

January 10, 1989

LB 1, 280-288
LR 3

CLERK: Mr. President, LR 3 is offered by Senator Baack and a number of the members. It is found on page 108. (Read.)

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Mr. President and members, I bring this resolution in memory of my predecessor, Senator Clark from Sidney, and for his family who remains. I did allow an opportunity for all of the members who are still in the body that served with Senator Clark and most of them signed the resolution. I would also say that our Lieutenant Governor did an excellent job at the memorial service for Senator Clark in commemorating his service to the state and to his community. So, with that, I would urge your adoption of the resolution. Thank you.

PRESIDENT: Thank you. You've heard the motion. All those in favor vote aye, opposed nay. Have you all voted on the resolution? Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of LR 3.

PRESIDENT: The resolution passes. We'll move on to bill introduction. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 280-288 by title for the first time. See pages 133-36 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to the revisor's bills then, under number eight.

CLERK: Mr. President, revisor bills, series of revisor bills this morning. The first is LB 1. It's a bill offered by Senator Labedz, as Chairperson of the Executive Board. (Read title.) The bill was introduced on January 5, Mr. President, referred directly to General File.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. Before I start on the 17 bills, the revisor bills, I want to remind the senators to avoid the temptation to amend these bills, which are bills designed to correct errors made in prior years, and bills which

February 21, 1989 LB 157, 176, 183, 280, 416, 502, 567A

Opposed nay. It is advanced. LB 140. We'll skip that one since it has an amendment on it. Do we have anything on LB 502, Mr. Clerk?

CLERK: Senator, I have no amendments to LB 502.

PRESIDENT: Okay, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 502 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 416, please.

CLERK: 416, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 416 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, please.

SENATOR LINDSAY: Mr. President, I move that LB 416 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll skip LB 443 since it also has amendments on it. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, thank you, I do. Senator Chizek has amendments to be printed to LB 157 and Senator Lamb has amendments...a series of amendments to LB 183. (See pages 808-15 of the Legislative Journal.)

Mr. President, new A bill, LB 567A by Senator Withem. (Read by title for the first time. See page 815 of the Legislative Journal.)

Transportation Committee to whom was referred LB 280 instructs

February 21, 1989 LB 443, 516

me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments attached. (See page 815 of the Legislative Journal.)

Mr. President, Senator Wesely would like to add his name to LB 516 as co-introducer and to LB 443 as co-introducer. (See page 816 of the Legislative Journal.)

Mr. President, Natural Resources Committee will meet in Executive Session at one o'clock in Room 1520, Natural Resources, one o'clock, Room 1520. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, I'd like to introduce a guest that we have at the rear of the Chamber, former Senator Tommy Fitzgerald. Will you wave your hand, Tommy, so we can welcome you. It's good to see you, Tommy, thanks for visiting us. Senator Emil Beyer, would you like to adjourn us until about ten o'clock tomorrow, about nine o'clock tomorrow.

SENATOR BEYER: Mr. Speaker and members, I move that we adjourn until nine o'clock on Wednesday morning.

PRESIDENT: You've heard the motion. All in favor say aye. All in favor say aye. Thank you. Opposed nay. Thank you, and we are adjourned, but thank you for your patience this morning with the machine. I'm sure it will be fixed tomorrow, won't it, Mr. Clerk? We are adjourned.

Proofed by:


LaVera Benischek

March 13, 1989

LB 95, 140, 257, 280, 289, 311, 330
336, 387, 395, 438, 444, 478, 561
588, 603, 606, 643, 683, 705, 710
721, 736, 739, 744, 761, 762, 767
769, 780, 807

indefinitely postponed; LB 478, indefinitely postponed; LB 561, indefinitely postponed; LB 387, indefinitely postponed, all those signed by Senator Chizek as Chair of the Judiciary Committee. (See pages 1081-82 of the Legislative Journal. Journal page 1082 shows LB 721 as indefinitely postponed.)

Mr. President, a series of priority bill designations. Senator Hall would like to designate LB 762 as a committee priority. Senator Hartnett designates LB 95 and LB 444 as Urban Affairs priority bills. Senator Hartnett chooses LB 603 as his personal priority bill. LB 739 has been selected by Senator Hannibal; LB 606 by Senator Schimek; LB 761 and LB 289 by the Natural Resources Committee, and LB 807 by Senator Schmit, personally. LB 769 by Senator Labeledz; LB 705 by Senator Ashford; LB 438 by Senator Wehrbein; LB 710 by Senator Scofield; LB 643 by Senator Bernard-Stevens; LB 588 by Senator Chambers; LB 739 by Senator Hannibal; LB 330 by Senator Pirsch; LB 767 by Senator Smith; LB 736 and LB 780 by General Affairs Committee; LB 395 by Senator Peterson. Senator Lamb selected Transportation Committee's LB 280 as a priority bill. LB 311 has been selected by Senator Landis as his personal priority bill; LB 683 by Senator Schellpeper.

Mr. President, I have a series of amendments to be printed. LB 744 by Senator Withem; LB 336 and LB 257, those by Senator Withem. (See pages 1083-88 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding an issue raised by Senator Haberman. (See pages 1088-90 of the Legislative Journal.)

Mr. President, Natural Resources Committee will have an Executive Session at eleven-fifteen in the senate lounge, and the Banking Committee will have an Executive Session at eleven o'clock in the senate lounge. Banking at eleven o'clock, Natural Resources at eleven-fifteen. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding then to Select File, LB 140.

CLERK: Mr. President, 140 is on Select File. Mr. President, the bill has been considered on Select File. On March 2nd the Enrollment and Review amendments were adopted. There was an amendment to the bill by Senator Chizek that was adopted.

hearing. The bill was advanced to General File. I have committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER BARRETT: Committee vice-chair, Senator Hefner, on the committee amendments.

SENATOR HEFNER: Mr. President and members of the body, let me just explain the bill a little bit before I get into the committee amendments. The bill clarifies property tax refunds that have been levied by mistake illegally or unconstitutionally, and this makes the procedure uniform. Now the amendment includes that property that is assessed on centrally assessed property and this bill was brought to us by the Department of Revenue and it's a Revenue Committee priority bill. So, at this time, I would move for the adoption of the committee amendment.

SPEAKER BARRETT: Thank you. Discussion. Seeing none, the question is the adoption of the committee amendments to LB 762. Those in favor vote aye, opposed nay. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The amendments are adopted. To the bill, Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, like I said earlier, LB 762 would clarify provisions regarding refunds of property taxes that are improperly levied. Refunds can be made on taxes that are paid as a result of a clerical error or honest mistake or misunderstanding and on taxes that are illegal or unconstitutional. And so, at this time, I would move for the advancement of LB 762.

SPEAKER BARRETT: Thank you. Discussion on the advancement of the bill. Questions? Seeing none, the question is the advancement of LB 762 to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 762.

SPEAKER BARRETT: LB 762 is advanced. LB 280.

April 3, 1989

LB 280

CLERK: Mr. President, LB 280 was introduced by the Transportation Committee. (Title read.) The bill was introduced on January 10, referred to Transportation, advanced to General File. I have committee amendments pending, Mr. President.

SPEAKER BARRETT: Senator Lamb, on the committee amendments.

SENATOR LAMB: Mr. President and members, this is a bill that has to do primarily with automobile dealerships and the relationship between the company and the dealers. The committee amendment also puts motorcycle dealers in there in the agreement, provides that when any motorcycle dealer franchise is terminated, the franchiser shall pay to the franchisee the currently published dealer costs for all unused, undamaged and unsold supplies, parts and accessories originally acquired as a part of the franchisee's initial inventory, yeah, all such supplies, parts and accessories shall be identified. So the committee amendment merely puts the motorcycle dealers in it on the same basis as automobile dealers.

SPEAKER BARRETT: Any discussion on the committee amendments? If not, the question is the adoption of the committee amendments to LB 280. Those in favor vote aye, opposed nay. Have you all voted? Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. Senator Lamb, on the bill as amended.

SENATOR LAMB: Yes, Mr. President and members, this is a bill that has been agreed to by the dealers and by the companies, and Section 8 is the main part of the bill which spells out the relationship of dealers to the companies upon termination of their franchise. And it's fairly specific there for two or three pages. talks about the fair market value of all special tools, equipment and furnishings acquired from the franchisor which were recommended by the franchisor and are in good and usable condition and will be purchased by the company upon the termination. The dealer costs plus any charges made for distribution delivery of motor vehicles in inventory will be repurchased by the company. There is a couple pages there that

April 3, 1989

LB 280

describe the relationship between the dealer and the company. Also, a couple of other interesting parts in here is it reduces from seven to five transactions per year before you have to have a dealer's license. In other words, it makes it more restrictive. Currently you can have seven transactions. This bill reduces that down to five years before you have to have a dealer's...or five transactions per year before you have to have a dealer's license. Also, car rental agencies will be considered dealers on the same basis of five or more. And there is additional language on toward the back of the bill, page 31, which does protect the dealers in their dealing with the franchisee. That is a thumbnail sketch of the bill. If there are questions, I would be happy to respond.

SPEAKER BARRETT: Thank you, sir. Discussion on the advancement of the bill, Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker, may I ask a question of Senator Lamb, please?

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Yes.

SENATOR SMITH: Senator Lamb...

SENATOR LAMB: Yes.

SENATOR SMITH: ...could you tell me, I had...it was brought to my attention in my district last year and I was aware that there was a bill that was coming forth and so that's why I'm very interested in this. The concern that was expressed to me was the numbers of, I guess you might say, those people who are illegally, maybe not illegally, but without a license selling cars, selling vehicles outside the limits of a city and we do have a number in the area that I come from. At this point in time, is this the only thing you're doing to address that concern is lowering the numbers of cars that they could have in their name from seven to five?

SENATOR LAMB: Yes, I believe so, and...

SENATOR SMITH: In a year's...

SENATOR LAMB: ...I think that's an enforcement problem.

April 3, 1989

LB 280, 444

SENATOR SMITH: Yes, it is. That is what I was told too. I mean, I checked that out and that's what I was told. They don't need new people, they just need to enforce it. The other thing is, is this limited to one person or can this be extended to any number of people in their family, because that is also what I was told as another way that they were getting around this was by having, at this point in time, seven autos licensed in their name, but it could be extended to other members of the family so that you could have a large number of automobiles, actually, in a year that you could sell for resale.

SENATOR LAMB: I believe it says person which means...

SENATOR SMITH: So that hasn't been addressed yet.

SENATOR LAMB: Senator Schmit has 10 children, that would probably apply to each one...

SENATOR SMITH: So he could have 60 cars a year even though he's not a licensed dealer, then if he has 10 children and his wife and himself.

SENATOR LAMB: I think that's the way it works.

SENATOR SMITH: See, that's the problem that they are dealing with right now and I would like to address that as a concern. I think I'll put together an amendment for you on Select, okay?

SENATOR LAMB: Fine.

SENATOR SMITH: Thank you.

SPEAKER BARRETT: Thank you. Other discussion? Seeing none, Senator Lamb, would you care to close? I would just ask that the bill be advanced to Select File.

SPEAKER BARRETT: The question is the advancement of LB 280 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 280.

SPEAKER BARRETT: LB 280 is advanced. LB 444, Mr. Clerk.

April 7, 1989

LB 95, 162, 162A, 247, 280, 325, 444
762, 780

SPEAKER BARRETT: I, again, would recommend we recess after reading in some matters.

PRESIDENT: All right. Mr. Clerk, matters for the record.

CLERK: Mr. President, Attorney General's Opinion addressed to Senator Dierks, and one to Senator Schmit. Enrollment and Review reports LB 780 to Select File with E & R; LB 95, Select File with E & R; LB 762, Select File with E & R; LB 280, Select File with E & R; LB 444, Select File with E & R; LB 162, Select File; LB 162A, Select File. (See pages 1580-83 of the Legislative Journal.)

Mr. President, the last item is a request to have Senators Scofield, Peterson, Elmer and Schellpeper add their name to LB 325 as co-introducers. That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Korshoj, would you like to recess us until one-thirty, please.

SENATOR KORSHOJ: Mr. President, I move we recess until one-thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Thank you.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. At 1:37 p.m., 32 members present. Congratulations. Senator Korshoj, we will look to you for a blow-by-blow momentarily. Mr. Clerk, may we proceed to a continued discussion of LB 247. Will you bring us up to speed?

CLERK: Mr. President, the next amendment I have to LB 247 is by Senator Moore.

SPEAKER BARRETT: Is anyone authorized to handle the amendment? Senator Moore, please, would you report to the Chamber to

April 24, 1989

LB 89, 182, 280, 586

those in favor of the advancement of the bill say aye. Opposed no. Carried, the bill is advanced. LB...anything for the record?

CLERK: Mr. President, two items, amendments to be printed by Senator Smith to LB 89 and to LB 280. (See pages 1875-76 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk, LB 182.

CLERK: Mr. President, 182 is on Select File. I do have E & R amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 182.

SPEAKER BARRETT: Shall the E & R amendments be adopted to LB 182? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, Senator Coordsen would move to amend the bill. Senator, I have your AM1498 before me. (Coordsen amendment appears on pages 1877-78 of the Legislative Journal.)

SPEAKER BARRETT: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. Last week, early last week we had a meeting between the proponents of the bill, the opponents of the bill, Senator Wesely and myself were present, and we worked out a series of amendments to address the concerns of the opponents to the bill and what I'm presenting to you in 1498 then is the result of that particular meeting. And I would direct your attention to a handout that went out this morning with a two-page explanation and then the language of the amendment. We'll run quickly through the two-page explanation with the changes in LB 182 that will be brought about with the adoption of this amendment. First is a definition of costs which shall mean the sum or equivalent expended, paid or charged for goods or services, or the contracted or negotiated price. And I would share with you that if we adopt this amendment there will be an amendment to this amendment to change the language in that small amount. Page 2 of the explanation, paragraph 2, will change the standard

May 2, 1989

LB 280, 606

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: One item, Mr. President. Senator Lamb has amendments to LB 280 to be printed. That's all that I have, Mr. President. (See page 2017 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Just one announcement. LB 262 will be read last, we'll begin with LB 606 on Final Reading, if members would take their seats, please. While doing so, Senator Peterson has some guests in our north balcony, 45 fourth grade students from Westside Elementary in Norfolk. Would you folks please stand with your teachers. Thank you, we're glad to have you. And are Senator Schellpeper's guests in the north balcony, 16 third and fifth graders from District 82, in Pender, Nebraska? Are you folks up there? Would you please stand and take a bow. Thank you, we're glad to have you students with us this afternoon. Our first item of business is Final Reading in which all bills must be read in their entirety by the Clerk aloud. Please bear with us. Members, take your seats please for Final Reading, (gavel) beginning with 606.

CLERK: Mr. President, on LB 606 I have a motion by Senator Landis to return the bill for specific amendment.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, thank you for your indulgence. I will withdraw this amendment. I had a question raised about a phrase in the bill and about whether a credit agreement had to be physically signed by both parties. And I said, no, under existing law a signature is merely some form of printing that has an intention to authenticate the document. And so the proposed amendment, which is on the Clerk's desk, is unnecessary since it is the intent that for the purposes of LB 606 a signed credit agreement includes both a credit agreement which is generated by a computer pursuant to duly licensed software of a lender and signed by the debtor,

that property tax statement? In other words, do I sue the school district? Do I sue the ESU? Do I sue the city and the county and everyone else? This clarifies the language that...so that only the county who assesses the tax would be the individual that would be the defendant. So it clarifies that and makes sure that there is not an issue where if you're dealing with your entire property tax bill, that's who the suit would be aimed at. Now if you're trying to earmark or point out an individual, for example, the school district, then that, of course, would be directed simply and solely at the school district, that there is no change there. And, fourthly, the amendment would change the way that the tax commissioner deals with whether or not the tax commissioner would be liable with regard to certifying what the tax is in a case or suit with regard to a refund. There is no way that the tax commissioner knows what the real property tax is on an individual piece of property from one county to the next. Now they can certify value but they do not know what the tax levy would be. What this change does is it says that they will certify the value but they're not responsible for knowing what the tax would be. That would be something that they would no longer be liable for and they would be able...any individual could find that out from their local county. So it's a clarifying amendment as well. I would urge the adoption of the amendment to LB 762.

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

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

PRESIDENT: The Hall amendment is adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Okay. Senator Moore, did you wish to close on this?

SENATOR MOORE: I would like to move the bill, LB 762, to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 280.

May 11, 1989

LB 280

CLERK: Mr. President, LB 280, the first order of business are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 280.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything further?

CLERK: Mr. President, I now have an amendment by Senator Smith to the bill.

PRESIDENT: Senator Smith. Is anybody authorized to handle Senator Smith's amendment? And Senator Lamb has one also. Anybody out...they're both excused for the day. Senator Rogers.

SENATOR ROGERS: I will handle Senator Lamb's. I don't know anything about Jacky's.

PRESIDENT: All right, why don't you go ahead with Senator Lamb's amendment and we'll see if we can...

CLERK: Senator, Senator Lamb's amendment is on page 2017 of the Journal.

PRESIDENT: Senator Rogers, please.

SENATOR ROGERS: Mr. President and members, I just was handed this a little bit ago. I will try to explain it. It's one of these clarifying explanations, or whatever we have heard all day long, I think. The amendment would provide that in event of the sale or transfer of a dealership, a franchisor shall give effect to such transfer or sale unless the transfer of the franchisee's license is denied or the new owner is unable to obtain a motor vehicle bond. And then the change is "or" instead of "and". It says "or" the proposed sale or transfer of the dealership will be substantially detrimental to the distribution of the franchisor's product or to the competition in a community of the franchisor has given written notice of such fact within 60 days of receipt of information necessary to evaluate the proposed change. And I could also state that everyone has signed off on this amendment. There seems to be no problem whatsoever with it. And if there is any questions, I will try to answer them.

May 11, 1989

LB 280

PRESIDENT: Is there any discussion? If not, the question is the adoption of the Lamb amendment? All those in favor vote aye, opposed nay. Please vote if you care to. Please vote. Please vote. I still need a little help. Thank you. Record, Mr. Clerk, please.

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

PRESIDENT: The Lamb amendment is adopted. Senator Hartnett, you had...

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

PRESIDENT: Very good. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is late Thursday and the issue that I'm going to bring up is one that's been very dear to my heart ever since I've been in the Legislature and this is the amendment. Any person who competes in the sport of football for the University of Nebraska at Lincoln shall be paid a stipend, the amount of which shall be determined by the university. This provision shall become operative whenever laws requiring a similar stipend for football players are enacted in four additional states which are members of the Big Eight Conference. This is a provision that I think is very appropriate at this time because there are NCAA conferences that are going to come up. There are going to be hearings before the U.S. Congress on the treatment of athletes in big time athletic programs which are multimillion dollar entertainment businesses. And part of the problem that will confront athletes is the fact that being unable to hold a job during the time that school is in session they have practically no legitimate way to obtain money. So I'm offering this amendment in order to help fill in that void.

PRESIDENT: Senator Labeledz.

SENATOR LABEDZ: Mr. President, I would ask a ruling from the Chair whether this is germane to LB 280.

PRESIDENT: Offhand it doesn't look like it's germane. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I believe this bill deals with auto dealerships and one of the biggest problems that athletes have...will have is the giving to them of automobiles and the use of them so I think...but I will abide by the Chair's ruling.

PRESIDENT: Thank you.

CLERK: Mr. President, the next amendment I have is offered by Senator Smith.

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President, and members of the body, Senator Smith is not here. She is excused for the day and I am going to try to help her a little bit. This amendment is not a drastic change to the bill and, in fact, does do some very good things to it and helps to clarify what we're doing here in terms of people selling automobiles without a license. And I believe that the bill now has into it an individual who sells five cars or more needs a license but oftentimes they can play games and can use seven or five cars titled and they'll use their brother or their sister or they will use children and just keep it in the name in the family and try to avoid the law that way and they play some games with it. What her amendment does is define family members by blood, marriage, adoption or legal guardianship to the spouse, child, parent, brother, sister, grandchild, grandparent, ward or legal guardian. So, in other words, what she is doing is to try to tighten it up with some definitions of who family members are and so they can't try to avoid the law by titling it in everybody's name that may have the last name and thus avoid the requirements for a license. And I believe that that is substantive of what her amendment would do. I would take a look at it and would ask for its adoption. Thank you.

PRESIDENT: Is there further discussion? If not, the question is the adoption of the Smith amendment. All those in favor vote aye, opposed nay. If you are in the Chamber and care to vote, I could use a little help. Record, Mr. Clerk, please.

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

PRESIDENT: The Smith amendment is adopted.

May 11, 1989

LB 137A, 162, 162A, 280, 305, 309, 309A
310, 311, 444, 467, 727, 815
LR 213

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

PRESIDENT: Okay. Senator Moore.

SENATOR MOORE: I move we advance LB 280 to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Enrollment and Review reports LB 162 as correctly engrossed; LB 162A correctly engrossed; LB 311, correctly engrossed, all signed by Senator Lindsay. (See page 2313 of the Legislative Journal.)

New A bill, LB 137A by Senator Warner. (Read by title for the first time. See page 2314 of the Legislative Journal.)

LB 309 is reported to Select File with E & R attached; LB 309A, likewise; LB 467, E & R attached; LB 727, Select File with E & R; LB 305, Select File; LB 310, Select File with E & R; LB 815, Select File. (See pages 2311-12 of the Legislative Journal.)

Mr. President, new resolution, LR 213, introduced by Senators Crosby, Ashford and Langford. (Read brief description of LR 213 as found on pages 2314-15 of the Legislative Journal.) That will be laid over. That's all that I have at this time, Mr. President.

PRESIDENT: We will move on to LB 444.

CLERK: Mr. President, 444, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 444.

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

CLERK: Mr. President, Senator Lindsay would move to amend.

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

May 18, 1989

LB 277A, 280, 283, 303

ASSISTANT CLERK: (Read record vote as it appears on pages 2510-2511 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 277A passes. LB 280.

ASSISTANT CLERK: (Read LB 280 on Final Reading.)

PRESIDENT: Having complied with all the provisions of law relative to procedure, the question is, shall LB 280 pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as it appears on page 2511 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 280 passes. Senator Wehrbein has some guests in the north balcony. We have 12 students in the fifth grade from Weeping Water, Nebraska, with their teacher. Would you folks please stand and be recognized. Thank you for visiting us today. LB 283 please.

ASSISTANT CLERK: (Read LB 283 on Final Reading.)

PRESIDENT: Having complied with all provisions of law relative to procedure, the question is, shall LB 283 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on page 2512 of the Legislative Journal.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 283 passes. LB 303 with the emergency clause attached.

CLERK: (Read LB 303 on Final Reading.)

PRESIDENT: Having complied with all the provisions of law relative to procedure, the question is, shall LB 303 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

May 18, 1989

LB 84, 95, 247, 247A, 250, 250A, 261
261A, 272A, 277, 277A, 280, 283, 303
303A, 312A, 312, 356

emergency clause attached.

CLERK: (Read LB 312A on Final Reading.)

PRESIDENT: Having complied with all provisions of law relative to procedure, the question is, shall LB 312A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on page 2516 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 312A passes with the emergency clause attached. May I introduce some guests in the north balcony, Senator Schmit has 30 third and fourth grade students from Dwight and their teachers. They are from the East Butler Elementary School. Will you folks please stand and be recognized. Thank you for visiting us today. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. I have an Attorney General's Opinion. (Re: LB 356, found on pages 2516-2520 of the Legislative Journal.)

I also have an explanation of vote, Mr. President, by Senator Warner. (Re: LB 84, found on page 2520 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign, LB 95, LB 247, LB 247A, LB 250, LB 250A, LB 261, LB 261A, LB 277, LB 277A, LB 280, LB 283, LB 303, LB 303A, LB 312 and LB 312A. Are you ready to go on?

CLERK: Yes, I am, Mr. President.

PRESIDENT: We will go on to the General File, LB 272A.

CLERK: Mr. President, 272A is a bill introduced by Senator Landis, it's a bill for an act to appropriate funds to implement the provisions of LB 272.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker. LB 272 is the Mortgage

May 18, 1989

LB 95, 247, 247A, 250, 250A, 261, 261A
272A, 277, 277A, 280, 283, 303, 303A
312, 312A
LR 216, 219

SENATOR LANGFORD: Mr. President and colleagues, I move we recess for lunch until one-thirty.

SPEAKER BARRETT: Anything to read in, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 272A to Select File. Bills read on Final Reading have been presented to the Governor, Mr. President. That's all that I have. (Re: LB 95, LB 247, LB 247A, LB 250, LB 250A, LB 261, LB 261A, LB 277, LB 277A, LB 280, LB 283, LB 303, LB 303A, LB 312 and LB 312A. See page 2522 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to recess until one-thirty. All in favor say aye. Opposed no. Ayes have it, carried, we are recessed.

RECESS

PRESIDENT NICHOL PRESIDING

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

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 216. I would like to introduce some guests in the north balcony if I might. We have Carl and Iona Taylor of Lincoln, and Mrs. Taylor is a cousin of my wife. Would you folks please stand so we can welcome you. Treat them kindly and don't tell us about them and don't tell them about us. Thank you for visiting us today, Mr. and Mrs. Taylor. Mr. Clerk, before lunch, we were where?

CLERK: Well, Mr. President, we were, well, let me...may I read one item for the record, Mr. President, before I...

PRESIDENT: Yes, please.

CLERK: Senator, I have a new resolution, Mr. President, LR 219 offered by Senator Abboud. (Read brief explanation. See pages 2523-24 of the Legislative Journal.) That will be laid over.

May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A
183, 183A, 198, 228A, 228, 261, 261A, 280, 283
285, 285A, 302, 303, 303A, 305, 309, 309A, 310
312, 312A, 335, 335A, 340, 340A, 469, 525, 566
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

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

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read: Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)