

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

March 7, 1989

LB 262, 285, 505, 594, 609, 653
LR 50

LB 262 by Senators Conway, Baack and Bernard-Stevens. Banking Committee reports LB 505 to General File with amendments, signed by Senator Landis as Chair. Transportation reports LB 285 to General File with amendments, and LB 653 to General File with amendments, those signed by Senator Lamb. (Journal shows LB 653 reported by Revenue Committee. See pages 1015-16 of the Legislative Journal.)

New resolution, LR 50. (Read brief explanation. See pages 1017-18 of the Legislative Journal.)

Mr. President, Senator Elmer would like to withdraw LB 609. That will be laid over. And Senator Smith would like to add her name to LB 594 as co-introducer, Mr. President. That is all that I have.

PRESIDENT: Senator Schimek, would you like to adjourn us until tomorrow at nine o'clock, please.

SENATOR SCHIMEK: Mr. President, I so move that we adjourn until tomorrow morning at nine o'clock, March 8.

PRESIDENT: You have heard the motion. All in favor say aye. Anybody say aye. Opposed no. We are adjourned until tomorrow.

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question is the advancement of LB 54 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Voting on the advancement of the bill. Please vote if you'd care to vote. Senator Weihing.

SENATOR WEIHING: Call of the house.

SPEAKER BARRETT: A call of the house has been requested. Clear the board, Mr. Clerk. Members will vote on placing themselves under call. Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 12 ayes, 1 nay.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those members outside the Legislative Chamber, please return and record your presence. Unauthorized personnel please leave the floor. Senator Lynch, please. Senator Nelson, please. Senator Beck, record your presence, please. Members, please return to your seats. Make sure that you register your presence on the board. We have a request for a roll call vote in regular order. Senator Bernard-Stevens, the house is under call. Senator Byars, Senator Chambers. Senator Hall, please, Senator Crosby, the house is under call. Senator Firsch, would you check in, please. Senators Bernard-Stevens, Byars and Chambers, the house is under call. While waiting for members to return, the Chair is pleased to announce that we have two special guests under the north balcony, Mr. Don Kristensen and Mary Lou Kristensen of Minden, the parents of the Honorable Senator Douglas Kristensen. Thank you, we're glad to have you with us, Mr. and Mrs. Kristensen. Hope you can come back again. Senators Chambers, Byars and Bernard-Stevens. Roll call has been requested. We will go ahead. Mr. Clerk, please.

ASSISTANT CLERK: (Roll call vote taken. See page 1047 of the Legislative Journal.) 26 ayes, 8 nays on the motion to advance the bill, Mr. President.

SPEAKER BARRETT: The bill is advanced. The call is raised. Mr. Clerk, to committee priority bill, LB 285.

ASSISTANT CLERK: Mr. President, LB 285 was introduced by the Transportation Committee. (Title read.) The bill was referred to the Transportation Committee, after being read on January 10.

That committee reports the bill back to General File with committee amendments attached, Mr. President.

SPEAKER BARRETT: Thank you. (Gavel.) The house will come to order. Senator Lamb, on the committee amendments.

SENATOR LAMB: Yes, Mr. President and members, LB 285 is a rather extensive bill which is brought about because of a federal law change in 1986 mandating certain things happen in the states in regard to commercial drivers' licenses. The problem has been primarily, and I'm sympathetic to this solution to this problem, is that commercial truck drivers have been abusing the privilege of drivers' licenses in various states. If they get in trouble with their license in one state, they merely use the license in another state. So the federal government said, in effect, that this can no longer happen. So this will result with a time line down the road a few years, will mean that all states will comply to a significant degree to the federal edict and pass somewhat similar legislation. The committee amendments are rather extensive. They are rather technical. They are in your book. I'm not sure if I should go through them point by point, but I would just at this point suggest that a lot of time and effort has gone into the bill and that Mike Hybl in my office has spent much, much time in the last two years and has actually become pretty much of a national expert in this area. So I would at this point merely ask that the committee amendments be adopted, then we'll discuss the bill to a greater extent.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments. If not, Senator Lamb, anything further? The question before the body is the adoption of the committee amendments to LB 285. All in favor vote aye, opposed nay. On the committee amendments, have you all voted? Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. Senator Lamb, to the bill.

SENATOR LAMB: Mr. President and members, I thought I might use the approach Senator Landis used on his insurance bill the other day where he stated that he does not know everything that is in the bill, and that certainly is the situation with me here

today. However, if there are substantial questions, we certainly will get the answers to the people. I would point out a few things. The time lines on the bill, as I mentioned before, in 1986 the federal bill was passed by Congress and another date is April 1, 1992. All persons operating a commercial motor vehicle must possess a state issued CDL which has been issued in accordance with the minimum federal standards. Then in September 30, that is September 30, 1992, the state must meet substantial compliance requirements with all provisions of the Commercial Motor Vehicle Safety Act of 1986 or it faces a withholding of highway funds and that is 5 percent the first year. We would be facing a 5 percent reduction the first year, 10 percent the second year. Our...we had many meetings with, we think, all the people that are involved with this issue, labor groups, trucking groups, and have had tried to accommodate the problems that each of these groups may have with the bill. I might state that in some of the meetings I have been attending in Washington and in other states, the price of the commercial truck driver's license in some of those states is going sky high in order to pay the costs of this proposal. In Nebraska, the original proposal was that the cost of the commercial driver's license would have to increase from the present \$10.00 to something on the order of \$140 if we had testing stations all over the...in every county in the state. However, by instigating a less expensive system which provides for a temporary driver's license until the other states can be checked for...as to whether or not the driver has a license in another state, with a little bit of delay we have cut that cost down to \$20. So under the terms of the bill a commercial truck driver's license will increase from \$10 to only \$20, and I might say that that is very modest. Other states are saying it is going to be much, much more than that in order to comply and part of the reason is that there are more restrictive requirements in regard to the written test and to the driving test that these drivers will have to pass and it is going to cost more money. We're keeping that to a minimum. Now some people have expressed concern about agriculture. The original act passed by Congress was interpreted by the Department of Transportation as including those drivers of agriculturally licensed vehicles. Then later with the cooperation of our Congressional delegation and some farm groups, the administrator has dropped that requirement and so we do not have that in this bill. Farm truck drivers are exempt as long as they stay within 150 miles from home. The federal requirement still is...requires that these heavy trucks, farm trucks, the drivers

will have to have a commercial driver's license if they travel more than 150 miles from home. That is the best we can do. So with that brief explanation, Mr. President, I would ask that the bill be advanced.

SPEAKER BARRETT: Discussion, please. Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President, members, I wanted to ask Senator Lamb a question or two, and you were talking about agriculture. If you'll refresh my memory a little bit, do you need a commercial license to...can you license a semitrailer now under a farm license?

SENATOR LAMB: Yes, yes.

SENATOR WEHRBEIN: Will that need a commercial truck license then to drive it?

SENATOR LAMB: No. It does currently under our present law, but under the federal exemption that will no longer be necessary unless you stray more than 150 miles from home.

SENATOR WEHRBEIN: Okay, that's what I wondered if I was interpreting this as a quick overview. Now any with a tandem axle straight truck then will not require a commercial license probably under any circumstances the way this is written.

SENATOR LAMB: With a farm license plate?

SENATOR WEHRBEIN: Yes, with a farm plate.

SENATOR LAMB: It would if you get more than 150 miles from home.

SENATOR WEHRBEIN: Oh, okay, right. It would next meet that restriction.

SENATOR LAMB: Right, yes.

SENATOR WEHRBEIN: Okay, so the 150 miles for agriculture is generally the key in this issue.

SENATOR LAMB: Yes, sir.

SENATOR WEHRBEIN: Okay, thank you.

SPEAKER BARRETT: Any other discussion? Senator Lamb, would you care to make a summarizing statement?

SENATOR LAMB: Very briefly, Mr. President, this bill is scheduled to go into effect, while the implementation date would start August of 1989, in order to give the Department of Motor Vehicles time to write the necessary rules and regulations and in the next year or two we very well may have amendments to the bill if and when we find that there are problems with the current version. And we certainly will be amenable to suggestions from anyone in that regard. This is the best effort that we have at this point. We think it's a very good effort. As I mentioned before, staff in my office has spent much time on the bill, trying to make as good a bill as possible. We are trying to meet the federal standards, but keep the regulations to a minimum in this state because we do not want to cripple the industry to any extent at all. So with that, Mr. President, I would ask that the bill be advanced.

SPEAKER BARRETT: Thank you. The question is the advancement of this Transportation Committee priority bill to E & R. Those in favor vote aye, opposed nay. Voting on the advancement of the bill. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 285 is advanced. To General File, Mr. Clerk, LB 733.

ASSISTANT CLERK: LB 733 was introduced by the Health and Human Services Committee. (Title read.) The bill was read for the first time on January 19. It was referred to the Health and Human Services Committee. They report the bill to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Senator Wesely, on the amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, this bill was introduced by the Health and Human Services Committee. It deals with an area we dealt with last year, that is nursing home administrator licensure. There is a licensure requirement with minimum standards and last year we did change that to allow for ICFMR administrators to have a separate category licensure.

March 16, 1989

LB 89, 285, 733
LR 27, 28

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Stephen Bilynskyj, who is the Lead Pastor of the First Evangelical Covenant Church in Lincoln. Would you please rise for the invocation.

DR. STEPHEN BILYNSKYJ: (Prayer offered.)

PRESIDENT: Thank you, Dr. Bilynskyj, we appreciate your service this morning. Roll call, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

ASSISTANT CLERK: One correction, Mr. President. (Read. See page 1175 of the Legislative Journal.)

PRESIDENT: Is that it? Okay, thank you. Any messages or reports or announcements to make?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have examined and reviewed LB 285 and reports the same to Select File with amendments, LB 733 to Select File with amendments. LF 27 and LR 28 are ready for your signature.

PRESIDENT: Fine, we will move on to...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LRs 27 and 28. Move on to General File, LB 89.

ASSISTANT CLERK: Mr. President, LB 89 was introduced by Senators Lynch, Crosby, McFarland, Ashford, and Chizek. (Read title.) The bill was read for the first time on January 5. It was referred to the Education Committee. That committee reports the bill back to General File with committee amendments attached, Mr. President. (See page 921 of the Legislative Journal.)

PRESIDENT: Senator Withem, are you going to take the committee amendments first?

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.

March 27, 1989

LB 89, 89A, 183A, 285, 371, 490, 574
574A

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. For this afternoon's business, Mr. Harland Johnson with the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland, very much. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal, Mr. Clerk?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 183A and find the same correctly engrossed, LB 574 and LB 574A, all correctly engrossed, those signed by Senator Lindsay. (See page 1336 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 371 to Select File, LB 89 and LB 89A all to Select File, some having E & R amendments attached. (See pages 1330-36 of the Legislative Journal.)

Mr. President, I have two Attorney General's Opinions to be inserted in the Journal. (One re: LB 490. See pages 1340-41 of the Legislative Journal.) And that is all that I have, Mr. President.

And, Mr. President, I have amendments to be printed from Senator Lamb to LB 285. (See page 1342 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. A couple of announcements, guests, which we presently have with us under the south balcony; Senator Korshoj has from Herman, Nebraska, Garnet Johnson visiting with us. Garnet, would you please stand and take a bow. Thank you. And a guest of Senator Hartnett, also under the south balcony,

April 4, 1989

LB 285

Haberman. (Read Brief explanation. See pages 1491-92 of the Legislative Journal.) That will be referred to the Executive Board.

Mr. President, Senator Lynch gives notice of hearing of the Rules Committee.

Mr. President, LB 285 is on Select File. The first item, Senator, are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 285 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to 285 be adopted? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, I now have an amendment to the bill by Senator Lamb. Senator, your amendment is on page 1190 of the Journal.

SENATOR LAMB: Which one is that, Mr. Clerk.

CLERK: Senator, it is amendment 925, AM0925.

SENATOR LAMB: Yes, okay, thank you.

SPEAKER BARRETT: Excuse me, Senator Lamb. (Gavel.)

SENATOR LAMB: Mr. President and members, this is the bill that has to do with truck driver's license that we have discussed before. We have four amendments to submit to the body today, and this first amendment has to do with computerization. This amendment would add a new subsection to Section 99 of the bill, and this section provides a procedure for issuance of commercial driver's license to successful applicants. Currently, this section provides that a successful applicant shall be issued a temporary commercial driver's license which will be valid for up to 30 days. The examiner then forwards all applicant's information to the Department of Motor Vehicles where driver's record history checks and national information checks will be made. If the applicant is eligible, then the permanent license is issued from Lincoln. Now this works well but in some counties they are set up to handle this electronically. So,

what this amendment does, it provides that when the Director of Motor Vehicles is satisfied that the required information checks can be completed by the examiner in the field, then the director may authorize the issuance of the permanent driver's license by the county treasurer, and the reason that this permanent one can be issued by the county treasurer is because some counties are set up with computer equipment which allows them to make those checks immediately rather than through the mail, and so when they do it through the mail, you have got to have a temporary license or else there is too much delay. So this is just...is an accommodation for those counties and those drivers in those counties that have computerization. I would ask that this amendment be adopted, Mr. Chairman.

SPEAKER BARRETT: Any discussion? Seeing none, shall the Lamb amendment to 285 be adopted. All in favor vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Lamb would move to amend. Senator, this is AM1043 on page 1342 of the Journal.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: AM1043, Mr. Clerk?

CLERK: Yes, sir.

SENATOR LAMB: Yes, Mr. President and members, this is another amendment which would modify the exemption presently in the bill which is the result of federal action which waived the commercial driver's license requirement for certain farm truck operators. Currently, the bill provides that an individual does not have to possess a commercial driver's license when operating a farm licensed truck which meets the commercial motor vehicle definition when such operation is within 150 miles of the owner's farm or ranch. So we are striking this exemption so that if you have a farm licensed semitrailer, you are going to have to have a commercial driver's license, and we are doing that because that is the current law. Currently, you have to have a commercial driver's license for a farm licensed

semitruck, and so we are saying that we should not provide an additional exemption there. We will just have the law the same as it is now so that you have to have a commercial driver's license for a semi farm truck. I move the adoption of the amendment.

SPEAKER BARRETT: Discussion? Senator Nelson, followed by Senator Wehrbein.

SENATOR NELSON: Senator Lamb, may I ask a question. I am sure I see the reasoning behind it. Did you get too much pressure to put the farm semis back in again or what happened?

SENATOR LAMB: Well, basically, some of the farmers were interested in this, as this may surprise you, that they are saying now we are licensed that way, we might as well keep it, and as you know, there is much interest in keeping the farm plates, period. Some states have done away with farm plates, and a lot of people see this as an unreasonable exemption when you can drive a farm licensed semitrailer without a commercial driver's license, and I agree, and that is the reason for the amendment.

SENATOR NELSON: I can see that, that point. Okay, are the trucks, 26,000 pounds and over gross, are they to be excluded now then, I understand, from a commercial license, in other words, a straight truck...

SENATOR LAMB: Yes, a farm licensed...

SENATOR NELSON: ...that a farm wife might drive to town?

SENATOR LAMB: A farm licensed straight truck over 26,000 pounds, you don't have to have a commercial driver's license, as long as you stay within 150 miles of home.

SENATOR NELSON: Thank you.

SPEAKER BARRETT: Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President and members, Senator Lamb, I think that Senator Nelson answered a question I have because I think I asked you specifically on the last vote on this about this issue, and, evidently, this amendment changes what the answer was to that question before.

SENATOR LAMB: (Mike off) ...but that very well may be true because our original draft of the bill did exempt farm plated driver's from the commercial license even though they were driving a semi. This will remove that exemption so that it will be just like the law is now. If you have a farm plated semi, you have got to have a commercial driver's license.

SENATOR WEHRBEIN: But like she said, it still does clarify three, five, whatever axles are on a straight truck will be still legal, straight truck, anything that is straight.

SENATOR LAMB: Yes, as long as you are within 150 miles from home.

SENATOR WEHRBEIN: All right, thank you.

SPEAKER BARRETT: Any other discussion? If not, those in favor of the adoption of the second Lamb amendment to 285 vote aye, opposed nay. Voting on the Lamb amendment. Record.

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

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Lamb would move to amend. Senator, this is that handwritten amendment you provided me earlier. (See page 1493 of the Legislative Journal.)

SENATOR LAMB: Yes.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Mr. President and members, this is a handwritten amendment. I am sorry it is not in the Journal, but...

SPEAKER BARRETT: Senator Lamb, (gavel). Thank you.

SENATOR LAMB: Thank you. This is a part that was added to the bill as a result of a request by the court administrators, and we are deleting part of the bill here with this amendment because while this has to do with the electronic transmission of abstracts of convictions and we are not...as you will remember, much of the conversation we have had on the floor here in regard

April 4, 1989

LB 285A, 285

to LB 281, several people have had some problems with that, and LB 281, at this point, we are seriously considering holding over till next session so that we can deal with this problem. We are...science is getting ahead of the law, and we have a problem of electronically transmitted convictions and how to deal with that where you do not have a certified abstract of that conviction. Now there is some language in here on several pages here, but the amendment would delete the language which would give the Director of Motor Vehicles the authority to certify that this electronically transmitted information was a true abstract. So we are going to go back to the old system which we currently have where each abstract of a conviction has to be certified because we are not comfortable with our current language, and as I mentioned, we discussed this considerably in regard to LB 281. So the amendment would strike the language which would not require the abstracts of convictions to be certified. So at some future time, we are going to deal with this problem of electronic transmission of those abstracts, but at this point, we are not comfortable with it and so we would ask that that part of the bill be deleted.

SPEAKER BARRETT: Discussion? If not, those in favor of the adoption of the amendment vote aye, opposed nay. Record.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 285 as amended be advanced to E & R Final.

SPEAKER BARRETT: You have heard the motion to advance LB 285 to E & R for Engrossment. Those in favor say aye. Opposed no. The ayes have it, carried. The bill is advanced. To the A bill, Mr. Clerk, LB 285A.

CLERK: Mr. President, I have no E & R. I do have an amendment to the bill by Senator Lamb.

SPEAKER BARRETT: Senator Lamb, please.

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

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they take a look at their own methods whereby, as Senator Lamb points out, they pit neighbor against neighbor on the bonus bidding, they take a look very seriously at their own management fees, their management expenses, which I think may be just a little bit greater than any professional manager would charge the school children of this state. I think we've raised a number of issues. We're going to be helped, somewhat perhaps, along that same line with a court decision in the future. But that won't be the end of it, that's not going to be the end of it relative to the school lands. And we ought to be better prepared and better informed. It is a major asset, it's a major amount of money, and it is a major responsibility. It should not be addressed lightly, and it won't be. But I think we have served the people of the State of Nebraska and the school children well this afternoon for the hour and a half, or hour and 40 minutes that we debated this issue. And I would enjoy doing it again, and I encourage you all to become much better informed on it in the ensuing five, or six, or seven months before we come back here in January, when we might take another look at it. So, with that, Mr. President, I support the bracket motion and hope that we can move on to other issues.

PRESIDENT: Thank you. The question is, shall the bill be bracketed? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 1 nay, Mr. President, on the adoption of the motion to bracket the bill.

PRESIDENT: The bill is bracketed. Do you have anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Mr. President, notice of hearing from the Appropriations Committee and from the Health and Human Services Committee.

Attorney General's Opinion addressed to Senator Weihing regarding LB 340. (See pages 1981-83 of the Legislative Journal.)

Amendments to be printed by Senator Landis to LB 356; Senators Withem, Beyer and Hartnett to LB 285; Senator Withem to LB 813. (See page 1983 of the Legislative Journal.)

Mr. President, I have a reference report referring gubernatorial

May 4, 1989

LB 285, 493, 761, 813
LR 109

your seats. All present and accounted for. Members, return to your seats for a vote on the Peterson amendment to LB 813. Those in favor of the adoption of the amendment vote aye, opposed nay. Have you all voted? Have you all voted? Senator Goodrich.

SENATOR GOODRICH: I would like a roll call, please.

SPEAKER BARRETT: Roll call has been requested. Roll call has been requested in reverse order. Mr. Clerk, proceed.

CLERK: (Roll call vote read. See pages 2076-77 of the Legislative Journal.) 23 ayes, 13 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The motion fails. The call is raised. For the record, Mr. Clerk.

CLERK: Mr. President, thank you. I have a resolution offered by Senator Warner. (Read brief description of LR 109. See pages 2077-78 of the Legislative Journal.) That will be laid over.

Senator Wesely has amendments to LB 761; Senator Lamb to LB 285. (See pages 2078-79 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next motion, please.

CLERK: Mr. President, Senators Hall and Withem would move to amend. Both Senator Hall and Withem are excused, Mr. President.

SPEAKER BARRETT: We will move over that one. To the next one, please.

CLERK: Mr. President, Senator Nelson would move to amend the bill. (The Nelson amendment appears on page 2079 of the Legislative Journal.)

SPEAKER BARRETT: Senator Nelson.

SENATOR NELSON: Mr. Speaker and members of the body, this amendment is not printed in the Journal. It has to do with a bill that I introduced earlier, LB 493, with the juvenile detention facilities in the State of Nebraska. Nebraska has

some of the concerns we have with LB 187, except that as you all know 187 also provides a form of relief for some of those small, outstate counties as well, as all you folks should know, who are sharing some of the burden, and in fact an unfair burden for providing health care costs for the folks that come through their counties and get sick and would not help, would not be helped in any way by 525 and the Medicaid increases. They can only be helped, those hospitals that are now being hurt because of indigents coming through their counties, getting sick, and going to the county sponsored hospitals. Some of those will certainly not be helped by 525. I think we deserve to know the difference. So, with that, and assuming that that will all happen in good faith, from what I hear on the floor, Mr. Chairman, I respectfully withdraw my motion to bracket.

SPEAKER BARRETT: Thank you, Senator Lynch, it is withdrawn. And this might be a good time to again suggest, as Senator Lynch did, the conversation we had a few moments ago in bracketing a bill until Monday, despite the fact that I'm not generally in favor of bracketing, I repeat, bracketing a bill until Monday, with the pipeline as plugged as it is at the present time, might cause considerable problems. Monday will be the beginning of the countdown to Friday, five days left. The bill is on General File. It might have caused a considerable problem. Thank you, Senator Lynch, for your consideration. Mr. Clerk.

CLERK: Mr. President, if I might, some items for the record before we proceed.

SPEAKER BARRETT: Certainly.

CLERK: Your Committee on Enrollment and Review reports LB 352, LB 355, and LB 355A to Select File. I have amendments to be printed, by Senator Abboud, to LB 285; and Senator Withem to LB 813. (See pages 2276-78 of the Legislative Journal.)

Mr. President, we're back to committee amendments. And, pursuant to a ruling of the Chair, discussing Section 1 of the committee amendments.

SPEAKER BARRETT: Senator Landis, your light is on, would you care to discuss Section 1?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'll use this time, since I'm up, although I won't be referring to

operating budget. Again, apologize to Senator McFarland for not visiting with him earlier, but circumstances kind of prevented that. I appreciate his support of the amendment, would urge you to adopt the amendment.

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

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Withem, would you care to readvance to E & R.

SENATOR WITHEM: I move we readvance LB 228.

SPEAKER BARRETT: Those in favor say aye. Opposed no. Carried, the bill is readvanced. Mr. Clerk.

CLERK: Mr. President, LB 285 is the next bill. The first motion I have, Senators Withem, Beyer and Hartnett had an amendment pending, Senator. It's my understanding you want to withdraw this one.

SPEAKER BARRETT: It's withdrawn.

CLERK: Mr. President, Senator Lamb would move to return the bill. Senator Lamb's amendment is on page 2078 of the Journal, Mr. President.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Yes, Mr. President and members. This, of course, is the bill that has to do with drivers' licenses for truck drivers which has been mandated by the federal Congress. The bill...what we're proposing to do here is to delay implementation almost a year. You do have a couple of handouts to explain the situation. So, with this amendment the issuance of this CDL commercial driver's license would begin September 1, 1990 instead of August 1, 1989. And one of the reasons we're doing that is because we do not, at this point, have the computer capability to make the bill operational before that time. You have had a lot of correspondence and contact from school superintendents and school bus drivers in regard to this

bill. And another part of the amendment clarifies the language for those school buses of 15 passengers and lower. There is no change, there is no change. Let me repeat, no change in the driver's license requirements for those small buses, 15 passenger and lower. The amendment clarifies the language in the bill so that it's clear that there is no change from the present situation as far as those small buses are concerned. Now the larger buses, 16 and over, the federal mandate is that those drivers do have the commercial driver's license. And there is nothing actually this Legislature can do about that, if you do not want to risk the loss of federal highway funds. The penalty is 5 percent of the highway funds the first year, if we do not comply; 10 percent of the highway funds the second year, if we do not comply. However, by delaying the implementation date until September 1, 1990, that means that those people have another year in which to prepare for the situation, another year to get a commercial driver's license in order to drive a school bus. Actually, the requirement is not too tough. It's not a lot tougher than what they're doing now for those big buses. The physical is exactly the same as the physical they're taking now. No change in the physical. There are more questions. There are more questions on the exam. And that, primarily, is the only difference. They will be available in...the testing stations will be available in every county. The first proposals were that there would be regional test centers, but they will be available in every county under the terms of the bill, except I understood that Sarpy County and Douglas County wanted to have a regional facility. And I understood there was going to...Senator Withem and Senator Beyer were going to have the amendment, which was just withdrawn. But maybe they have a new version of the amendment, which would allow those counties that want to get together, instead of having a testing facility in each county then at their option, if they want to combine, that certainly would be acceptable and I would support the amendment which probably is coming in that regard. So, basically, we're delaying the implementation of the bill. We would like to have the bill passed this year so that it is on the books, people can study it, and then we will have next session to make any needed changes that may be apparent. This is a fairly heavy bill and we want to be sure it's right before we go whole hog with it. So, by passing it this year with this amendment, we can revisit the issue next year, if that is...seems prudent.

SPEAKER BARRETT: Thank you. Discussion on the motion to return the bill. Senator Elmer, followed by Senators Crosby and

Wesely.

SENATOR ELMER: Thank you, Mr. Speaker. Senator Lamb, I apologize for asking some of these questions on Final Reading, but it's come to my attention that I have a few concerns. Would you yield to some questions?

SENATOR LAMB: Yes, sir.

SENATOR ELMER: Thank you. Reading through the bill, it seems there is quite a large number of different types of licenses, permits and so on. Are there any new classes of licenses added in this bill?

SENATOR LAMB: Well, there are endorsements for various vehicles that have to...and the designations for the drivers' licenses are changed. But basically the system is the same.

SENATOR ELMER: Okay, I see there is a permit in there that I was not aware of that is called a farm permit. It would allow kids, from 13 to 16, to drive farm machinery on the roads. Is this permit in existence currently?

SENATOR LAMB: Yes, there is no change on that, Senator.

SENATOR ELMER: Okay. That, basically, answers my personal questions. Thank you.

SPEAKER BARRETT: Senator Crosby.

SENATOR CROSBY: Thank you. Senator Lamb, I just have a couple of questions, too, because I've had calls and letters from people who are involved from different parts of the state. My first question, I want to be sure, on your handout it says school bus drivers with two years experience and good driving record grandfathered from taking the driving test, but they still take the written and so on, they have to qualify otherwise. Right?

SENATOR LAMB: Yes. Yes.

SENATOR CROSBY: And then the school districts may become certified as a third party tester by the Department of Motor Vehicles. Is this to facilitate, as you were saying something about a regional...so a school district can work at helping them

get the commercial driver's license. If you're a new driver, you're going to have to get the commercial driver's license, right?

SENATOR LAMB: Yes, after this bill is implemented.

SENATOR CROSBY: Yeah, and then you did...originally, when we discussed this bill I remember you did manage some way to set the fee so it wasn't so terribly high. Right?

SENATOR LAMB: Yes, most other states have fees considerably higher. We have made every effort to keep those fees down. And they are set at \$20 at this point, where originally they were \$10, other states have fees in the area of \$75.

SENATOR CROSBY: Okay. So, I think, if I'm understanding what you're telling us correctly, it is that you have worked and people are working with the school districts to make it as simple as possible for them to get the correct kind of license. We do want them to be safe drivers, right?

SENATOR LAMB: Yes.

SENATOR CROSBY: Okay, thank you.

SENATOR LAMB: Yes.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. I, too, would ask just a simple question of Senator Lamb. Senator Lamb, I was contacted on the bill as well and there was a concern about having this legislation, some federal funding jeopardized...was jeopardized, if it wasn't in place by August 1 of this year. You're delaying this, but the sections you're delaying are not under that? Can you explain what has to be done when, and what part of the bills we're talking about?

SENATOR LAMB: I think there will be, there will be slightly less federal funding since the bill is not going to be operational this year. However, that...and we made every effort to get it operational this year, but our decision has been that it's not in shape to go at this point, and that while we will be sacrificing a relatively small amount of money in federal funds that our computer capability is not in shape to handle the

situation at this point. So we really don't have any alternative except to delay it a year.

SENATOR WESELY: How much federal money are we talking about?

SENATOR LAMB: Somewhere in the area of 25 to 50 thousand dollars.

SENATOR WESELY: Oh, okay. And we're not prepared in terms of the computer readiness, is that what you...

SENATOR LAMB: That's correct, that's correct.

SENATOR WESELY: Is that because we were not given enough time, or have we...

SENATOR LAMB: Well, you know, I'm not...I'm not certain exactly why that was. We thought, originally, it was going to be ready, but there was a miscommunication between the computer people and the Department of Motor Vehicles and it did not happen. However, the funds in LB 8...I believe it's LB 813, for computerization, is essential for the long-term method of making this bill operational on the county level and they'll have access to drivers records in all states, and that certainly will help the project down the road.

SENATOR WESELY: How many states do you know of that will not be able to meet the deadline, are you aware of that?

SENATOR LAMB: California is the only...well, we're meeting the deadline. The deadline is the one we're putting in the bill now, a year from this next fall. We're meeting the deadline. The only state now that is fully operational is California.

SENATOR WESELY: Okay, thank you very much.

SPEAKER BARRETT: Additional discussion? Senator Beyer. Senator Hefner next.

SENATOR BEYER: Mr. Speaker and colleagues, I'd like to ask Senator Lamb a couple questions, just get it on the record.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Yes.

SENATOR BEYER: Senator Lamb, by delaying this is the DMV going to get us the rules? It says...I think you said something about 90 days after the session, but is that guaranteed they are going to get us those so we go over them before next session so we'll have them, to the committee I mean?

SENATOR LAMB: Well, I'm hopeful that we have those so that we, at least before the next session, will be better prepared to deal with the issue, if we have to revisit it in...with legislation next year.

SENATOR BEYER: Is it in the...the 90 days is in the bill now that they have to have them to us?

SENATOR LAMB: They should have the regulations published by October, according to my very efficient Legislative Aide.

SENATOR BEYER: Well, I just want to get it on the record that we do have them so that the committee can go over them and have them on record. I think as long as we have legislative intent they should work on it. So, with that, thank you.

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I, too, have had quite a few calls on this bill. And my question to Senator Lamb would be in regard to the bus drivers.

SENATOR LAMB: Yes, sir.

SENATOR HEFNER: Senator Lamb, you mentioned testing in each county. What kind of testing are we talking about?

SENATOR LAMB: Oh, we're talking about, for a new driver they'll have to drive a bus, they'll have to take a physical, and they'll have to take a written exam of, what, something on the order of 120 questions, 95 questions.

SENATOR HEFNER: Okay, and how about that driver that has been driving for over two years? What test will he have to take?

SENATOR LAMB: Only the written test, I believe.

SENATOR HEFNER: Only the written test. Okay, thank you. And

then I have one more question. I had some calls from some of the ESU board members, and they said it would be hard for them to gear up to teaching this course to bus drivers. What were they referring to?

SENATOR LAMB: I have no idea. There is no course that I know about.

SENATOR HEFNER: Okay. So,...

SENATOR LAMB: They may be misinformed.

SENATOR HEFNER: Okay, okay. Thank you, Senator Lamb.

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Lamb, any closing comment on the motion to return?

SENATOR LAMB: I would just move to return the bill for a specific amendment.

SPEAKER BARRETT: Thank you. The question is, shall the bill be returned? All in favor vote aye, opposed nay. Record, please.

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Lamb, on the amendment.

SENATOR LAMB: Mr. President, members, I think there has been adequate discussion. If there are other questions, I'd be happy to respond. I would just move the adoption of the amendment.

SPEAKER BARRETT: Thank you. Any questions? Any further discussion? Those in favor of the adoption of the amendment vote aye, opposed nay. Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of the Select File amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Lamb.

SENATOR LAMB: Mr. President, I would move to readvance LB 285 to E & R engrossing.

May 15, 1989

LB 285

SPEAKER BARRETT: Shall LB 285 be readvanced? All in favor say aye, opposed no. I'm sorry, Senator Elmer.

SENATOR ELMER: Excuse me, Mr. Speaker. I had one more question that I'd like to pose to Senator Lamb while we're still talking about this bill.

SPEAKER BARRETT: Recognizing, of course, that the closing has been held and we're in the process of a vote. Proceed with a quick question, Senator Elmer.

SENATOR CHAMBERS: Point of order.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Not to be argumentative, Mr. Chairman, but I think the question is out of order on its face.

SPEAKER BARRETT: Your point is well taken, and that was my first inclination, and I weakened. You're absolutely right. Sorry, Senator Elmer. Those in favor of readvancing the bill say aye. Opposed no. Carried, the bill is readvanced. Next amendment.

CLERK: Mr. President, Senators Beyer, Withem and Hartnett would move to return the bill.

SPEAKER BARRETT: Senator Beyer, please.

SENATOR BEYER: Mr. Speaker and colleagues, Mr. Clerk, can you read the amendment, please. I don't see that it was published. I guess that I don't...

CLERK: (Read Beyer-Withem-Hartnett amendment as found on page 2327 of the Legislative Journal.)

SENATOR BEYER: Okay. What this does, Sarpy and Douglas County, with the permission of the director as a test project, had a separate facility at Sapp Brothers Truck Stop, out on Highway 50 and the Interstate, that they could conduct these truck driver examinations. What it did, it alleviated traffic problems for both Douglas and Sarpy County to have the big trucks there. Also, the fact that there was a lot of the smaller counties that do not have regular testing, those drivers, if they were dispatched into Omaha, could stop and renew...take their test

there and then receive their licenses back in their home county. It proved to be very successful. Beings it was only a test project, it was dropped. Basically, what Senator Withem and Senator Hartnett and I are doing, on behalf of our county and Douglas County, is putting it in that this can be established again. The counties pay for the facilities, but the state would provide the personnel to do the testing. In Sarpy County, especially, and I think most of Douglas County, it's awfully hard to get a semi into...near the court house or near the South Omaha Licensing Bureau that they wanted to use. So that is the reason that we want to put this amendment in, is to facilitate the better testing and to see that the state staffs that at those locations that are paid for by the county. With that, I would urge the return of bill. Thank you.

SPEAKER BARRETT: Discussion? Senator Elmer, followed by...excuse me. Senator Lamb...Senator Elmer, please, Senator Lamb next.

SENATOR ELMER: Thank you, Mr. Speaker. The amendment that Senator Beyer proposes sounds very reasonable. I'd take this opportunity then to ask the question I was going to. I had turned on my light prior to the call to the vote on the previous amendment. Senator Lamb, would you yield?

SENATOR LAMB: Yes, sir.

SENATOR ELMER: Senator Lamb, the loss of this 25 to 50 thousand dollars by delaying the date, because of the computer capacity problem, would there be a chance that an application could be made to the federal Department of Transportation to...because of the mitigating circumstances to avoid this loss?

SENATOR LAMB: Well, I really don't think so, Senator. The rules were set up and I see no way to get around it. I suppose we could investigate it, but I doubt if that would be workable. In addition, I don't think it is going to do us any...I think it will be beneficial for us to have this legislation in statute for a while before it is implemented so that next year, if there is a problem with the bill, we can amend the bill at that time.

SENATOR ELMER: Thank you, Senator Lamb.

SPEAKER BARRETT: Senator Lamb, your light is on.

SENATOR LAMB: Mr. President, members, just to express my support for the amendment that has been offered. The regional concept is a good one as long as it's voluntary. The original concept of the bill, as I mentioned before, was that there would just be regional test stations around the state. And we saw that as causing problems for people, particularly in remote areas, because of the distances involved. So the decision was made to go with every county testing, as we have currently, to keep the current system. Now, the special situations you may have in some counties, between counties where they would like to get together to have a regional system is certainly acceptable, and I would support this amendment.

SPEAKER BARRETT: Any other discussion? Senator Beyer, anything further?

SENATOR BEYER: I would just....Mr. Speaker and colleagues, I would just urge the consideration and return of the bill. Thank you.

SPEAKER BARRETT: Thank you. The question is, shall the bill be returned to Select File for an amendment? All in favor vote aye, opposed nay. Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the motion to return the bill.

SPEAKER BARRETT: The motion prevails, the bill is returned. Senator Beyer.

SENATOR BEYER: Mr. Speaker and colleagues, I would just urge your adoption of the amendment. It will help, I think, in some ways it's permissive legislation. It can be worked out between the Director of Motor Vehicles and the county officials in any concept on that principle. And, if there are any questions, I'd try to answer them. Thank you.

SPEAKER BARRETT: Any questions? Any discussion? Seeing none, shall the amendment be adopted? Those in favor vote aye, opposed nay. Please record.

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Beyer's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Beyer.

SENATOR BEYER: Mr. Speaker and colleagues, I would just urge readvancement of the bill to E & R. Thank you.

SPEAKER BARRETT: Thank you. Shall the bill be readvanced to E & R engrossing? All in favor vote aye...say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. I'd like to take a moment to introduce some guests of Senator Withem. In our north balcony, we have 60 fourth graders from Parkview Heights Elementary in LaVista with their teachers, and also guests of Senator Withem, four fourth graders from Carriage Hill in Papillion with their teachers. Would all of you students please stand with your teachers and be recognized. Thank you, we're very pleased to have you visiting us this morning. Mr. Clerk.

CLERK: Mr. President, Senator Abboud would move to return the bill for a specific amendment. The amendment is on page 2277 of the Journal.

SPEAKER BARRETT: Senator Abboud.

SENATOR ABOUD: Mr. President, colleagues, this amendment was brought to me by Bill Drafting. A bill that I am carrying, LB 352, which is on the Select File today, is a bill that I'm carrying for the Department of Motor Vehicles, which changes the appeals process for the Department of Motor Vehicles so that it will remain the same. As you recall, last year we passed a bill, LB 352, that provided for a complete rewrite of all appeals processes. At that time, we allowed for an enactment date of July 1, 1989, and we left the door open for any state agencies to come back with any changes. The Department of Motor Vehicles, in checking with the Attorney General, found that those procedures that we passed last year would result in changes that they hadn't foresaw. What this particular amendment does to LB 285 is to change the language so that it will be able to mesh with the language that will be found in LB 352 or, in other words, so the statutes that are applied in 285 will be used and be able to be applicable to the current statutes at this time. It's a very technical amendment, doesn't change anything. I urge the body to return LB 285 to Select File for this particular amendment.

SPEAKER BARRETT: Thank you. Discussion on the Abboud motion. Senator Lamb.

SENATOR LAMB: Mr. President, I rise to support the amendment that Senator Abboud has offered. As he mentioned, it's merely technical that has to do with how the state agencies operate. And his bill is coming up soon, which I assume it will be passed.

SPEAKER BARRETT: Any other discussion? If not, the question is, shall the bill be returned to Select File? Those in favor vote aye, opposed nay. Please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Abboud, on the amendment.

SENATOR ABOUD: I urge the adoption of the amendment. I'd be happy to answer any questions, if there are any.

SPEAKER BARRETT: Thank you. Questions? Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. Senator Abboud, I apologize, but I don't recall your LB 352 and the discussion on it. And, just briefly, why is it...is every department going to be under the Administrative Procedures Act now but the Department of Motor Vehicles?

SENATOR ABOUD: They already are. Last year, when we passed LB 352...currently, all state agencies have a certain appeals process. The bill last year, LB 352, unified all of the different systems. It had been worked on for about five or six years by the state agencies. We...when we passed the law we said, if there are any problems that you don't foresee, we'll move the enactment date until July 1 of 1989. We weren't expecting any major repercussions from it, and there weren't any. But the Department of Motor Vehicles, in an Attorney General's...request to the Attorney General and a letter back and forth from the Attorney General, which I have here on my desk, provided that for certain appeals processes...currently, the only appeals process that they handle is for when a person refuses to take a breathalyzer test. And in that particular instance, in the appeal where that person's license is pulled, they appeal directly to the Department of Motor Vehicles. What was not foreseen was that they would also have to deal with the

appeals processes, dealing with point revocation and all other appeals. They prefer that to go directly to the district court, rather than dealing with it themselves, because of the costs involved in it, and they prefer that it goes to the district court. So, as a result, they came back and said we only wanted to deal...we only wanted to make uniform the appeals process dealing with the implied consent law. And that is why I came back with this amendment that takes them out of that uniform appeals process and goes back to the law as it currently is today.

SENATOR WESELY: I see, I see. I've been interested in that implied consent law and had legislation on it last year. So I'm concerned to make sure that it works properly. And you're saying that to do that you need this amendment, I mean...well, the other bill that this would mesh with.

SENATOR ABBODD: Yes. I have a copy of the letter from the Attorney General's Office, too.

SENATOR WESELY: What about appeals on...questions about, oh, like the vision question that we've had legislation on? Are those under the Administrative Procedures Act then or...

SENATOR ABBODD: Which divisions? What are you talking about?

SENATOR WESELY: Well, I'm just...all I'm trying to get at is are we separating out the department in a way that...I mean, are all other departments all going to be doing one thing and the Department of Motor Vehicles will be doing something different? I mean...and it sounds like there is a justification for that. But is that what I'm hearing you say?

SENATOR ABBODD: I don't think so. That's...when we had the hearing before the Government Committee on LB 352, that particular issue was raised, and it won't be that much of a change. Really, the only ones that really deal with this on these appeals are attorneys, and it was their hope to make everything more uniform so that you, if you went to one state agency you wouldn't be different from another state agency; just so it's easier in that appeals process, and there really isn't that much of a change where it would make that much difference.

SENATOR WESELY: And the Bar Association supported this, so they must feel that it's a worthwhile change in the procedure?

SENATOR ABOUD: That's correct.

SENATOR WESELY: Okay, thank you for your help.

SENATOR ABOUD: Thank you for the question, Senator Wesely.

SPEAKER BARRETT: Senator Withem, discussion on the amendment.

SENATOR WITHEM: Yes, thank you, Senator Wesely, for raising that question because it brought some up to me, too. Senator Abboud, I have a question or two I might ask. Let me tell you what I think I heard, or the impression I got of this bill during the discussion between the two of you. Last year we passed LB 352. By the way, I think it's unfair that you're the only guy that gets the same number for a bill two years in a row. I think you must have cheated somewhere along the line to do that. It made the appeals procedures uniform. The Department of Transportation, under some of their current operating procedures, would have to change some of their current operating procedures to comply with that, and they prefer keeping their current procedures. And I was on the Government Committee and I understood it that far. I guess what I didn't understand was, correct me if I'm wrong here, but things like driver's license point suspension, denial of a driver's license because of failure to pass a vision test, some of these other sorts of decisions, there currently is no administrative appeal on those?

SENATOR ABOUD: Yes, there is. They go...any appeals would go directly to the district court.

SENATOR WITHEM: Okay, but then it's not an administrative appeal, is it, if it goes directly to the court?

SENATOR ABOUD: It's an appeal.

SENATOR WITHEM: Yeah, but there is no administrative procedures within the department, it just goes directly to the court, whereas other decisions that are made by administrative agencies, there are steps that you go through administratively before you have to take them into a court proceeding.

SENATOR ABOUD: The difference is that when you want to appeal a decision on implied consent, or refusal to take a

breatholyzer, the Department of Motor Vehicles has an administrative law judge. And that is really the difference.

SENATOR WITHEM: Okay.

SENATOR ABBOD: They have a judge that just deals with implied consent.

SENATOR WITHEM: I'm not concerned about that aspect. What I am concerned about are things like the individuals denied driver's license because of vision tests, and they think that their vision is adequate. Under existing or previous statute, existing procedures...what steps does that person take versus what would happen if we allowed last year's LB 352 to go into effect?

SENATOR ABBOD: Do you want me to answer the question?

SENATOR WITHEM: Yeah, sure do.

SENATOR ABBOD: Okay. What this would deal with, as far as from what I understand from the Department of Motor Vehicles, it is dealing...in this administrative process we are talking about right here, dealing with people that already have a license, so you would only be dealing with people for point revocation, breatholyzer and any other instance where the Department of Motor Vehicle administratively pulls that license away...pulls that license from the person. So it wouldn't deal, let's say, with the denial of the...they would still have a certain process that they would use..

SENATOR WITHEM: Okay.

SENATOR ABBOD: ...the current process for a person that couldn't pass the eye test of a license. The procedures involved in an appeal don't change. The only change would be in who would be actually judging it. Instead of hiring...going out and hiring a lot of administrative law judges, which the department would have to do if we didn't make this change, it would go to...

SENATOR WITHEM: Okay.

SENATOR ABBOD: ...district court.

May 15, 1989

LB 285A, 285, 352

SENATOR WITHEM: Okay, okay. Thank you for that. As I understand your amendment to 285, it is just to make 285 consistent when and if LB 352 passes. So, the discussion that the three of us have been having maybe is more appropriate over 352. So, I appreciate your...and I think your amendment probably is...needs to get adopted to LB 285, so I will be supporting it. Thank you very much.

SPEAKER BARRETT: Thank you. Shall the amendment to 285 be adopted? Those in favor vote aye, opposed nay. Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Abboud.

SENATOR ABBOD: I move to readvance it.

SPEAKER BARRETT: The question is the readvancement of the bill. All in favor say aye. Opposed no. Ayes have it, motion carried, the bill is readvanced. Before going to the A bill, Mr. Clerk, I'd like to announce that Senator Abboud does have some visitors in the north balcony, five students from Ralston Middle School with their guidance counselors. Would you folks please stand and be recognized. Thank you, we're glad you could spend a little time with us this morning. Mr. Clerk.

CLERK: Mr. President, Senator Lamb would move to return LB 228A, I'm sorry, LB 285A to Select File for a specific amendment. Senator Lamb's amendment is on page 2202.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Mr. President and members, the modifications, the amendment to the A bill merely reflects the delay for one year in the implementation date. I do have a marked up copy of the A bill, which I could go through, if there are questions.

SPEAKER BARRETT: Any questions? Any discussion? Senator Haberman.

SENATOR HABERMAN: I wonder if Senator Lamb would yield to a question, please.

SPEAKER BARRETT: Senator Lamb.

May 16, 1989

LB 285, 285A, 309, 355A, 653, 653A, 813
817A
LR 215

of the Haberman amendment to LB 813. All in favor vote aye, opposed nay. Voting on the Haberman amendment to LB 813. Record, please. A record vote has been requested if anyone else would care to vote before we record. Please record.

CLERK: (Record vote read. See pages 2410-11 of the Legislative Journal.) 10 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The Chair is pleased to announce that Senator Byars has some guests in the north balcony, 85 fourth graders from Fairbury and Jefferson Schools and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you very much. We're glad you could visit us this afternoon. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. New resolution, LR 215, by Senator McFarland. (Read brief description of LR 215. See page 2411 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 355A by Senator Wesely. (See pages 2411-12 of the Legislative Journal.)

Enrollment and Review reports LB 285, LB 285A, LB 653, LB 653A as correctly engrossed. (See pages 2414 of the Legislative Journal.)

Senator Hall has amendments to LB 309. (See pages 2412-13 of the Legislative Journal.)

And a new A bill, Mr. President, LB 817A by Senator Conway. (Read title for the first time as found on page 2413 of the Legislative Journal.)

Mr. President, the next amendment to LB 813 is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment that would raise the salary of the Parole Board. If you look for the pink sheet on your desk, you will find it. This is a matter that I had been working on for a number of years and last year there was an indication given to me by the Governor's Chief of Staff that she would support this proposition. We have finally discussed it and reached an accord

May 19, 1989

LB 272A, 285, 285A, 311, 357, 357A, 525
566

guess you can start reading LB 285. We'll not be holding you to the seats for this next half hour.

ASSISTANT CLERK: (Read LB 285 on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 285 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote as found on pages 2589-90 of the Legislative Journal.) 36 ayes, 1 nay, 7 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 285 passes. Again, consistent with the announcements earlier today, we'll...yes, we'll go to the A bill next. We'll proceed, after the A bill, on Final Reading, bills with motions to return. Nine o'clock is the operative time, nine o'clock. I should hasten to advise that there have been three amendments filed under other motions filed with the Clerk. We have amendments to 209, 183, and 761A. You know what we have to continue, finish, under Item 9, three additional amendments. We stop at nine o'clock for Final Reading. Mr. Clerk, the A bill.

CLERK: (Read LB 285A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 285A, with the emergency clause attached, become law? All in favor vote aye, opposed nay. Have you all voted? Please record. We've got 33, um-huh. Yes. Record.

CLERK: (Read record vote as found on pages 2590-91 of the Legislative Journal.) 34 ayes, 0 nays, 9 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 285AE passes. For the record, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports LB 272A as correctly engrossed; LB 311 as correctly engrossed; LB 357 as correctly engrossed; LB 357A, LB 525, and LB 566 all reported correctly engrossed, all signed by Senator Lindsay as Chair of

specialize in liquor law. It's been approved by the Liquor Commission. Virtually all of the community that is involved in distribution and sale of alcoholic beverages had signed off on the amendment, except a few very narrow interests, and there have been...which have historically been the same interests that have challenged the law in the past. I'd urge that we adopt the amendment.

SPEAKER BARRETT: Senator Schellpeper, you have a comment?

SENATOR SCHELLPEPER: (Response inaudible.)

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Those in favor of closing debate vote aye, opposed nay. Please record.

CLERK: 27 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Smith, to close. Closing is waived. Thank you. The question is the adoption of the Smith amendment to 781. All in favor vote aye, opposed nay. Have you all voted? Voting on the adoption of the amendment.

SENATOR SMITH: Mr. Speaker.

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: I guess I'm going to have to ask for people to...a call of the house. We're already under call, aren't we?

SPEAKER BARRETT: Technically, yes.

SENATOR SMITH: I don't see very many people in their seats, so maybe we'll have to ask for people to check in, and then I'd like to have a roll call vote.

SPEAKER BARRETT: Members, please check in. Senator Hefner, please. Senator Lamb. Senator Lowell Johnson. Senator Coordsen, please. Call in votes are authorized? Thank you. Roll call vote has been requested in reverse order. So be it. Senators Landis, Moore, Scofield and Warner, the house is under call. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign reengrossed LB 285, reengrossed LB 285A. Senators Landis, Moore and Warner, the house is under call. Senator Smith. Proceed

May 19, 1989

LB 177, 187A, 209, 279, 285, 285A, 289A
362, 362A, 651A, 761A, 781

question is the striking of the enacting clause. Those in favor vote aye, opposed nay. Record.

CLERK: 35 ayes, 0 nays, Mr. President, to strike the enacting clause.

SPEAKER BARRETT: Thank you. Motion is adopted. The amendment is adopted. The enacting clause is stricken.

CLERK: Mr. President, if I may, your Committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed Legislative Bill 177 and fine the same correctly engrossed LB 187A, LB 279, LB 289A, LB 362, LB 362A, LB 651A, and LB 781, all signed by Senator Lindsay as Chair.

Mr. President, the Enrollment Clerk has presented to the Governor LB 285 and LB 285A read earlier this evening on Final Reading.

SPEAKER BARRETT: Mr. Clerk.

CLERK: Mr. President, I have one final item. I have a unanimous consent request to unbracket LB 209, which has been pending on Final Reading.

SPEAKER BARRETT: Thank you. If there are no objections, so ordered. I have just been advised that E & R, the Bill Drafters, have done an amazingly good job and they are to be congratulated. They've been working hard on all of the bills. They've been processed and have been returned to the floor in order that adjournment might be possible should it be the will of the body. With that announcement, we can proceed into Final Reading now if that is the body's desire. We can adjourn until Monday morning at nine o'clock. Monday will be dedicated to Final Reading in its entirety, Final Reading all day. I think we need to say thank you to the Bill Drafters for the work that they have done. It is up to the body. Senator Hall.

SENATOR HALL: Mr. President, I would move that we adjourn until Monday morning at 9:00 a.m..

SPEAKER BARRETT: You've heard the motion to adjourn until Monday morning at nine o'clock. Those in favor please vote aye, opposed nay. Record, please. Members take your seats for Final Reading. Motion fails. (See vote of 7 ayes, 31 nays, as found

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.)

SENATOR HANNIBAL: The Chair of the Transportation Committee, Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, LB 980 is a priority bill of the Transportation Committee. If you will remember, last year we had LB 285 which puts Nebraska in compliance with federal regulations in regard to commercial driver's licenses. LB 980 is somewhat of a cleanup bill to LB 285. The committee amendments, the main part of the committee amendments is that it incorporates LB 979 into LB 980 and LB 979 has to do with the financial responsibility. This requires that the Public Service Commission would require private motor carriers who operate commercially licensed motor vehicles registered for gross vehicle weight over 10,000 pounds to meet the commission's financial responsibility filing requirements. The committee amendment also modifies the interstate physical requirements to conform to the Federal Motor Carriers Safety Regulations. And it also strikes the restriction that an applicant for a commercial driver's license who certifies that they are not subject to Part 391 of the Federal Motor Carriers Safety Regulations shall be issued a commercial driver's license which is restricted to intrastate operation only of commercial vehicles. In other words, we tried to water it down as much as possible for the intrastate or those who operate within the State of Nebraska. I would ask that the committee amendment be adopted, Mr. Chairman.

SENATOR HANNIBAL: Thank you, Senator Lamb. There are no other lights on. Would you waive closing on the committee amendments? Senator Lamb waives closing. The issue before you is the adoption of the committee amendments to LB 980. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

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

SENATOR HANNIBAL: The amendments are adopted. LB 980, Senator Lamb, are you handling the bill?

SENATOR LAMB: Yes. As I mentioned before, LB 980 is a Transportation Committee priority bill, and one of the things it does is delete the provision in the current statute which we have that requires that for an ordinary driver's license you pay

for the abstract presented at the time of license renewal in order to waive the written knowledge test, if the individual has no traffic violations. You will remember we passed that bill a few years ago. If you have this transcript with no violations, you pay \$1.75 and you can get your license without answering the questions. Well, this eliminates that fee because under the new program that information is going to be instantly available and there will be no need for the abstract. So that is the reason there is a revenue loss because there will not be that \$1.75. However, the cost associated with that program will also be eliminated. If you will look at the committee statement, you can see that there are a number of relatively small changes to LB 285 are made. One of them that you may have heard about is the school bus drivers have been complaining about the problems that they may have with complying with the new federal regulations. We have reduced those requirements to the very minimum and I believe that will pass federal scrutiny. The school bus drivers will have to get a commercial driver's license. However, the school, the annual school bus endorsement is not going to be necessary. They will have to answer more questions, but they will take the same physical that they are currently taking or have been taking before LB 285 was passed. The learner's permit is clarified to provide that the permit is valid only if it is in conjunction with a regular driver's license or Class O or commercial driver's license. There was a problem with the learner's permit under the language that we had before. It clarifies that the picture of the holder of a school bus operator's permit need not appear on the permit. It has a section which includes, the Federal Highway Administration has issued final regulation which mandates drug testing for motor carriers. There are five types of testing specified; pre-employment, periodic, reasonable cause, random testing, and postaccident testing. Now the federal regulations apply to drivers and motor carriers who operate in interstate commerce, those vehicles with a gross vehicle weight in excess of 26,000 pounds, vehicles designed or used to transport 16 or more passengers, or vehicles placarded for the transportation of hazardous material. For intrastate, we have in this bill excluded those last two that I mentioned, so they still would have to have drug testing for those driving a vehicle with a gross weight of over 26,000 pounds. If there are questions, I would attempt to respond.

SENATOR HANNIBAL: Thank you, Senator Lamb. Senator Korshoj, please.

February 23, 1990 LB 285, 313A, 980A

PRESIDENT: How many more buttons do you want to punch?

SENATOR COORDSEN: Only by instruction. Aha, I think we may be saved from otherwise unpalatable fate. Thank you.

PRESIDENT: Record, Mr. Clerk, please.

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

PRESIDENT: The Coordsen amendment is adopted. Now we're on the advancement of the bill. Is there any discussion on the advancement of the bill? Senator McFarland, did you want to speak on the advancement of the bill?

SENATOR MCFARLAND: I would just move that the bill be advanced, Mr. President.

PRESIDENT: You have heard the discussion. All those in favor of advancing the bill vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 313A.

PRESIDENT: The bill is advanced. LB 980A.

CLERK: Mr. President, 980A, offered by Senator Lamb, is a bill for an act relating to appropriations to amend laws of 1989, LB 813, Section 27. (Read title.)

PRESIDENT: Senator Emil Beyer, please.

SENATOR BEYER: Mr. Speaker and colleagues, this bill saves money, but it has to follow along with LB 980 that is a clarification of our commercial drivers' license bill of last year, LB 285. LB 980, in part, provides the applicants for a passenger car operator's license no longer have to obtain a driver's license abstract before taking advantage of the procedure that allows qualified individuals to avoid taking the written test on license renewal. Because of this change, the Department of Motor Vehicles will realize approximately 30,000 in savings in their administrative costs. LB 980A would reduce the appropriation to the department's enforcement of standards,