

January 11, 1989

LB 341-372

LR 3, 5

able to assist other agencies, other investigating committees, other individuals who are involved. I have pledged my cooperation to some of them with whom I have visited. I know that Senator Chambers feels the same way. I know that other members of the committee feel the same way. I hope that we are all pursuing the same goals, same objectives and that we can work together. I want to say again that this committee will act with propriety, honesty and integrity. We intend to obtain the best counsel we possibly can and we intend to protect the rights of the innocent and to pursue those who might have been less than innocent. Mr. President and members, I ask for a positive vote on the resolution.

PRESIDENT: That was the closing. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 5.

PRESIDENT: The resolution is adopted. You have some new bills, Mr. Clerk.

CLERK: Mr. President, I do. New bills. Mr. President, Senator Labedz would like to have a meeting of the Reference Committee now in the Senate Lounge. Referencing Committee in the Senate Lounge, Mr. President, right now. Senate Lounge for Referencing Committee. New bills. (Read by title for the first time LBs 341-355 as found on pages 183-87 of the Legislative Journal.)

PRESIDENT: We will be at ease for a few minutes for referencing and receiving a few more bills.

EASE

PRESIDENT: (Microphone not activated) and capable of transacting business. I propose to sign and do sign LR 3. Would you like to continue, Mr. Clerk, please.

CLERK: Yes, Mr. President, thank you. New bills. (Read by title for the first time LBs 356-372 as found on pages 187-91 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Hall.

January 23, 1989

LB 63, 94, 123, 180, 193, 341, 395
672

with various statutory duties, both state and federal, in carrying out those duties on occasion requiring to act contrary to what the city perceives as in the best interests and protection of its citizens. The city may find itself in an untenable position that it could not escape potential liability because of not carrying insurance. I ask for adoption of this E clause to help maybe not only Norfolk, but some other cities that may run into a problem. Thank you.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the amendment offered by Senator Peterson vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Peterson's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 123 be advanced.

SPEAKER BARRETT: You've heard the motion to advance the bill, as amended. Those in favor say aye. Opposed nay. Carried. The bill is advanced. Any messages, Mr. Clerk?

CLERK: Mr. President, I do. Senator McFarland would like to print amendments to LB 180; Senator Landis to LB 94. (See page 402 of the Legislative Journal.)

Mr. President, your Committee on Education whose Chair is Senator Withem offers notice of hearing. Signed by Senator Withem.

Mr. President, Senator Pirsch would move to rerefer LB 341. That will be laid over.

Mr. President, a series of adds; Senator Korshoj to LB 672; Senator Moore to LB 63; Senator Hartnett to LB 193; and Senator Lowell Johnson to LB 395.

One last announcement, Mr. President. A Reference Committee meeting at one o'clock today; Reference Committee at one o'clock

CLERK: Mr. President, the next order of business is a motion offered by Senator Pirsch. She would move to rerefer LB 341 from the Government Committee, to the Government Committee from the Judiciary Committee. The motion was offered yesterday, Mr. President. It is found on page 402 of the Journal.

SPEAKER BARRETT: Senator Pirsch, please. (Gavel.)

SENATOR PIRSCH: Thank you, Mr. Speaker. The Pages, I believe, are passing out a copy of my rationale for the change to rerefer LB 341 from Judiciary Committee to the Government, Military and Veterans Affairs Committee. LB 341 proposes to amend Section 52-118 which deals with the duty of the State of Nebraska or any of its departments or agencies, county boards, contracting boards of villages, cities and school districts and all public boards authorized to enter into a contract for the purpose of erecting and furnishing or repairing any public building, bridge, highway or other public structure or improvement. Section 52-118 currently requires persons in corporations who enter into such contracts to obtain a bond in a sum not less than the contract price with a surety company if the laborers and suppliers have no lien to secure the payment of the wages and material being furnished in the property. LB 341 would amend this section and there is a strong precedent for referring LB 341 to the Government Committee. LB 217, which was introduced by Senator Scofield this session, was referred to the Government Committee. Among other things, LB 217 also amends Section 52-118 by providing that in lieu of the bond required under that section the public entities may take from the person or corporation to whom the contract is awarded in the amount of \$100,000 or less in the form of irrevocable letter of credit from a financial institution or a cash payment in the sum not less than the contract price. In addition, LB 257, introduced this year or this session by Senator Baack, also proposes to amend Section 52-118 and that also was referred to the Government Committee. LB 211 and LB 680, both of which proposed to amend the same section as my bill, 52-118, were also referred to the Government Committee in the last session. Nothing contained in LB 341 even remotely suggests that it should be referred to the Judiciary Committee. We asked Jack Rodgers and he seemed to think that the first thing that caught his eye was the lien and, therefore, sent it to Judiciary, but I assure you that it deals with the bond and with public entities and really should be referred to Government. I am on Judiciary so I have no real problem with it being in my committee, but I think to

January 24, 1989

LB 45, 97, 168, 169, 229, 230, 232
233, 341

have it thoroughly considered, that all three bills should be considered at once since they deal with the same section. So I'll ask you for your vote to rerefer LB 341.

SPEAKER BARRETT: Thank you, Senator Pirsch. Discussion. Any discussion on the motion to rerefer LB 341? If not, Senator Pirsch, anything further?

SENATOR PIRSCH: Oh, I move for the adoption of the motion.

SPEAKER BARRETT: Thank you. The question is the rereferencing of LB 341 from Judiciary to Government. Those in favor of that motion please vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: LB 341 is rereferred. To General File, Mr. Clerk, LB 97.

CLERK: Mr. President, if I might right before that, some items for the record?

SPEAKER BARRETT: Certainly.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 45 and recommend that same be placed on Select File with E & R amendments; LB 168 to Select File with E & R attached; LB 169 Select File, LB 229 Select File; LB 230 Select File; LB 232 Select File; LB 233 Select File, all signed by Senator Lindsay as Enrollment and Review Chair. (See page 412 of the Legislative Journal.)

Mr. President, the first bill for consideration this morning is LB 97. It was a bill introduced by Senator Landis. (Title read.) The bill was introduced on January 5, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Banking Committee, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, I promised that I'd try to do a little better job

February 15, 1989

LB 124, 149, 217, 241, 306, 341, 368
382, 442, 460, 631, 637
LR 30

Mr. President, your Committee on Government, Military and Veterans Affairs, whose Chair is Senator Baack, instructs me to report LB 637 as advanced to General File, LB 124 indefinitely postponed, LB 149 indefinitely postponed, LB 217 indefinitely postponed, LB 241 indefinitely postponed, LB 306 indefinitely postponed, LB 341 indefinitely postponed, LB 382 indefinitely postponed, LB 442 indefinitely postponed, LB 460 indefinitely postponed, LB 631 indefinitely postponed, all those signed by Senator Baack as Chair of the Government Committee.

Mr. President, I have a motion from Senator Lamb to withdraw LB 368. That will be laid over.

Mr. President, two reports, the first from the Department of Roads regarding the Highway Cash Fund; and second, Mr. President, the Biennium Report of the Nebraska Indian Commission. Both of those will be on file in my office. That is all that I have, Mr. President.

SENATOR L. JOHNSON PRESIDING

SENATOR L. JOHNSON: Thank you, Mr. Clerk. We will proceed to Item 5 on the agenda, legislative resolutions. The Chair recognizes Senator Barrett for LR 30.

SPEAKER BARRETT: Mr. Clerk, is there a Journal page?

CLERK: Yes sir, Mr. President. LR 30 offered by the Speaker found on page 734 of the Journal.

SPEAKER BARRETT: Thank you. Mr. President and members, this resolution simply recognizes Vocational Education Week, which started on the 12th, on Monday of this week. The American Vocational Association and the Nebraska Vocational Association have established the third week in February as Vocational Education Week, and I would hope that the Legislature would join me in recognizing this week and would urge citizens of Nebraska to join in supporting and recognizing vocational education programs in Nebraska. I would move adoption of the resolution.

SENATOR L. JOHNSON: Is there further discussion on the resolution? If not, the question is the adoption of LR 30. All those in favor vote aye, opposed nay. Has everyone voted? Record, Mr. Clerk.