advancement of LB 281.

PRESIDENT: LB 281 advances. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, I have amendments to be printed, Senator Chambers to 281; Senator Chizek to LB 265; Senator McFarland to LB 159; Senator Bernard-Stevens to LB 48. (See pages 739-42 of the Legislative Journal.)

Revenue Committee reports LB 88 indefinitely postponed; LB 292,

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LB 74, 116, 208, 238, 263, 265, 267  
273, 344, 360A, 765

SPEAKER BARRETT: LB 360A is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to withdraw LB 765. That will be laid over. I have a notice of hearing from the Rules Committee, signed by Senator Lynch as Chair. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. That's all that I have. (See page 875 of the Legislative Journal, re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, and LB 344.)

SPEAKER BARRETT: As a matter of general information, we will not be discussing 520 or 520A this morning. We will not be discussing LB 340, LB 147, or 147A. We are then at this point to LB 265. Mr. Clerk.

CLERK: Mr. President, 265, offered by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have an amendment to the bill by Senator Chizek, Mr. President. That amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chizek, on your amendment.

SENATOR CHIZEK: Mr. President, colleagues, the amendment is on page 739. The amendment removes paternity matters from the expedited process required by federal law. The changes in the federal requirements permit the state to remove paternity matters from this expedited process. The judges and the Department of Social Services have excluded paternity because these actions don't lend themselves to the expedited process. Appointment of counsel, jury trial, discovery, blood tests, et cetera make paternity matters a poor candidate for the expedited process. LB 265 would, however, allow referees to handle paternity matters under direction of the district court. I would urge the adoption of the amendment.

SPEAKER BARRETT: Any discussion on the amendment to 265? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Voting on the amendment to LB 265. Please vote, if you'd care to vote. On the amendment to 265, please vote, if you'd care to vote. Record, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Chizek's amendment to the bill, Mr. President.

SPEAKER BARRETT: The amendment is adopted. Senator Chizek, on the bill.

SENATOR CHIZEK: Mr. Speaker, fellow members, LB 265 addresses two issues which have developed with child support enforcement in the courts, and more specifically the use of referees in those proceedings. Federal legislation requires that those proceedings be done in an expedited fashion. At the same time the statutes outlined in the use of referees were last year declared unconstitutional by the Nebraska Supreme court in the Drennan (phonetic) case. The defect in the statutes involve the delegation of judicial functions to nonjudges. So we have, basically, two separate demands on the process which intersect in this bill. The district court judges, in Douglas County, had asked me to introduce LB 265, to consequently satisfy the state constitutional requirements, while meeting the federal mandates. LB 265 permits the referee to conduct the proceedings as before, but any findings and recommendations made by the referee are reviewed by the district court. LB 265 further provides that any party may take exception to the findings and recommendations of the referee. These exceptions will also be forwarded to the district judge for review with the referee's report. The important provision is the nonbinding nature of the referee's recommendation. The Nebraska State Bar, the Omaha Bar, the Nebraska District Judges have all testified in favor of LB 265. There were no opponents, and I would urge the body to advance the bill.

SPEAKER BARRETT: Thank you. Discussion on the advancement of 265? Seeing none, those in favor of that motion please vote aye, opposed nay. Voting on the advancement of the bill. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 265.

SPEAKER BARRETT: LB 265 is advanced. LB 397.

CLERK: LB 397, Mr. President, introduced by Senators Chambers and Dierks. (Read title.) The bill was introduced on January 12, referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

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LB 143, 144, 155, 157, 265, 360, 360A  
397, 595, 616, 619, 623, 680  
LR 38

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. As our Chaplain of the day, today we have Reverend Tom Stebbins of the Christ Community Church in Omaha, which is in Senator Pirsch's District. Would you please rise for the invocation.

REVEREND TOM STEBBINS: (Prayer offered.)

PRESIDENT: Thank you, Reverend Stebbins, for your thoughtful prayer this morning, appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: Mr. President, I do. Oh, no corrections, no, sir. I am sorry. I have no corrections this morning, Mr. President.

PRESIDENT: Well, very good. Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do. Mr. President, your Committee on Enrollment and Review reports they have carefully examined and reviewed LB 157 and recommend that same be placed on Select File with E & R amendments; LB 360, LB 360A, LB 265, LB 397, LB 619, LB 623, LB 155, all of those on Select File, some have E & R amendments attached. Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 143 to General File, LB 144 indefinitely postponed, LB 680 indefinitely postponed, those signed by Senator Withem. Mr. President, Natural Resources Committee, whose Chair is Senator Schmit, reports LB 616 to General File with committee amendments attached. (See pages 916-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 38 by Senator Lindsay and Senator Hartnett. (Read brief explanation. See pages 918-19 of the Legislative Journal.) That will be laid over.

Mr. President, an Attorney General's Opinion addressed to Senator Lynch regarding LB 595. (See pages 919-21 of the Legislative Journal.) An announcement, Mr. President, Senator Hall has selected LB 262 as his priority bill for this

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LB 157, 265, 619

nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Kristensen amendment is adopted.

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

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 157 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 265.

CLERK: Senator, on 265 I have E & R amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 265 be adopted.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 265 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 619.

CLERK: 619, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 619 be advanced to E & R.

PRESIDENT: You've heard the motion. All in favor say aye.

March 16, 1989

LB 41, 49, 72, 89, 152, 157, 265  
285, 287, 357, 357A, 373, 421, 431  
431A, 480, 501, 513, 613, 619, 637  
649, 758, 767, 776, 803

Retirement Systems report LB 41 to General File with amendments. That is signed by Senator Haberman. And LB 287 to General File with amendments, signed by Senator Haberman. Banking Committee reports LB 758 to General File with amendments; LB 776, General File with amendments; LB 480, indefinitely postponed; LB 613, indefinitely postponed, and LB 803 indefinitely postponed, those signed by Senator Landis as Chair. Transportation reports LB 72 to General File with amendments; LB 373, General File with amendments; LB 501, General File with amendments; LB 152, indefinitely postponed; LB 513, indefinitely postponed; LB 649, indefinitely postponed, those signed by Senator Lamb as Chair. Select File, E & R reports LB 49 and LB 431 to Select File and LB 431A to Select File. Enrollment and Review reports LB 157 correctly engrossed, LB 265, LB 357, LB 357A and LB 619 all correctly engrossed. General Affairs Committee reports LB 767 to General File with amendments. That is signed by Senator Smith. A series of amendments to be printed, Senator Lamb to LB 285, Senator Withem to LB 637, and Senator Smith to LB 421. (See pages 1182-93 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: May I please introduce some guests of Senator Schmit, please, in the...I don't know which balcony they are in. There are 41 seventh graders and their teacher from Aquinas School in David City. Are you folks in either balcony? Would you please rise and be recognized? Thank you for visiting us today. Senator Smith, did you wish to speak on Section 10 of the amendment? Senator Lynch, did you wish to speak on that?

SENATOR LYNCH: Only to save time, mention again, as Senator Warner and I discussed earlier, our agreement on this portion of the Scott Moore amendment, so we would ask for your support for this amendment.

PRESIDENT: Senator Moore, did you wish to close on the Section 10 portion of your amendment?

SENATOR MOORE: No, just ask that it be adopted.

PRESIDENT: All right, the question is the adoption of the second half of the Moore amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Moore's second amendment to the bill.



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LB 265, 619

March 21st, we had the confirmation hearing on the aforementioned people. They are well qualified for their position. This is the Boiler Safety Code Advisory Board, and all of the four people that we are going to confirm this morning are very knowledgeable in that field, and I think will be a good addition to this board. With that, I would move the confirmation of the appointments to the Boiler Safety Code Advisory Board.

SPEAKER BARRETT: Any discussion? If not, the question is the adoption of the confirmation report rendered by Senator Coordsen. Those in favor vote aye, opposed nay. Record.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SPEAKER BARRETT: The report is adopted. Before proceeding to Final Reading, the Chair wants to make a very special announcement this morning. Our Sergeant-at-Arms, Sally Gordon, appearing at the front of the Chamber at this time will be celebrating her birthday on Easter Sunday. I hesitate to mention it but I am going to publicly, this will be Sally's 80th birthday Sunday. Senator Schimek, excuse me, would you lead us in Happy Birthday, Sally.

SENATOR SCHIMEK: I would be honored but I want Sally to know in advance it is not the quality of the voices, it is the gusto with which we sing this that you should listen to. (Members sang Happy Birthday.)

SPEAKER BARRETT: Thank you, Senator Schimek. To our seats for Final Reading, please. Mr. Clerk, proceed with the reading of LB 265.

CLERK: (Read LB 265 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 265 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1306-07 of the Legislative Journal.) 38 ayes, 0 nays, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 265 passes. LB 619.

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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