

January 11, 1989

LB 112, 324-329

PRESIDENT: Any further dis... Senator McFarland, did you wish to speak about this? All right. You have heard the motion, the question is to withdraw LB 112. All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the withdrawal of LB 112.

PRESIDENT: LB 112 is withdrawn. Senator McFarland, for what purpose do you rise?

SENATOR MCFARLAND: Mr. President, I rise for a point of personal privilege. A lot...

PRESIDENT: State your point, please.

SENATOR MCFARLAND: A lot of concern has been expressed since I was locked in the bathroom on the first day of the legislative session and that's particular concern since sometimes I work down here in the evenings. If that ever happens again, I may not ever get out. But I want to assure you that I have been given a gift from our Governor today and it's wrapped in a nice bow and it's a can opener, and if ever I have the same experience again, I will be well prepared. So I'm going to keep this in my pocket and carry it everywhere I go for the rest of this session, so the rest of you won't have to worry about it. I thank you very much.

PRESIDENT: Thank you. And with the word "can" meaning so much more than it used to years ago, I am afraid to comment further. We will move on to the introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 324-329 as found on pages 176-77 of the Legislative Journal.) Mr. President, that's all the new bills that I have at this time.

PRESIDENT: Senator Crosby, would you do a special task at this moment, please?

SENATOR CROSBY: Thank you, Mr. Chairman, and members of the Legislature, it's my privilege to recognize Dr. Fleischli today, of Lincoln, who is serving as doctor of the day. He is a member of my district so I'm especially pleased to see him. He's here

February 1, 1989.      LB 61, 90, 114, 183, 263, 264, 327  
349, 389, 408, 412, 612, 744  
LR 21, 22

Education gives notice of change of hearing location regarding LB 89 as well as notice of hearing. I also have notice of hearings from the Government, Military and Veterans Affairs Committee. That is signed by Senator Baack as Chair.

Your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 263 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. LB 327 General File with amendments, LB 408 General File with amendments, LB 389 indefinitely postponed. Those are signed by Senator Baack. (See pages 536-37 of the Legislative Journal.)

Education Committee whose Chair is Senator Withem reports LB 744 to General File, LB 183 General File with amendments, LB 264 indefinitely postponed, LB 612 indefinitely postponed. Those are signed by Senator Withem as Chair. (See pages 537-42 of the Legislative Journal.)

Business and Labor Committee whose Chair is Senator Coordsen reports LB 412 to General File with amendments. It is signed by Senator Coordsen as Chair. (See page 542 of the Legislative Journal.)

Banking Committee whose Chair is Senator Landis reports LB 61 to General File and LB 349 to General File with amendments. Those are signed by Senator Landis as Chair of the Banking Committee. (See page 542 of the Legislative Journal.)

Mr. President, in addition to those items, resolutions, LR 21 by Senators Beyer, Goodrich, and Senator Abboud asking the Legislature to express its sympathy to the family of Opal Peterson. That will be laid over, Mr. President. (See page 543 of the Legislative Journal.) LR 22 by Senator Dierks asking the Legislature to recognize July 1, 1989 as Centennial Day for the Village of Elgin. (See page 544 of the Legislative Journal.)

Mr. President, Senator Lynch would move that LB 90 be placed on General File notwithstanding the actions of the Natural Resources Committee, Mr. President. That will be laid over. (See page 543 of the Legislative Journal.)

I have amendments to be printed from Senator Schellpeper to LB 114. (See page 543 of the Legislative Journal.) That is all that I have at this time, Mr. President.

February 9, 1989

LB 57, 58, 70, 94, 97, 115, 116  
126, 133, 142, 156, 191, 229, 230  
233, 251, 255, 256, 295, 327

CLERK: (Read record vote as found on pages 671-72 of the Legislative Journal.) 33 ayes, 11 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes. LB 256.

CLERK: (Read LB 256 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 256 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 672-73 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 256 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 57, LB 94, LB 97, LB 126 with the emergency clause attached, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, two items. Government Committee reports LB 191 to General File with committee amendments attached. I have amendments to be printed, by Senator Chambers, to LB 116. That's all that I have, Mr. President. (See page 673 of the Legislative Journal.)

PRESIDENT: Thank you. For those that are interested in the General File list that is coming up, we'll be skipping the third one, LB 744, and over on the back page LB 336. So, with that, we'll go to General File and LB 327.

CLERK: Mr. President, LB 327 was a bill introduced by Senator Wehrbein. (Read title.) The bill was introduced on January 11 of this year, referred to the Government Committee, advanced to General File. I have committee amendments pending by the Government Military and Veterans Affairs Committee, Mr. President.

PRESIDENT: Senator Baack, are you going to handle the committee amendments?

SENATOR BAACK: What bill are we on?

PRESIDENT: LB 327. Sorry to interrupt you, Senator Baack. (Laughter.)

SENATOR BAACK: That happens every once in awhile. Yes, Mr. Speaker and members, the committee amendments on LB 327 are mostly technical in nature. There is one, the one thing that we did insert into the bill, it's...we reinstated the words "in any one year", and that means that the cities that use this form of government are going to have to make the determination of whether they're going to have the elimination of a primary on a year-by-year basis. They can't just say we're not going to have primaries anymore, they have to do it on a year-by-year basis. So that is basically the amendments, and then Senator Wehrbein will explain the bill.

PRESIDENT: Okay, you've heard the explanation of the committee amendments. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Now, Senator Wehrbein, on the bill.

SENATOR WEHRBEIN: Yes, Mr. President, members. This bill is a straightforward bill that really only deals with Nebraska City because it is the only first class city in Nebraska or any city that has a commission form of government. It's an attempt to harmonize some provisions in the statutes dealing with the elections. This bill would harmonize those provisions that are concerning most all other first class cities with Nebraska City. It will allow the city government to waive the primary elections for council members, if not enough candidates file. It would change the primary date from three weeks to four weeks prior to the city general election. Another, filing fees will be 1 percent of the position's salary, and it changes the date of filing for candidacy from 10 days prior to the election to 75 days prior for the incumbent, 60 days prior for others. In other words again, it simply harmonizes those provisions for Nebraska City, which is a commission form of government, to bring it in line with all other cities across the state that

have a different form of government but the statutes concerning the elections will be the same. Actually there were two places in the statutes now that Nebraska City was attempting to follow. This clarifies which ones of those statutes that they would follow for their election process.

PRESIDENT: Thank you. Senator Baack, please.

SENATOR BAACK: Yes. Mr. President and members, I rise in support of LB 327. The only concern that the committee had when we heard the bill was that it would not harmonize well with the election law study that we're doing. We have run this bill by Steve Wiitala, whose doing our election study, and he said that it harmonizes very well with the other changes that we're looking at. So, I think it will fit in well with all the other things we're doing with the election law changes. So I would urge your advancement of the bill.

PRESIDENT: Thank you. Senator Wehrbein, did you wish to close?

SENATOR WEHRBEIN: Nothing more than just to say that the reason for this bill this year is the fact that next year, at this time, when they will be having an election it was important to have that done at this time rather than wait a year when all the other adjustments were going to be evidently made in the election laws. Nebraska City, at this time of year, would be in an election process and would appreciate having it done this year rather than waiting until next. So, otherwise I urge your support. Thank you.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 327.

PRESIDENT: LB 327 advances. We'll take up LB 408, but may I introduce some guests of Senator Coordsen, please. In the north balcony, we have eight high school seniors from Exeter, Nebraska and their teacher. Would you folks please stand and be recognized by your Legislature. Thank you for visiting us this morning. LB 408.

CLERK: LB 408, Mr. President, offered by Senator Barrett,

February 10, 1989      LB 61, 176, 327, 349, 408, 412  
LR 25

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. It is always good to have one of our own members be our chaplain of the day and this morning we have Senator Scott Moore with us. Would you please rise for the invocation.

SENATOR MOORE: (Prayer offered.)

PRESIDENT: Thank you, Senator Scott Moore, very fine. Roll call, please.

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

PRESIDENT: Thank you. Did you make any mistakes in the Journal?

CLERK: We did not make any mistakes in the Journal, Mr. President.

PRESIDENT: Very good. How about any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 327 and recommend that same be placed on Select File; LB 408, LB 412, LB 61, LB 349 and LB 176. (See pages 684-85 of the Legislative Journal.)

Mr. President, Senator Baack has designated LB 183 as his priority bill, and I have a series of gubernatorial appointments from the Governor. Those will be sent to Reference Committee for referral to the appropriate Standing Committee. That is all that I have, Mr. President.

PRESIDENT: Thank you, sir. We'll move to number 5, LR 25, Mr. Clerk.

CLERK: Mr. President, LR 25 was introduced by the Appropriations Committee and signed by its members. It is found on page 607 of the Journal. (Read resolution.)

PRESIDENT: The Chair recognizes Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President, members of the Legislature, as been read to you, the resolution, LR 25, has been brought to you by the Appropriations Committee and I have

February 21, 1989      LB 61, 312A, 327, 412

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 327.

CLERK: 327, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R  
amendments to LB 327 be adopted.

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

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

PRESIDENT: LB 3 ..advancement.

SENATOR LINDSAY: Mr. President, I move that LB 327 as amended  
be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 412.

CLERK: 412, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 412 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 61.

CLERK: LB 61, Senator, I do have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R  
amendments to LB 61 be adopted.

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

CLERK: Nothing further on LB 61, Senator.

PRESIDENT: Senator Lindsay.

answered. I don't think we will until we get to talk with a lot of people out there who have concerns with this concept. I am talking now about Class II and III schools. I am talking about even some of the Class VI schools, and as long as we have that problem, I think we need to take it easy, tread water, so to speak, do an interim study, and I believe this bracket motion provides for that concept. Thank you.

PRESIDENT: Thank you. The question is, shall the bill be bracketed until January 15, 1990? All those...Senator Dierks.

SENATOR DIERKS: I would like to ask for a call of the house and we had better have a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please return to your seats. Those not in the Chamber, please return to the Chamber and record your presence. We have a call of the house and a roll call vote. Please look up to see if your light is illuminated. We will have the roll call vote in regular order. We are looking for Senator Chambers, Senator Coordsen, Senator Langford, Senator Warner, Senator Scofield, Senator Pirsch. Senator Warner, would you turn on, please. Thank you. We are looking for Senator Pirsch and Senator Chambers. Okay, we are all here and the question is, shall the bill be bracketed? And we have a roll call vote in the regular order. Will you please hold the conversation down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See page 828 of the Legislative Journal.) 12 ayes, 32 nays, Mr. President, on the motion to bracket.

PRESIDENT: The motion fails. The call is raised. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 61 and find the same correctly engrossed; LB 176, LB 312A, LB 327, LB 349, LB 412,



March 2, 1989

LB 176, 298, 327

to employment for disabled citizens of Nebraska, but neither is it the intent to subject employers to exorbitant expenses in order to accommodate just one employee. The de minimus expense means that employers will not be burdened with an exorbitant expense for just one employee, but if a reasonable de minimus expense can be made so that that employee can have a job, then that is what is required. With that, I'll withdraw the motion.

PRESIDENT: It is withdrawn. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: You may read the bill, please.

CLERK: (Read LB 176 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 176 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 945 of the Legislative Journal.) 41 ayes, 0 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 176 passes. LB 298.

ASSISTANT CLERK: (Read LB 298 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 298 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 946 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 298 passes. LB 327.

ASSISTANT CLERK: (Read LB 327 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 327 pass? All

March 2, 1989

LB 327, 349, 416, 502

those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 947 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 327 passes. LB 349.

ASSISTANT CLERK: (Read LB 349 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 349 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 947-48 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 349 passes. LB 416.

ASSISTANT CLERK: (Read LB 416 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 416 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote as found on pages 948-49 of the Legislative Journal.) The vote is 38 ayes, 3 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 416 passes. LB 502.

ASSISTANT CLERK: (Read LB 502 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 502 pass? All those in favor vote aye, opposed nay. Have you all voted?

ASSISTANT CLERK: (Read record vote as found on pages 949-50 of the Legislative Journal.) The vote is 43 ayes, 0 nays,

March 2, 1989

LB 48, 49, 61, 176, 226, 298, 327  
349, 391, 398, 408, 416, 458, 459  
502

2 present and not voting, 4 excused and not voting,  
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

March 2, 1989

LB 48, 61, 161, 176, 298, 327, 334  
349, 354, 354A, 391, 398, 416, 458  
459, 502, 542

adopted...or, excuse me, as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354.

CLERK: LB 354, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354A.

CLERK: On 354A, Senator, I have no amendments to the bill.

PRESIDENT: You've heard the motion...Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354A be  
advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. Mr. Speaker, did you wish to say  
something about the time of the meeting tomorrow morning before  
we adjourn?

SPEAKER BARRETT: Thank you, Mr. President, just a reminder that  
we will convene at eight o'clock tomorrow morning for the  
purpose of reading, I believe it is LB 92, the big bill. Thank  
you. Eight o'clock, tomorrow morning.

PRESIDENT: Okay, Mr. Clerk, do you have something for the  
record?

CLERK: Mr. President, I do. Senator Rod Johnson would move  
that LB 161 be placed on General File pursuant to Rule 3,  
Section 19, and that will be laid over.

Your Enrolling Clerk has presented to the Governor as of  
eleven-o-five this morning bills read on Final Reading this  
morning. (Re: LB 391, LB 398, LB 458, LB 459, LB 48, LB 61,  
LB 176, LB 298, LB 327, LB 349, LB 416, LB 502. See page 956 of  
the Legislative Journal.)

Banking Committee reports LB 542 to General File with amendments

March 7, 1989

LB 48, 61, 92, 92A, 147, 147A, 154  
176, 298, 327, 349, 360, 360A, 391  
398, 416, 441, 458, 459, 502

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Reverend Steve Janovec of the People's City Mission in Lincoln. Would you please rise for the convocation.

REVEREND JANOVEC: (Prayer offered.)

PRESIDENT: Thank you, Reverend Janovec. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 147 and recommend that same be placed on Select File; LB 147A, Select File.

Mr. President, Enrollment and Review reports LB 154, LB 360, LB 360A and LB 441 as correctly engrossed, both those items signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 1003-04 of the Legislative Journal.)

Mr. President, communications from the Governor. (Read communications regarding signing of LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416, LB 502, LB 92 and LB 92A. See page 1004 of the Legislative Journal.)

Mr. President, an appointment letter from the Governor appointing Ms. Kathy Campbell to the Child Abuse Prevention Fund Board. That will be referred to Reference. (See page 1005 of the Legislative Journal.)

I have a report from the Job Training area for the Department of Labor, Mr. President. That will be on file in my office. (See page 1005 of the Legislative Journal.)