

January 10, 1989

LB 313-323
LR 5

Executive Board, Room 2102 for purposes of referencing, right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: More bill introductions.

CLERK: Mr. President, new bills. (Read LB 313-322 by title for the first time. See pages 167-69 of the Legislative Journal.)

Mr. President, in addition to those items, I have a Reference Report referring LB 238 through 279.

Mr. President, new resolution. (Read LR 5 for the first time. See pages 171-73 of the Legislative Journal.) Mr. President, that resolution will be laid over.

Mr. President, I have one last bill. (Read LB 323 by title for the first time. See page 173 of the Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. The Chair recognizes Senator Crosby.

SENATOR CROSBY: Mr. Chairman, there being no further business to come before this body at this time, I respectfully move that we adjourn until Wednesday morning, January 11th at nine o'clock. Thank you.

SPEAKER BARRETT: Thank you, Senator Crosby. You've heard the motion to adjourn. Those in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

February 3, 1989

LB 92, 198, 318
LR 2-

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 92.

SPEAKER BARRETT: The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do, thank you. Your Committee on Banking, Commerce, and Insurance reports LB 318 to General File with amendments attached, signed by Senator Landis as Chair. (See pages 581-85 of the Legislative Journal.)

I have a report of registered lobbyists for this past week. Mr. President, a new resolution, LR 24 offered by Senators Coordsen and Hall. (Read brief explanation. See pages 586-87 of the Legislative Journal.) It will be referred to the Executive Board.

Mr. President, I have a confirmation report from the Retirement Systems Committee. That is signed by Senator Haberman as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on General File, LB 198.

CLERK: Mr. President, LB 198 is a bill offered by Senators Schellpeper and McFarland. (Read title.) The bill was introduced on January 9 of this year, Mr. President, referred to the Revenue Committee. The bill was advanced to General File. I have no committee amendments.

SPEAKER BARRETT: Thank you. Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members. I think this would be a fairly easy to understand. What it does is it exempts the sales tax on State Fair purchases. The State Board of Agriculture is actually the State Fair. We are talking about approximately 15 to 20 thousand dollars. I really don't think it would even be quite that much. Currently our race operation out at the State Fair Park is exempt. We do not pay any sales tax on any purchases that are associated with the races. With simulcast being conducted out there for about 10 months, you can see that we do not have much that we can put over into the actual fair part, and it is real hard to decide which goes to the fair, which goes to the races. We are talking about state-owned buildings on state-owned property, so I just

I'm sorry. I don't know.

SENATOR LABEDZ: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Mr. Clerk, record the vote.

CLERK: 13 ayes, 0 nays to go under call, Madam President.

SENATOR LABEDZ: The house is under call. All unauthorized personne', please leave the floor and senators return to your seats and record your presence. The house is under call. Senators, please return to your seats. Senator Pirsch, will you please check in. Senator Wesely, will you accept call ins?

SENATOR WESELY: Sure will.

SENATOR LABEDZ: Thank you. The house is under call, please record your presence. Senator Wesely will accept call ins.

CLERK: Senator Hefner voting yes. Senator Chizek voting yes. Senator Lowell Johnson voting yes. Senator Lindsay voting yes.

SENATOR LABEDZ: Record the vote, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of LB 489.

SENATOR LABEDZ: LB 489 is advanced. Mr. Clerk, LB 318. The call is raised.

CLERK: Mr. President, 318 was a bill introduced by the Banking Committee. (Read title.) The bill was introduced on January 10, referred to the Banking Committee, advanced to General File. I have committee amendments by the Banking Committee pending, Madam President.

SENATOR LABEDZ: Senator Conway, on the committee amendments.

SENATOR CONWAY: Thank you, Madam Speaker and members. LB 318 was, as you mentioned, a Banking Committee bill. Primarily, the bill in itself, and I'll give a quick explanation on the bill itself because the committee amendments become the bill, and all they really were was a technique of rewriting it and replacing language that was erroneously eliminated in 1987. Conceptually, what the...what 318 does is takes individuals that do not fall

underneath the federal mandate, under the COBRA provisions, that allows them to take their health insurance, after termination or after death, and to continue it on. After termination they, under federal rights, under COBRA now, and as we had in our state prior to the COBRA law, an individual could insist that his health insurance benefits be carried on for another six months after termination if the employee is willing to pay 100 percent of the cost of the premium to do so. Or, following death, the surviving spouse or dependents could carry that health insurance on for a full year after that period of time. What 318 does is really replaces that language because after COBRA was passed, in 1987, we had a bill in front of us that we included that was somewhat of a "revampment" of several areas that people felt would be taken care of because of the federal mandate, and the federal mandate only applies to those employers of 20 employees or greater. And so, by eliminating those provisions, we struck language that we had had prior to that time and, therefore, eliminating the provision that employees working for employers that are under the size of 20 basically lost the benefit that they had prior to that. What the committee amendment basically does, the bill was brought to us to correct that particular fashion. As the committee spent some time with it and in working with the Director of the Department of Insurance we felt that the language that was stricken was really better language, it fit better with the codification of the procedures and the like, and wanted to use the specific language that was stricken rather than the new language that was in the bill. So the committee amendment becomes, in essence, the bill; does the same thing the bill does, just uses a different format. And I think the only real change it also makes is we have a provision that the employee could be assessed up to 102 percent of the cost of the premium because of some of the additional extraneous costs in ratings that they may experience by having an additional...additional individuals into that group. So the committee amendments, if we would adopt those, we could address, or I could answer any questions relative to the bill itself. But the committee amendments, in essence, do what the bill does in concept, it uses just a different technique, for the most part, to do that. So, with that, I urge the body to adopt the committee amendments, and then we can discuss the bill, if you like.

SENATOR LABEDZ: Thank you, Senator Conway. We're discussing the committee amendments on LB 318. Is there any further discussion? Evidently not, Senator Conway. Would you like to

close on the committee amendments?

SENATOR CONWAY: I think we can just attach the committee amendments, if we have the votes to do so?

SENATOR LABEDZ: We're voting on the committee amendments to LB 318. All those in favor vote aye, opposed nay. We're voting on the committee amendments. Please vote. It's getting very difficult to obtain the necessary votes for advancement. Senators, please return to the floor. We're voting on the advancement of committee amendments to LB 318. We need your cooperation. Mr. Clerk, record.

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

SENATOR LABEDZ: The committee amendments are adopted. Senator Conway, on the advancement of the bill.

SENATOR CONWAY: Thank you, Madam Speaker. We are in a situation here now where we've adopted the committee amendments, in essence, as I mentioned before, the committee amendments theoretically are the same in concept as the bill, using some different language to accomplish such. We had in Nebraska, prior to 1987, in essence, these provisions, what they allow individuals to do that are working for employers that are not mandated to do this at the federal level. Employers that have 20 employees or less are not mandated under the federal code and I think we inadvertently thought that everyone fell under COBRA when it was passed and, through some clean-up provisions, we inadvertently struck the language that we had been living under before. What, in essence, it does, it allows an employee who has been terminated from his employment, if he pays the entire cost, plus an additional up to 102 percent of the total cost of his premium, he can continue his health insurance under that group plan, if he was a member of that group plan prior to the termination. He can continue that insurance for another six months. If he has been terminated by virtue of being deceased, his dependents and spouse can continue by paying up to 102 percent of that premium so that the cost is not borne by the employer but by the individuals, can stay as a member of that group health plan for up to one year. Like I say, it's not a new provision, it's something we lived under in Nebraska prior to our inadvertently striking that language in 1987 in that legislation. So I would offer this to the body and hope that

you would adopt the...and advance, excuse me, LB 318 onto Select File.

SENATOR LABEDZ: Thank you, Senator Conway. We're voting on the advancement of LB 318. All those in favor vote aye, opposed nay. Have you all voted? Will the senators please return to their seats and vote either aye or nay on the advancement of LB 318. We're having a very difficult time this morning. Appreciate it. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays on the advancement of 318, Madam President.

SENATOR LABEDZ: LB 318 is advanced. Mr. Clerk, LB 440.

CLERK: LB 440, Madam President, offered by Senator Hannibal. (Read title.) The bill was introduced on January 13, referred to General Affairs, advanced to General File. I have no amendments to the bill, Madam President.

SENATOR LABEDZ: Senator Hannibal, on the advancement of LB 440.

SENATOR HANNIBAL: Thank you, Madam President and members of the Legislature. LB 440, as described to you, does a very simple thing. It increases the penalty for the manufacturer of false ID from a Class III misdemeanor, for a first offense right now, a Class II misdemeanor, second offense right now, to make it a Class I misdemeanor for first and all subsequent offenses. It's a simple bill. I know we have very few people here. It was not opposed in committee. It came out unanimous in committee. It is trying to get at the problems with under age individuals purchasing liquor, but it's going through the supply side, and that is to try to put a little heavier hammer on those that are making and distributing false ID for a business. I would be happy to respond to any questions or concerns, but I don't see a whole lot of interest, so I'll just move for its advancement.

SENATOR LABEDZ: Senator Hall, on the advancement of LB 440.

SENATOR HALL: Madam Chair, members of the Legislature, I rise in support of Senator Hannibal's bill. It was brought before the General Affairs Committee and I did question the increase in penalty because it is a rather drastic jump. But, as Senator Hannibal pointed out, it deals with those who are manufacturing the identification and not with the young people who are using

February 21, 1989 LB 154, 227, 298, 318, 408, 440, 713

Select File with E & R amendments, LB 318 Select File with E & R amendments, LB 440 Select File with E & R and LB 154 Select File with E & R. (See pages 794-97 of the Legislative Journal.)

Mr. President, Speaker Barrett has amendments to be printed to LB 408. (See page 797 of the Legislative Journal.)

Mr. President, your Committee on Transportation whose Chair is Senator Lamb to whom was referred LB 227 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with committee amendments attached and LB 713 General File with committee amendments attached. (See page 797 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to Select File, LB 298.

CLERK: Mr. President, LB 298 is on Select File. I have no E & R. I do have an amendment to the bill, Mr. President, from Speaker Barrett. The amendment is found on page 721 of the Journal.

PRESIDENT: Thank you. Speaker Barrett, please. Just a moment, Speaker. (Gavel.) Could we please have it a little quieter so we can hear the speakers. Speaker Barrett.

SPEAKER BARRETT: Thank you, Mr. President and members. The amendment being offered on LB 298 I think addresses a couple of concerns that came up on General File when the bill was discussed for the first time. LB 298, as you recall, is the bill that raises the rates to be paid for publication of legal notices. A couple of major concerns I believe were voiced on the floor when we did debate the bill the first time. One of the questions was whether or not a political subdivision finds that it can't find a newspaper which will publish any notice at the legal rate, and I believe the other concern which was raised involved the question of a public official finding that to publish the type of notice that he or she needs, they would have to pay more than the legal rate. So the amendment which I'm offering offers two new short sections listing three specific situations where the public official could negotiate with a legal newspaper to publish the notice at a rate higher than the legal rate. However, the higher rate does have a cap or a limit. A negotiated rate could never be higher than the newspaper's lowest scheduled rate for classified ads of the type

March 3, 1989

LB 92, 92A, 318, 362A, 489

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Wesely'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 362A as amended be advanced to E & R for Engrossing.

SPEAKER BARRETT: Shall LB 362A be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 92, and LB 92A. Mr. Clerk, LB 489.

CLERK: Mr. President, on LB 489, I have E & R amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 489 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to LB 489 be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 489 as amended be advanced.

SPEAKER BARRETT: Shall LB 489 as amended be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. Next bill.

CLERK: Mr. President, the next bill is LB 318. I have E & R amendments pending, Senator. E & R amendments, Mr. President.

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LB 154, 318, 440

SPEAKER BARRETT: Senator Lindsay, on the E & R amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 318 be adopted.

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

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 318 as amended be advanced.

SPEAKER BARRETT: The question is the advancement of LB 318. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 440.

CLERK: LB 440, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 440 be advanced to E & R Final.

SPEAKER BARRETT: The question before the body is the advancement of LB 440. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 154.

CLERK: Mr. President, LB 154, Senator, I have E & R amendments first of all.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 360 (sic) be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 360 (sic)? Those in favor say aye. Opposed no. Carried. They are adopted. Correction, the E & R amendments to LB 154, please. Those in favor say aye. Opposed no. Carried.

CLERK: Mr. President, I then have an amendment to 154 pending by Senator Hall.

March 6, 1989

LB 87, 318, 340, 362, 362A, 390, 440
489, 541, 545A, 563, 587, 605, 661
687, 728, 793, 809
LR 16, 44, 45

SPEAKER BARRETT: With your permission, perhaps the Clerk could read some items in before we take a vote, Senator Goodrich? Thank you.

ASSISTANT CLERK: Mr. President, your Committee on Business and Labor, whose Chairperson is Senator Coordsen, reports LB 541 to General File with amendments; LB 605, indefinitely postponed. Committee on Enrollment and Review reports LB 318 as correctly Engrossed; LB 362, LB 362A, LB 440, LB 489. (See pages 993-97 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 44 and LR 45 for first time. See pages 997-98 of the Legislative Journal.)

I have a notice of committee hearing from the Business and Labor Committee on gubernatorial appointments. Your Committee on Revenue, whose Chairperson is Senator Hall, reports LB 793 to General File; LB 390, indefinitely postponed; LB 563, indefinitely postponed; LB 661, indefinitely postponed; LB 687, indefinitely postponed; LB 728 and LR 16CA, indefinitely postponed. (See page 998 of the Legislative Journal.)

I have amendments to LB 587 from Senator Schmit to be printed; and from Senator Pirsch to LB 87. New A bill, LB 545A, from Senator Baack. (Read by title for the first time. See page 999 of the Legislative Journal.)

Amendments to be printed to LB 340 from Senator Chambers. Unanimous consent request from Senator Pirsch to add her name as a co-sponsor of LB 809, and an announcement from Senator Rod Johnson that the Agriculture Committee will meet in a brief Executive Session under the north balcony, immediately following adjournment today. That's all that I have, Mr. President. (See page 1000 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn offered by Senator Goodrich. Those in favor say aye. Opposed no. Ayes have it, motion carried. We are adjourned until tomorrow morning.

Proofed by:

Marilyn Zank
Marilyn Zank

Public Law, Jagiellonian University, Krakow, Poland; Mr. Steven Bergmann, Deputy Chief of Foreign Policy Department, Bavarian Television, from the Federal Republic of Germany; Mr. Henrik Fisker, Journalist at Radio Greenland, Nuuk, Greenland, the Nation of Denmark; Alessandro Parone, NATO and the European Community Correspondent in Brussels, Italian News Agency from Ansa, Italy; and, finally, from Ireland, Mary O'Shea, National Youth and Education Officer, Fianna Fail Party, from Ireland. We welcome each and everyone of you as our guests this morning. We're glad you're here. I would hope that the members of the Legislature, following Final Reading, will have an opportunity to extend greetings. Thank you for being here. The next bill, Mr. Clerk.

ASSISTANT CLERK: (Read LB 318 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 318 pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1042 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 318 passes. The final bill of the morning on Final Reading, LB 320.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 320 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1043 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 320 passes. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have a report of registered lobbyists for this week to be inserted in the Journal. (See pages 1043-44 of the Legislative Journal.)

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LB 54, 214, 214A, 284, 284A, 318, 320
443, 499

Nebraska that probably are not too hep on complying with this law, along with some others. So I guess I just see it as an unnecessary regulation on the small businesses that really don't see a need to post at this time.

SPEAKER BARRETT: Thank you. Senator Wehrbein is announcing that he has guests in the north balcony. We have 15 members from District 2 school of Nebraska City, with their teacher. Would you folks please stand. Thank you. We're glad to have you with us. Also, Senator Ashford is announcing that his brother, County Judge Mark Ashford, is with us under the south balcony. Judge Ashford, would you please stand. Thank you. We're glad to have you with us. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 284, LB 284A, LB 214 and LB 214A, LB 443, LB 499, LB 318 and LB 320. Additional discussion on the advancement of the bill, Senator Ashford, followed by Senators Wehrbein and Coordsen.

SENATOR ASHFORD: Mr. Speaker and members, I appreciate the introduction of my brother, before I have an opportunity to speak so I can just prove to you that there was a relatively successful member of my family that...other than...anyway, Senator WeiHING, could I ask you a couple of questions?

SPEAKER BARRETT: Would you respond, Senator WeiHING.

SENATOR WEIHING: Certainly, most happy to do so.

SENATOR ASHFORD: I've had some concerns raised by individuals in my district, Senator, about the effect of this legislation. One of the concerns that was raised by a couple of older local restaurants, specifically I think Johnny's was one and there are some others, that the information that is being required to be posted would, in effect, be a...could infringe on a trade secret or a secret recipe that the particular restaurant had developed. Have you heard anything about that, or...

SENATOR WEIHING: Not specifically and it should not. It is not to divulge any recipes whatsoever. It is simply to make it known as to the kind of oils that they are utilizing in their cooking process. Much of the cooking is that of the preparation of meats and vegetables and on occasion they do have those with their recipes, so just stating as to the kind of oils that they use within their general food preparation, it would not have

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LB 54, 84, 140, 162A, 214, 214A, 254
284, 284A, 318, 320, 357, 432, 443
499, 588, 611, 652, 781
LR 1, 7

General File; LB 432 is indefinitely postponed; LR 1 indefinitely postponed; LR 7 indefinitely postponed, and LB 588 advanced to General File with committee amendments. (See page 1049 of the Legislative Journal.)

Your Enrolling Clerk has presented the bills read earlier this morning to the Governor. (Re: LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318 and LB 320. See page 1057 of the Legislative Journal.)

Priority bill designations: Government Committee is 640 and 639, Senator Abboud LB 592, Senator Hall LB 653, Senator Lindsay LB 681, Senator Elmer LB 429.

New A bill, Mr. President, LB 162A from Senator Rod Johnson. (Read by title for the first time as found on page 1057 of the Legislative Journal.)

I have amendments to be printed to LB 357 from Senator Schellpeper and Nelson, Senator Lindsay to LB 54, Senator Baack to LB 254, Senator Chizek to LB 140, Senator Hall to LB 781, Senator Withem to LB 652. (See pages 1049-57 of the Legislative Journal.)

Unanimous consent for addition of names as co-sponsors, LB 611 Senator Rod Johnson; and LB 84 from Senator Haberman. (See pages 1057-58 of the Legislative Journal.)

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

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 33rd District, Senator Jacklyn Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to make a motion to adjourn until Monday, March 13 at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock Monday morning. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory
Arleen McCrory

March 15, 1989

LB 214, 214A, 284, 284A, 318, 320, 443
499
LR 2

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...Legislative Chamber. We have with us this morning as our chaplain of the day, Harland Johnson, our Chaplain Coordinator. Would you please rise.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland Johnson, for your thoughtful prayer this morning. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication regarding signing of LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318, and LB 320. See page 1150 of the Legislative Journal.)

Mr. President, I have a series of appointment letters that will be referred to Reference Committee. (See pages 1150-52 of the Legislative Journal.)

Mr. President, a series of reports. A report from the Department of Roads, the Highway Cash Fund, Department of Revenue; a report from the University of Nebraska, Lincoln, and a report from the Department of Education. All of those will be on file in my office, Mr. President. And that's all that I have at this time.

PRESIDENT: Thank you. We will move on to the General File and LR 2CA.

CLERK: Mr. President, LR 2 is a proposed constitutional amendment that was introduced by Senators Rod Johnson, Howard Lamb, Moore and Wehrbein. (Read brief description of LR 2.) The resolution was originally introduced on January 5, Mr. President. It was referred to the Revenue Committee for hearing. The resolution was advanced to General File. At this time, I have no amendments pending.