

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.

February 9, 1989

LB 37, 48, 57, 58, 70, 77, 94
97, 115, 120, 126, 133, 142, 156
209, 229, 230, 233, 251, 255, 256
295, 311, 350, 521, 597, 598, 692
703, 777, 780

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 209 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. May I introduce a guest, please, of Senator Hefner. We have Mr. Art Anderson of Bloomfield, Nebraska. Would you please stand, Mr. Anderson. Thank you. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, thank you. Your Committee on Appropriations gives notice of hearing for March 7...I'm sorry, for February 24. That's signed by Senator Warner. A location change for Appropriations hearings on March 1, also offered by Senator Warner.

Mr. President, General Affairs Committee offers LB 703 to General File; LB 777 to General File; LB 780 to General File. Those are signed by Senator Smith as Chair of the Committee.

Agriculture Committee reports LB 37 to General File with amendments; LB 120 to General File with amendments. Those are signed by Senator Johnson as Chair. (See pages 678-79 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis reports LB 77 to General File with amendments; LB 311, General File with amendments; LB 350, General File with amendments; LB 598, General File with amendments; LB 692, General File with amendments, and LB 597, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 679-82 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:30 a.m. (Re: LB 57, LB 94, LB 97, LB 126, 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. President, Senator Moore would like to print amendments to LB 48. (See page 682 of the Legislative Journal.)

And, Mr. President, Senator Weihing would like to add his name to LB 521 as co-introducer. That's all that I have, Mr. President.

January 4, 1990

LB 350, 747

SENATOR HALL: Mr. President, I would ask for a call of the house.

PRESIDENT: Okay. Call of the house has been requested. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 15 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber and record your presence. Thank you. We're looking for Senator Ashford. We need Senator Hefner. Senator Rogers. Senator Ashford, will you record your presence, please. Thank you. Also looking for Senator Haberman, Senator Schmit and Senator Schellpeper. We're looking for Senator Schmit, Senator Haberman, Senator Landis, and Senator McFarland. We're looking for Senator Landis, Senator Haberman and Senator McFarland. Senator Hall, okay to go ahead?

SENATOR HALL: Fine, yeah, roll call.

PRESIDENT: Okay. Did you want a roll call vote?

SENATOR HALL: Please.

PRESIDENT: All right, and the question is the adoption of amendment eight, having to do with the germaneness rule. Mr. Clerk.

CLERK: (Roll call vote taken as found on pages 167-68 of the Legislative Journal.) 20 ayes, 25 nays, Mr. President, on the adoption of committee amendment number eight.

PRESIDENT: Amendment number eight fails. Move on to number nine. Do you have anything for the record at this time, Mr. Clerk?

CLERK: Mr. President, I do. I have amendments to be printed from Senator Goodrich to LB 350,...

PRESIDENT: Call is raised.

CLERK: ...Senator Hall to LB 747. (See pages 168-75 of the Journal.)

Senator Lamb's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Scofield had an amendment. Senator, I have a note that you want to withdraw this one that was printed earlier.

SPEAKER BARRETT: It's withdrawn.

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

SPEAKER BARRETT: Senator Lamb, on the advancement.

SENATOR LAMB: Well, Mr. President and members, I believe it's been well discussed and I would just move that the bill be advanced.

SPEAKER BARRETT: Any discussion on the advancement of the bill? Seeing none, those in favor of its advancement, please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 369.

SPEAKER BARRETT: LB 369 is advanced. LB 350.

CLERK: Mr. President, 350 was a bill that was introduced by Senator Goodrich. (Read title.) The bill was introduced on January 11, Mr. President, referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Banking, Commerce and Insurance Committee.

SPEAKER BARRETT: Thank you. (Gavel.) The Chair recognizes Senator Conway.

SENATOR CONWAY: Mr. Chairman and members, the Banking Committee had some alteration to the original bill and I offer that up as a committee amendment. The primary change or adjustment that the committee amendments would effect would be putting relatives and employees of the owners of these properties in a situation that they would not have to be licensed so that these people could continue to live in and/or lease properties for the owner without having to maintain a real estate license. And then an

employee of a real estate broker also would have that exempted status because he would be given the oversight by the broker himself. So those are the Banking Committee amendments to LB 350.

SPEAKER BARRETT: Any discussion on the committee amendments as explained by Senator Conway? Anything further, Senator Conway? The question is the adoption of the committee amendments. All in favor vote aye, opposed nay. Record, please.

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

SPEAKER BARRETT: The committee amendments are adopted.

CLERK: Mr. President, Senator Goodrich would move to amend. That amendment is on page 168 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, this is a bill that was brought...wait a minute, which amendment are we talking about?

CLERK: It's the one, Senator, it's strikes original Section 6 and inserts...it's on page 168 of the Journal. It talks about collecting a reexamination fee.

SENATOR GOODRICH: Okay, that's that whole list of them, a long list of them. Okay, same thing. Okay, thank you. Mr. President and members of the body, this is a bill that was brought to us by the Real Estate Commission. The purpose of the bill and the later amendments that they brought over was to just correct all of the cumbersome places that they have got in the statutes dealing with real estate. Some of the things that we're dealing with, for example, one of the things would be if you have two brokers employed in the same real estate office, which one of them, for example, is the designated broker or the one in charge, the one that the Real Estate Commission looks to if there is any violations? Then there is some corrections that need to be done relative to the reciprocity of the surrounding states, the reciprocity clauses in the various real estate law between us and other states, in other words. It also corrects the daily or the per diem for real estate commissioners' meetings from \$50 to \$100. It also deals with such things

as...there are just so darn many, wait a minute, let me get you the list here; the handling of inactive sales persons' licenses; it redefines property management; the daily compensation, as I mentioned before; definition of real estate corporation; clarification of the retaking...retake fees, for example, they want to put into statute a clause that says, in essence, that some of these national companies that do the testing, they can contract...the Real Estate Commission can contract with some of these companies that do the testing nationwide and, say, put the guideline in that it shall be no more than \$100 but it's up to \$100 so that they can negotiate a contract for this company to come in and give the tests and then they also can arrange for the people taking the test to pay direct to the national company for the cost of the test. And there is probably 20 or 30 places in the statute where there is changes to make it conform with other sections of the statutes, language clarifications, just miscellaneous little stuff that they have found over a period of time that need to be cleaned up in the real estate statutes. I would move the adoption of the amendment.

SPEAKER BARRETT: Have you finished? Thank you. Senator Smith, would you care to discuss the Goodrich amendment to LB 350?

SENATOR SMITH: Thank you, Mr. Speaker. I would like to ask a couple of questions, if I might. I certainly don't intend to take Marge Higgins' place in the body regarding realtors and real estate, etcetera, but I do have a few questions I would like to ask Senator Goodrich, if I might.

SPEAKER BARRETT: Senator Goodrich.

SENATOR GOODRICH: Yes.

SENATOR SMITH: Senator Goodrich, all I was aware of, quite honestly, in talking with one of the commissioners, was the amendment that they would have which would...or the increase in the...the need for the increase in the fee, and you're talking here about the fee increase being sales person examination fee which was \$25 to increase to...it could become \$100. That's quite a jump. And then what is your other fee?

SENATOR GOODRICH: Salespersons or brokers.

SENATOR SMITH: And how much is that?

SENATOR GOODRICH: The actual...for a broker's license, for example, it goes from \$50 up to \$65 per year for...

SENATOR SMITH: That's the license. I'm talking...there is no other...there is no other examination, there is just the examination fee which is from 25 to 100 and then the increase in the dollar amount on the license for both categories, for the realtor, the salesperson's license and the broker. And at the same time as we have an amendment which is a part of the bill which would...or is that what the bill is itself, which would increase the commission per diem from \$50 a day to \$100 a day?

SENATOR GOODRICH: That part is in the bill.

SENATOR SMITH: Would you be amenable to something a little bit more realistic, instead of increasing on the people that are going to be out there doing the work, quite a huge increase in a fee for not only taking the test but also in their renewal in their fee and their license itself, and maybe less in the per diem for commissioners, try to balance that out a little bit better?

SENATOR GOODRICH: The \$100 referred to is not a fee, it's not....

SENATOR SMITH: It's a license.

SENATOR GOODRICH: No, it's not.

SENATOR SMITH: I mean, it's an exam charge.

SENATOR GOODRICH: It's a maximum that you cannot go beyond. If you...

SENATOR SMITH: I understand that, Senator Goodrich, that's not what I asked you.

SENATOR GOODRICH: Well, you won't let anybody answer a question so just go ahead and talk.

SENATOR SMITH: I just asked you a question which is, would you be willing to compromise?

SENATOR GOODRICH: Yes, but then you won't let anybody answer, you just keep talking and talking. Now let me answer the

question.

SENATOR SMITH: All right. All right. Do you want to answer the question?

SENATOR GOODRICH: I'm trying to but you won't let me.

SENATOR SMITH: Well, please do.

SPEAKER BARRETT: Proceed, Senator Goodrich.

SENATOR GOODRICH: The \$100 maximum deals with a guideline. When you do something statutorily you can...we cannot statutorily say to an agency, set the fees according to the cost, whatever you think the cost would be. That would be statutorily improper or unconstitutional, in other words, a delegation of legislative authority. You can only do that if you set a guideline beyond which they cannot go. That is where you say maximum of \$100.

SENATOR SMITH: Okay, now is it presently \$25 is the maximum then?

SENATOR GOODRICH: For a fee.

SENATOR SMITH: Yeah.

SENATOR GOODRICH: Yes. Now they could next time they contract with a national company to come in and do the examining, they could contract that for \$20 or \$30, or whatever they can get the contract for. Now the commission, itself, is not going to give away any money we don't have to give away. But they know, for example, that the statute, itself, is constitutional, by virtue of having the guideline in there you cannot exceed \$100. They also know that you can't exceed that when you're negotiating with the contract...the contract with the national company. So it helps the commission hold down what the national company could ask for even.

SENATOR SMITH: Have they had problems with the fact that they're coming in where they're having a difficult time getting people to come in and do the exam?

SPEAKER BARRETT: One minute.

SENATOR GOODRICH: No, they're just starting this. They used to give it themselves, the commission, I'm talking about, used to give the licenses...license examinations themselves. They have probably 30, anywhere from 30 to a 130 people in a room, all taking the examination at the same time. Well, they want to get away from that because it's all being nationalized anyhow so that the State of Nebraska and the State of California and the State of Texas and all the states are more similar in their type of license, the content of the licenses, that sort of thing, so that reciprocity would then become easier in the future years.

SENATOR SMITH: Okay, now let me just get on to the next point which is the increase of the per diem. Do you have any idea of what the average...I know the federal per diem is not that high. I know that, for instance, the per diem that we receive is not that high, what are they basing that \$100 a day per diem on?

SPEAKER BARRETT: Time has expired. Senator Goodrich, can you answer the question very quickly?

SENATOR GOODRICH: I don't really know the answer to that particular question. It's just a...that's judgment on the part of the commission itself. The commission...the five members of the commission decided the issue and that wasn't just one person, so the five commissioners got together and decided it.

SPEAKER BARRETT: Thank you. Any other discussion on the amendment? Seeing none, Senator Goodrich, would you care to close?

SENATOR GOODRICH: No, we've covered it enough. Let's just adopt it.

SPEAKER BARRETT: Thank you. The question, of course, is the adoption of the Goodrich amendment to LB 350. All in favor vote aye, opposed nay. Voting on the amendment. Have you all voted? Senator Goodrich.

SENATOR GOODRICH: I reluctantly ask for a call of the house and then we'll have to have a roll call vote.

SPEAKER BARRETT: Thank you. The question is, shall the house go under call? All in favor vote aye, opposed nay. Record.

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

SPEAKER BARRETT: The house is under call. Members, please return to your seats. Those outside the Chamber, please return and record your presence. The house is under call. Senator Goodrich, would you accept call in votes? Call in votes are acceptable on the Goodrich amendment.

CLERK: Senator Scofield voting yes. Senator Beyer. You had voted yes, Senator. Senator Morrissey voting yes. Senator Wesely voting yes. Senator Labedz voting yes. Senator Beck voting no. Senator Robak voting yes.

SPEAKER BARRETT: Record, please.

CLERK: 25 ayes, 4 nays, Mr. President, on adoption of Senator Goodrich's amendment.

SPEAKER BARRETT: The Goodrich amendment is adopted. The call is raised. Anything further, Mr. Clerk?

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

SPEAKER BARRETT: Senator Goodrich, on the bill as amended.

SENATOR GOODRICH: Okay, I just explained the whole bill when I was explaining that amendment so, consequently, I would just move that the bill be advanced. All in the world, just to repeat for those that have just come into the Chamber, all we're doing is recodifying or cleaning up the statutes dealing with real estate law and a few minor exceptions, such as the designated broker in a firm who is a real estate commission, deals with that sort of thing, and the per diem allowance for real estate commissioners and that sort of thing. Other than that, it's just a cleaning up of the language in the real estate law. I would move the...advance the bill.

SPEAKER BARRETT: Thank you. (Gavel.) Discussion on the advancement of the bill. Senator Smith, followed by Senator Schimek.

SENATOR SMITH: Thank you, Mr. Speaker. Senator Goodrich, I think more than just cleaning up and codifying, et cetera, I would like to have you make...because I don't a lot of the people were even here, number one; and, number two, I don't think a lot of them were listening. I would like to have you

summarize the changes that will take place in the fees and the commission per diems and the charge for taking the test, please.

SENATOR GOODRICH: Oh, God, we've got to go through all that again. Okay. The...we've got a guideline...

SENATOR SMITH: Mr. Speaker. Mr. Speaker, he doesn't have to go through all that again, I'll summarize it. I want everyone in here to be assured of the fact that there is going to be an increase with this bill of a commission per diem from \$50 a day to \$100 a day, and that's what it will be on the license itself...on the exam that you take for the license, it can go up to \$100 from the present top of \$25 right now. And I understand there is a change that's being taking place in the fact they're having people coming in to do the testing right now, but that it can be increased to that amount. Now you might have some times where someone who is taking a test the first time around may fail and I would assume that they will be paying...they could pay as high as \$100 to take that test, they might fail that time and they might have to go back and study again, come back and retake the test and they would have to pay that same amount over again. In addition to that, you have an increase in the fee that the salesperson must pay to have his license and an increase in the fee that the broker must pay. So what we're doing, in effect, is increasing on those people that are out there in the actual process of selling real estate and increasing the fee for them at the same time as you're talking about a 100 percent increase in the per diem to \$100 for each time those commissioners need to do some work for their per diem work. And that's basically my understanding of what's in the bill. Now if that's not in the bill, then...and if there is anything in additional to that, I would like to give my time to Senator Goodrich and maybe go ahead and add to that, but he doesn't have to. Thank you.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Mr. President and members of the body, I really don't have too much to add to what Senator Smith said. I just want people to be alert to the kind of changes that we're making here because this really is what I would call your average Joe or your average Jill bill. It does affect the little guy who wants to take a real estate exam. And I guess I don't have any problem with raising these fees but it is quite an increase. It goes from a stated \$25 to a not more than \$100,

and that's quite an increase. I just wanted this body to stop, look and listen to what it's doing because it probably will discourage or prohibit some people from taking the real estate exam and maybe that's what it's meant to do. Maybe there are too many people who aren't really serious about taking the exam who take it because the fees are only \$5 or \$25, or whatever. I believe at present they pay an exam fee of \$25 and then an application fee of \$75. If they want to take the exam over, at present time, I think the fee is only \$5, so we're really making a big increase here, changing it from \$25 to up to a \$100 and add on every time they take it over could be, not necessarily will be but could be an additional \$100. I'm not sure I'm going to vote on this bill. I think there needs to be some changes but I think this might be a little high. Probably what they're trying to accomplish here is preparation for years ahead so they won't have to come back and have these changes every year but it still does concern me. Thank you.

SPEAKER BARRETT: Thank you. Senator Goodrich, please.

SENATOR GOODRICH: Mr. President and members of the body, when you put in a provision in the statutes of the state, a provision that says, in essence, and Senator Schimek was right, they are preparing for a long distance in the future, they don't want to have to come back and recodify the statutes every year. And that's what the bulk of this bill is, recodification of the statutes. However, when you do put in a provision which is in this bill that says that the real estate commission can now contract with or, in the future, would be able to contract with a national testing company to come in and give these tests, we provide that they can negotiate that fee because they don't have any way of knowing now what they're going to be able to negotiate next year or the following year or three years from now, but we give them the flexibility to go ahead and negotiate whatever is necessary in the fee for that contract. We, at the same time though, have to give them guidelines in order to make it constitutional. We have to have a guideline that says they can go up to \$100. That gives them a tool with which to say, okay, to the contracting testing company, in other words, we can...we have a maximum in our statutes, we cannot give you these big fabulous fees, we have to give you what we can legally give you. We can give them the authority to negotiate the testing agreements, at the same time though we give them the guidelines that they can't go beyond so that we can avoid just what Senator Schimek and Senator Smith have indicated, the fees,

for example, that they negotiate could be \$30, it could be \$35, but at least there is a guideline in there to make it legal that we don't...they can't even negotiate a contract beyond the \$100. The rest of it, as I mentioned before, is a series of provisions for reciprocity, for conformity of other sections of the statutes, for the language, obsolete language, for any number of grammatical errors found in the real estate statutes, and that is just what we are trying to clean up all in one legislative bill. Beyond that, there is not much to it. I would just move that we advance the bill.

SPEAKER BARRETT: Thank you. There are no other lights on. Did that constitute your closing, Senator Goodrich? Thank you. The question is the advancement of the bill to E & R. Those in favor vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 28 ayes, 1 nay, Mr. President, on the advancement of LB 350.

SPEAKER BARRETT: LB 350 is advanced. To the A bill, Mr. Clerk.

CLERK: Mr. President, LB 350A offered by Senator Goodrich. (Read title.)

SPEAKER BARRETT: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: Yes, the A bill calls for a \$3,980, I believe, figure it is. It is a cash-funded agency. There is no general funds involved. The real estate people pay their own thing all the way through this thing, so it is for \$3,980. I would move the advancement of the A bill.

SPEAKER BARRETT: Is there discussion? Seeing none, those in favor of the advancement of the A bill, please vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance 350A.

SPEAKER BARRETT: LB 350A is advanced, and the Chair is pleased to note that Senator Elmer has a guest under the south balcony, the Executive Director of the Greater McCook Chamber of Commerce, Mr. Keith Ellis. Mr. Ellis, would you please stand and be recognized. Thank you, sir. We are glad to have you

February 5, 1990

LB 81, 350, 350A, 369, 692
LR 249

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the 22nd day in this, the Second Session of the Ninety-First Legislature. Our Chaplain of the day, our own Senator Carson Rogers. Senator Rogers. (Gavel.)

SENATOR ROGERS: (Prayer offered.)

SPEAKER BARRETT: (Gavel.) Thank you very much, Senator Rogers. Roll call.

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

SPEAKER BARRETT: Thank you. Are there any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any reports, messages, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 81, LB 369, LB 350, LB 350A, and LB 692 to Select File, some of which have E & R amendments attached. That is all that I have, Mr. President. (See pages 658-60 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding to item five on today's agenda, LR 249, Mr. Clerk.

CLERK: Mr. President, LR 249 was introduced by Senator Scofield and Dierks. It is found on page 647 of the Journal. (Read.) Again, Mr. President, the resolution is on page 647 of the Journal.

SPEAKER BARRETT: The Chair recognizes Senator Scofield.

SENATOR SCOFIELD: Thank you, Mr. President. I shutter to introduce this resolution knowing that it will probably consume us this morning and, yet, even though I do it with some good humor, I also do it because it is an issue that continues to emerge across the state. It is, if you will look at the handouts on your desk, even a couple of years ago, and I don't believe there is a date, but this is a 1987 column from the Rural Electric Nebraskan that raised this question again about what does outstate mean, and where is it, and I, for the life of me, don't know. And, in fact, I teased Senator Hannibal, you

February 7, 1990

LB 350, 663

SPEAKER BARRETT: Thank you. Any discussion? Anything further, Senator Baack? Thank you. The question is the adoption of the amendment to 663 as explained by Senator Baack. All in favor vote aye, opposed nay. Voting on the amendment to 663. Have you all voted? Have you all voted? Please record.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: The Chairman of the E & R Committee, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 663 as amended be advanced to E & R for engrossing.

SPEAKER BARRETT: The question is the advancement of 663 to E & R engrossing. All in favor say aye. Opposed no. Carried, the bill is advanced. LB 369. We'll momentarily pass over LB 369 and proceed to LB 350, Mr. Clerk.

CLERK: Mr. President, 350, I have Enrollment and Review amendments, Senator.

SPEAKER BARRETT: Chairman Lindsay.

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

SPEAKER BARRETT: The question is the adoption of the E & R amendments. All 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 350 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. Carried,

the bill is advanced. The A bill, Mr. Clerk. (LB 350A)

CLERK: Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 350A.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted? All 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 350A as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? The question is the advancement of 350A. All in favor say aye. Opposed no. Carried, the bill is advanced. LB 692.

CLERK: 692, Senator, I have Enrollment and Review amendments.

SPEAKER BARRETT: The member from the 9th District, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 692 be adopted.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted? All in favor say aye. Opposed no. Ayes have it, motion 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 692 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of LB 692 say aye. Opposed no. Ayes have

February 12, 1990 LB 350, 350A, 542, 551, 567, 567A, 602
663, 692, 742, 851, 856, 857, 858
874, 875, 891, 893, 896, 902, 906
907, 918, 924, 930, 940, 957, 964-966
969, 970, 974, 983, 984, 997, 1013
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

February 15, 1990 LB 350, 350A, 465, 692, 742

Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 812 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 465 passes. LB 350.

ASSISTANT CLERK: (Read LB 350 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 350 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 813 of the Legislative Journal.) 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 350 passes. LB 350A.

CLERK: (Read LB 350A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 350A pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 814 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

PRESIDENT: LB 350A passes. LB 692, please.

CLERK: (Read LB 692 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 692 pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 814-15 of the Legislative Journal.) 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 692 passes. LB 742 with the emergency clause

February 15, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
663A, 692, 742, 1244, 1245
LR 8

takes 30 votes to do this at this time, and then we can go ahead and schedule the hearing and the hearing will be February 26, which is a week from Monday, should these bills be allowed to be introduced. Thank you.

PRESIDENT: Any further discussion? If not, the motion is to allow the introduction of the two bills. All those in favor vote aye, opposed nay. Requires 30 votes. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the introduction of the new bills.

PRESIDENT: The new bills are introduced.

CLERK: Mr. President, new bills. (Read LB 1244 and LB 1245 by title for the first time. See page 820 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and do sign LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742, LR 8CA. (See page 820 of the Legislative Journal.) We'll move on to General File, A bills, LB 663A.

CLERK: Mr. President, 663A offered by Senator Scofield. (Read title.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. You will recall this is the bill that creates the Juvenile Services Act. The vast majority of the \$581,000 figure in this bill for fiscal year '90-91 and the \$565,928 figure for '90-92, the vast majority of those two fiscal notes are grants that would go out to communities to help them set up alternatives for juvenile incarceration, diversionary processes, if necessary, facilities to incarcerate juveniles. There is...the other piece of this that you need to know about is simply the administrative costs and the primary expenditure here is the \$28,000 figure for a juvenile coordinator with some secretarial support and some start up costs for the office. You will recall we made the decision to put this under Probation so that that could work more closely with the judges to help us solve that problem. It would be my intent that that juvenile coordinator position would

February 15, 1990 LB 42, 50, 143, 159, 240, 240A, 259A
350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

February 21, 1990 LB 50, 143, 240, 240A, 350, 350A, 465
642, 692, 742, 1148, 1200

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) ...George W. Norris
Legislative Chamber. We have with us this morning for our
invocation our own Senator Carol Pirsch. Would you please rise.

SENATOR PIRSCH: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Senator Pirsch. We appreciate
that very much. Roll call, please. Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Government, Military
and Veterans Affairs, whose Chair is Senator Baack, reports
LB 1200 to General File; LB 1148 as indefinitely postponed.
Those are signed by Senator Baack.

Mr. President, a communication from the Governor to the Clerk.
(Read communication regarding signing of LB 50, LB 143, LB 240,
LB 240A, LB 465, LB 350, LB 350A, LB 692 and LB 742. See
page 882 of the Legislative Journal.)

Mr. President, a series of appointments letters from the
Governor: Those will be referred to Reference.

I have an Attorney General's Opinion addressed to Senator
Schmit, Mr. President. And that's all that I have.

PRESIDENT: We will move on then, ladies and gentlemen, to our
General File and LB 642.

CLERK: Mr. President, LB 642 was a bill that was introduced by
Senators Ashford, Weihsing, Chambers and Crosby. (Read title.)
The bill was introduced on January 19 last year. At that time,
it was referred to Judiciary. The bill was advanced to General
File. I do have committee amendments pending by the Judiciary
Committee, Mr. President.