

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 16, 1989

LB 55, 66, 165, 262, 352, 408, 451
524, 534, 601

to the chambers, the house is under call. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, may we all check in first?

SPEAKER BARRETT: Certainly. Members, please record your presence. Senator Dierks, record your presence, please. Senator Smith. Senator Nelson, record your presence. Senator Lamb, the house is under call. Senator Peterson, please report to the Chamber. Senator Wesely. Senator Goodrich, the house is under call. Senators Hartnett and Korshoj, the house is under call. Senators Lamb and Goodrich, please report to the Chamber. Senator Chambers, apparently Senator Lamb is the only one available. Shall we proceed? Thank you. All provisions of law relative to procedure having been complied with, the question is, shall LB 165 become law? Those in favor of that motion vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 777-78 of the Legislative Journal.) 26 ayes, 15 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 165 passes. The call is raised. Thank you again for your cooperation. The Chair is pleased to announce that Senator Robak has 14 eighth graders from District 24 in Platte Center in the north balcony with their teacher. Would you people please stand and be recognized. Thank you. We're glad to have you with us. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign engrossed LB 165. Mr. Clerk, for the record.

CLERK: Mr. President, items for the record. Senator Labeledz would move to withdraw LB 365. Senator Barrett has amendments to be printed to LB 408.

Mr. President, Government Committee reports LB 66 to General File; LB 55 to General File with amendments; LB 262, General File with amendments; LB 352, General File with amendments; LB 534 to General File with amendments; LB 601, General File with amendments, and LB 524 as indefinitely postponed; those are signed by Senator Baack.

Urban Affairs Committee reports LB 451 to General File with amendments. That is signed by Senator Hartnett as Chair. (See pages 778-84 of the Legislative Journal.)

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LB 285A, 352
LR 160-172

CLERK: Mr. President, confirmation reports from the Transportation Committee. (See page 2192 of the Legislative Journal.)

Senator Moore offers LR 160. (Read brief description of LR 160.) LR 161 is a study resolution by Senator Moore, as is LR 162, LR 163 and LR 164. Senator Pirsch offers a study resolution, LR 165. Senator Lynch has LR 166, study resolution. LR 167 is offered by Senator Hefner. (Read brief description of LR 167.) LR 168 by Senator Wesely. (Read brief description of LR 168.) Study resolutions, LR 169 by Senator Wesely, LR 170, LR 171 and LR 172. (See pages 2192-2202 of the Legislative Journal.)

Mr. President, I have amendments to be printed to LB 285A by Senator Lamb. (See page 2202 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: LB 352.

CLERK: Mr. President, LB 352 is on General File. It was introduced by Senator Abboud. (Read title.) The bill was introduced on January 11, referred to the Government Committee, advanced to General File. I have committee amendments pending by the Government, Military and Veterans Affairs Committee, Mr. President. (See page 779 of the Legislative Journal.)

PRESIDENT: Senator Baack, did you want to take the committee amendments? Can you do that in your uniform?

SENATOR BAACK: Yes.

PRESIDENT: All right.

SENATOR BAACK: Yes, Mr. President and colleagues, the...we're on LB 352. The committee amendments simply change the appeal time limit. The time limit in the bill was originally written at 20 days. We changed that to 30 days to make it consistent with all of the other appeal processes, otherwise we would have...I think it could be confusing to the people involved if it was...this is the only one that would be 20 days, all the rest of them are 30 days. So we simply changed that 20 to 30 days. Thank you.

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LB 352

PRESIDENT: Any further discussion on the committee amendments? If not, the question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. You're voting on the adoption of the committee amendments. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Senator Abboud.

SENATOR ABBODD: Mr. President and colleagues, LB 352 was brought in on behalf of the Department of Motor Vehicles. I don't how many of you remember but last year there was a bill that was numbered LB 352 and that particular bill was a complete rewrite of all the appeals processes for all or most state agencies across...most state agencies. We left the enacting...enactment date of that particular bill, LB 352 of last year, for July of 1989, to see if any state agencies, after we had passed the law, had any problems that occurred after the passage of the rewrite of all administrative rules. We found that only one agency had a problem with the way we had...the way they had agreed to for their particular appeals. And it came...their problem came about as a result of a memorandum from or a request from the Attorney General's Office. They asked if they had to make any additional changes as a result of this law being passed. At the current time, when there is an appeal from the Department of Motor Vehicles, if they revoke a particular license, either for implied consent, not giving...not allowing to have your blood alcohol level tested, or points revocation, or for lack of financial responsibility, lack of insurance, that decision is made by the Department of Motor Vehicles. The next step is an appeal process. At the current time, the only administrative law judge that the Department of Motor Vehicles has deals with the implied consent law. The other areas, such as points revocation or lack of financial responsibility or motor vehicle homicide, which would also result in loss of license, along with a few other ones, that would go...the appeal process would go to the District Court. There is additional cost involved in the process. Their intent was not to include these other areas but only the implied consent law to be under this new statute. And since they found later that passage of this law changed their complete appeal process, they said that they would prefer just to go back to the old process. What this

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LB 352, 355

bill does is leave things exactly as they are. Except for the committee amendment which extended the appeal process or make uniform the appeal process from 20 to 30 days, the law is basically just as it is. The law doesn't change...this particular bill doesn't change anything. It leaves things as they are. I urge the advancement of LB 352, and I would be happy to answer any questions about it.

PRESIDENT: Is there any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 352.

PRESIDENT: LB 352 is advanced. LB 355, please.

CLERK: LB 355 was introduced by Senator Wesely. (Read title.) The bill was introduced on January 11, referred to the Health Committee for public hearing. The bill was advanced to General File. I have committee amendments. I also have amendments to the committee amendments. Senator, I have a note on the first, AM1143. You want to withdraw that amendment, Senator?

SENATOR WESELY: Yes.

CLERK: Mr. President, Senator Wesely would move to amend the committee amendments. I have AM1440 in front of me, Senator.

SENATOR WESELY: Yes.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members, I want to begin by thanking Speaker Barrett by special ordering this bill. This bill is a piece of legislation that has been before the body last year and again this year and it deals with a semicrisis that we're facing in the area of licensure of a number of different facilities in the state that utilize what are called medication assistants to disperse medications to their residents in their facilities. I will backtrack and go over the whole issue, I think, briefly and then get to the amendments that we need to adopt and then move forward with the bill as quickly as I can. The basic issue is that several years ago a bill was passed to deal with a problem that was identified

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

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

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

SPEAKER BARRETT: Certainly.

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

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

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

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

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

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

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

SPEAKER BARRETT: Senator Abboud.

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

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

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

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

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

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

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

SPEAKER BARRETT: Thank you. Questions? Senator Wesely.

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

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

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

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

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

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

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

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

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

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

SENATOR ABOUD: That's correct.

SENATOR WESELY: Okay, thank you for your help.

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

SPEAKER BARRETT: Senator Withem, discussion on the amendment.

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

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

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

SENATOR ABOUD: It's an appeal.

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

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

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LB 285A, 285, 352

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

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

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

SPEAKER BARRETT: The amendment is adopted. Senator Abboud.

SENATOR ABBOD: I move to readvance it.

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

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

SPEAKER BARRETT: Senator Lamb.

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

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

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

SPEAKER BARRETT: Senator Lamb.

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LB 258, 352, 355

and Review amendments, Senator.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Senator Lindsay, please.

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

SPEAKER BARRETT: Shall the E & R amendments to LB 258 be adopted? Those in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 258, as amended, to E & R for Engrossment.

SPEAKER BARRETT: Shall LB 258 be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. To Item 9 on the agenda, Mr. Clerk.

CLERK: LB 352, Mr. President?

SPEAKER BARRETT: Yes.

CLERK: I have no amendments to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 352 be advanced to E & R Final.

SPEAKER BARRETT: Shall LB 352 be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 355.

CLERK: Mr. President, on 355 I have E & R pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 355.

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LB 89, 137, 137A, 211, 215, 228, 279
289, 289A, 352, 639, 651, 651A, 761A
762A, 815A, 817A

Teachers buy books. Teachers buy supplies for kids that don't have them. They take money right out of their own pockets and give it to kids. And so it's...I guess that's one of the reasons why I feel very strongly about giving the money directly to teachers. Senator Warner's remarks struck a chord with me and reminded me of all the contributions that I know that individual teachers make to kids. And so I would urge us to get on with it. Let's pass this bill. It's time we did something for teachers.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: I will give my time to Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker. just to say I guess it's time to withdraw this. I apologize to the...to the original supporters of this bill, at least, because I think some of them wanted to read it tonight and because if my amendment was adopted, they couldn't, but I think it makes it a better bill, obviously, a bill that I can now support and I think there has been some fights among some varying entities on this bill. I think now we've got a bill that really does help education in the state. And, with that, I withdraw the amendment. The last things I will say on LB...the last things that all of us will say on LB 89 and come Monday we'll pass the bill over to the Governor.

SPEAKER BARRETT: Thank you. It is withdrawn. Anything further, Mr. Clerk?

CLERK: Nothing further on that bill, Mr. President.

SPEAKER BARRETT: Yes, for the record.

CLERK: Mr. President, amendments to be printed, Senator Scofield to LB 761A; Senator Chizek to LB 279. (See pages 2546-47 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 137, LB 137A, LB 211, LB 215, LB 228, LB 289, LB 289A, LB 352, LB 639, LB 651, LB 651A, LB 761A, LB 762A, LB 815A and LB 817A, Mr. President. (See pages 2548-50 of the Legislative

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LB 137A, 137, 211, 215, 228, 352, 639
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

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LB 228, 352, 639

PRESIDENT: LB 228 passes. LB 352 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 352 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 352 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Read record vote as found on pages 2668-69 of the Legislative Journal.) The vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. LB 639, please.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Wesely would move to return the bill to Select File for a specific amendment to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members, my intent is to just take a couple of minutes here and go through some personal feelings and then give whatever time remains to Senator Baack and then withdraw this motion. You know, we discussed LB 639 earlier a couple of times. I only talked about it on Select File and I expressed in rather heated terms my dissatisfaction with the Department of Economic Development. People, obviously, have strong feelings about that and they shared them in addition to myself. But I think it's kind of important to talk about the Legislature, the institution and the branches of government and kind of how we see things, just for a couple of seconds. You know, the really hot button that gets me going, whether it be talking about the Department of Economic Development or talking about the tax issue we did just a little bit ago, is the concept of making promises and then keeping promises. And in this particular bill let me relate my concerns. We moved the Telecommunications Division over to the Department of Economic Development, not under their wishes but at the wish of myself trying to bring a greater coordination to economic development programs. And I did it being warned that if I did that, that Telecommunications would die on the vine but I was assured it wouldn't. And so I made a promise that I would

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LB 211, 215, 228, 352, 639, 739, 761
762A, 815, 815A, 817

LB 739, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761. Move on to LB 762A.

ASSISTANT CLERK: (Read LB 762A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2672-73 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762A passes. LB 815, please.

ASSISTANT CLERK: (Read LB 815 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2673-74 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815 passes. LB 815A.

ASSISTANT CLERK: (Read LB 815A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2674 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815A passes. LB 817, please.

ASSISTANT CLERK: (Read LB 817 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

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LB 137, 137A, 211, 215, 228, 352, 639
739, 739A, 744, 761, 762, 762A, 767
767A, 780, 815, 815A, 817
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county