

February 14, 1989 LB 147A, 224A, 350A, 361A, 375, 408A, 416
535, 570, 629, 801

indefinitely postponed; LB 375, indefinitely postponed; LB 535, indefinitely postponed; LB 570, LB 629, LB 801, all indefinitely postponed, signed by Senator Hall as Chair of Revenue. (See page 742 of the Legislative Journal.)

New A bills, Mr. President. (Read LB 224A, LB 350A, LB 408A, LB 361A and LB 147A by title for the first time. See page 743 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Fine, thank you. We'll move on to LB 416.

CLERK: Mr. President, LB 416 was introduced by Senator Robak. (Title read.) The bill was introduced on January 13, referred to the Transportation Committee for public hearing, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Thank you. Senator Robak, please.

SENATOR ROBAK: Mr. President and members of the Legislature, I don't want to make light of this situation, but in my office we refer to this as the K-Mart blue light special. LB 416 permits the use of blue flashing lights in conjunction with red and white flashing lights on emergency vehicles. Current law only now uses...permits the use of red and white lights. However, several Nebraska jurisdictions are already using blue with red and white lights. Studies have shown that at night blue and white lights are more visible than red and white lights. The Columbus police chief surveyed over 30 law enforcement agencies in Nebraska and learned that 20 are currently using blue lights. There is some confusion as to whether or not law enforcement agencies have the authority to use blue lights. For example, a city attorney told a police chief that blue lights were authorized while the county attorney told him that they were not. However, since 20 jurisdictions already use the blue lights, obviously, other positive legal opinions have been rendered in this matter. In 1982 a similar bill was introduced in the Legislature. The reason it was defeated at that time was because there were no studies done then to determine the effectiveness of blue lights. Those studies now have been done and they conclusively show that blue lights are much easier for motorists to see at night. During the day red lights are better, but the addition of blue at night greatly increases the visibility of the emergency vehicle. The other arguments were that if the lights were mandatory, it would be too expensive for

February 23, 1989 LB 272, 361, 361A, 544

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the advancement of LB 361 to Enrollment and Review Initial. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 28 ayes, 2 nays, Mr. President, on the advancement of LB 361.

SPEAKER BARRETT: LB 361 is advanced. For the record? Mr. Clerk, let's go to the A bill next.

CLERK: Mr. President, LB 361A by Senator Landis. (Read title.)

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, 361A is an appropriations of fund necessary to do this program. It constitutes \$97,000 from 1989 to 1990, and \$72,000 from 1990 to 1991 for the Department of Revenue. I move for the advancement of the A bill.

SPEAKER BARRETT: Thank you. Discussion. Seeing none, those in favor of the advancement of LB 361A please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 27 ayes, 1 nay, Mr. President, on the advancement of LB 361A.

SPEAKER BARRETT: LB 361A is advanced. The Chair is pleased to announce that Senator Warner has some special guests under the south balcony, Jennifer Schizas, the Chairman of Nebraska March of Dimes who is here to present to us Sara Parks, the March of Dimes Poster Girl, with her father, Randy. Would you please stand and be recognized. Thank you. Sara, we are glad to have you here. We understand that you are wearing the dress that you were wearing when you were introduced to President Bush, is that right? Thank you. It is beautiful. Come back again. Mr. Clerk, for the record.

CLERK: Mr. President, I have a proposed rules change offered by Senator Wesely. That will be referred to Rules Committee for their consideration. Your Committee on Banking, Commerce and Insurance reports LB 272 to General File with amendments, LB 544

the hundreds of thousands and millions of dollars, and they have to ask, why they can't feel the need to pay a little bit of tax on that, and don't feel that that is a particularly fair thing to do. I would like to ask your support for this measure, and I would like to ask your consideration of the issue. It is more than just this vote. I think this is the first of many other discussions on this floor about what...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...fair tax policy ought to be. We are going to be talking about property tax relief. We are going to be talking about income tax relief. We are going to be talking about general tax policy. And I hope you will understand that there are many of us that feel that our tax policy in this state have simply got to change and reverse direction back toward a more equitable, fair system, and I, for one, feel that this is but one step in that direction, a step that is unlikely to be taken but, nevertheless, one that needs to be discussed and considered as we look at overall tax policy, and I now ask for your support for the measure.

SPEAKER BARRETT: Thank you. You have heard the closing, and the question before the body is the placement of LB 433 on General File notwithstanding the action taken by the Revenue Committee. Those in favor of that motion vote aye, opposed nay. A record vote has been requested. Have you all voted? Have you all voted? Please record.

CLERK: (Read record vote. See page 882 of the Legislative Journal.) 11 ayes, 26 nays, Mr. President, on the motion to raise the bill.

SPEAKER BARRETT: Motion fails. Anything to read in, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Your Committee on Enrollment and Review reports LB 361 and LB 361A to Select File, those signed by Senator Lindsay as Chair. Natural Resource Committee reports LB 199 as indefinitely postponed, signed by Senator Schmit. General Affairs Committee reports LB 686 to General File with amendments, and LB 704 General File with amendments, those are signed by Senator Smith. (See pages 882-84 of the Legislative Journal.)

April 5, 1989

LB 361, 361A, 640

amendment and I would urge its adoption.

PRESIDENT: Thank you. The question is the adoption of the Landis amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment as offered by Senator Landis.

PRESIDENT: The Landis amendment is adopted. Do you have anything further on it, Mr. Clerk?

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

PRESIDENT: Okay, we're back to the bill. Senator Landis.

SENATOR LANDIS: Move to advance LB 361.

PRESIDENT: No other lights on. The question is the advancement of the bill. You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 361A. Senator Landis.

CLERK: Mr. President, 361A, I have no amendments to the bill.

PRESIDENT: Senator Rod Johnson, would you make the motion, please?

SENATOR R. JOHNSON: Is this to advance or E & R?

CLERK: Advance, Senator.

PRESIDENT: Advance it.

SENATOR R. JOHNSON: Mr. President, I would move that we would advance the bill, LB 361A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll move on to General File, LB 640. Do you have anything for the record, Mr. Clerk, at this time?

CLERK: Not at this time, Mr. President.

PRESIDENT: All right, LB 360 (sic).

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan
Sandy Ryan

April 18, 1989

LB 99, 240, 279, 361, 361A, 546, 548
582, 582A, 608, 637, 761, 777, 790

Record, Mr. Clerk. Senator Chambers.

SENATOR CHAMBERS: I want a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under...okay, we are under call, Senator Chambers, but we will check in. Yes, all right. Please record your presence. Senator Lynch, would you record your presence, please. Senator Hefner, would you push...pardon me. Record your presence, please. Yes, we are, but we're checking in. Please. Senator Wesely, we're looking for and Senator Schmit. Did you ask for a roll call vote, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1749 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have anything else on the bill?

CLERK: Nothing.

PRESIDENT: Do you have anything for the record, Mr. Clerk:

CLERK: I do, Mr. President. Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790 and LB 99.)

I have a motion to be printed by Senator Landis. (See page 1750 of the Legislative Journal. Re. LB 361 and LB 361A.)

PRESIDENT: The call is raised.

CLERK: Transportation Committee gives notice of confirmation hearing.

Amendments to be printed to LB 279 by Senator Chizek, and Senator Hall to LB 240. (See pages 1750-53 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: May I introduce some guests, please. In the north balcony Senator Byars has 80 fourth graders from Anderson Grove

April 24, 1989

LB 361, 361A
LR 2

CLERK: (Read record vote. See pages 1860-61 of the Legislative Journal.) 35 ayes, 4 nays, 3 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LR 2 passes. May I introduce some special guests we have this morning. They are here under the mayor's committee for international friendship and with the domestic influences on U.S. foreign policy. They are with an African regional project, and I'd like to introduce them. They are under the north balcony. If you gentlemen would please stand, from Kenya we have Jerusha Wanjiku Maghugia, and from Malawi we have Andrew John Kangulu; and we have from Nigeria, Alphonsus George Alang; and from South Africa, Charles Andrew Wessels; and from Tunisia, Sihem Chaouch. I don't know how I'm doing on these names, gentlemen, but we appreciate your being with us and would you please welcome our visitors here today. Okay. May I also introduce some guests of Senator Pirsch in the north balcony. We have 45 members of the Benson Women's Republican Club of Benson with their president. Would you folks please stand and be recognized by the Legislature. I'm also reminded that two of the people from Africa are ladies, so I apologize for calling you all gentlemen. Move on to number 7, the motion please.

CLERK: Mr. President, Senator Landis would move to suspend Rule 8, Section 5 so as to permit consideration of LB 361 and LB 361A on Final Reading today.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, normally under our rules a bill that has an A bill, like 361, is held until we've had a chance to examine the budget issues. And for that reason, 361 had rested here on Final Reading but had not been summoned. I realized just last week that the May 1 deadline in the bill was approaching and the May 1 deadline is the date for the Revenue Department to put into the hands of county boards adjustments factors to allow ag land to be valued at market rates. Now the Department of Revenue has been working on the body of knowledge and examination of sales necessary to do their work and they are done. They can meet this deadline, if we authorize it. And so it is possible, by suspending the rules and taking up the bill with the A bill now, that we can meet the May 1 deadline. It is important because counties are just about to begin that cycle of budgeting and planning for the coming year. And, if we move this too far back, counties won't

be able to take advantage of nor meet the requirements of 361. If they don't, it means the vulnerability as we all know to a great many lawsuits and perhaps the serious erosion of the tax valuation base of a number of county governments and political subdivisions. So, for that reason, I offer the motion to suspend the rules, to take up consideration of 361, and the A bill today, and in that way allow the Department of Revenue to do the function outlined for it in the bill by the deadline that appears on the face of the green copy and now the Final Reading copy. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the suspension of the rules. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on suspension of Rule 8, Section 5.

PRESIDENT: The rules are suspended. Okay, Mr. Clerk, LB 361 with the emergency clause attached.

CLERK: Mr. President, before that, Senator Landis, you had amendments printed, Senator. Senator Landis,...

PRESIDENT: Senator Landis.

CLERK: You want to withdraw that amendment that was printed? Thank you. (Read LB 361 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 361 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1862 of the Legislative Journal.) 41 ayes, 1 nay, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 361 passes with the emergency clause attached. LB 361A with the emergency clause attached. Ladies and gentlemen, we're out of our seats and we're on Final Reading. (Gavel.) We have another bill to read, ladies and gentlemen. Will you please return to your seats. Little A bill to read. Mr. Clerk.

April 24, 1989

LB 84, 84A, 361A, 739

CLERK: (Read LB 361A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 361A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted that care to? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1863 of the Legislative Journal.) 41 ayes. 1 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 361A passes with the emergency clause attached. We'll go on to Select File, please. Do you have anything for the record, Mr. Clerk, at this time?

CLERK: Mr. President, just one item, and that is the Transportation Committee offers a confirmation report, that is signed by Senator Lamb as Chair of the committee. That's all that I have, Mr. President.

PRESIDENT: Thank you. I understand from the Speaker's order that we're going to pass over LB 84 and LB 84A, and we'll take up LB 739.

CLERK: Mr. President, 739 is on Select File. The bill was discussed last Friday by the Legislature. At that time there was an amendment to the bill offered by Senator Smith. At this time, Mr. President, I have no amendments pending.

PRESIDENT: Senator Lindsay, would you like to advance the bill? Senator Wesely, excuse me. Senator Wesely's light is on.

SENATOR WESELY: Thank you. (Laughter.)

PRESIDENT: Did you wish to speak, Senator Wesely? Okay. Senator Lindsay, go ahead and then we'll...

SENATOR WESELY: ...my light on.

PRESIDENT: Yes, I understand, but he can make his motion, then we can discuss it.

SENATOR LINDSAY: Mr. President, I'd move that LB 739 be advanced to E & R for Engrossing.

April 24, 1989

LB 361, 361A, 739A, 739
LR 2

simple matter of trying to take the tax rates down, to cut the tax rates back to a level that I think is revenue neutral, which was our commitment, which was my commitment, and I think many of you on this floor, with the passage of LB 773. Obviously, there could be some concerns as to whether it does exactly that in the right proportions. Honestly, I don't know that any of us could know for sure, however, I don't think that is a reason to be voting against the bill. I think it's a good measure, it's a way of saying to the people of the State of Nebraska that we did not intend to make 773 a tax increase bill, it was intended to be a revenue neutral bill. LB 739, right before you, is the final step, in my estimation, of correcting that problem. LB 1234 of last year was the first step of correcting the problem. I think the two of them go a long ways to reestablish in the people the fact that that was not our intention in 1986 to raise taxes, here is our answer to say we really did not intend to do that. I would urge the advancement of 739.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Oh, a machine vote has been requested. The question is the advancement of the bill. All those in favor vote aye, opposed nay. A request has been made for a record vote also. Have you all voted that care to? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 1864-65 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement of 739.

PRESIDENT: The bill is advanced. May I introduce some guests, please. Under the north balcony we have some guests of Senator Moore from Pleasant Dale, Nebraska, Mrs. Tom Sieck and her daughter, Peggy Sieck, the daughter-in-law and granddaughter of the late Senator Sieck. Would you please rise and be welcomed by your Legislature. Thank you for visiting us this morning. While the Legislature is in session and capable of transacting business, I propose to sign and do sign reengrossed LR 2, Engrossed LB 361, LB 361A. We'll move on to LB 739A.

CLERK: Mr. President, on 739A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the advancement of

April 24, 1989

LB 330, 361, 361A

Hefner, Senator Rod Johnson, the house is under call. Senator Moore, please, report to the Chamber. While waiting, Senator Wehrbein has some guests under our south balcony from Weeping Water, Nebraska, Chuck and Marilyn Spohr. Would you folks please stand. Thank you. We're pleased that you could be with us. Senator Moore, please check in. Senators Haberman, Hefner and Rod Johnson, the house is under call. Senator Haberman, record your presence, please. Senator Hefner is on his way, may we proceed, Senator Pirsch? We've had a request for a roll call vote and the question again is the adoption of the Pirsch amendment. Mr. Clerk.

CLERK: (Roll call vote taken. (See page 1867 of the Legislative Journal.) 26 ayes, 15 nays, Mr. President.

SPEAKER BARRETT: The amendment is adopted. For the record.

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor, bills read on Final Reading this morning. (Re: LB 361 and LB 361A. See page 1868 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Next item.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Chambers. Senator, this is the first amendment that you provided me. On page 9, starts out page 9, line 1. (Chambers amendment appears on page 1868 of the Legislative Journal.)

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature...

SPEAKER BARRETT: The call is raised.

SENATOR CHAMBERS: ...the amendment that I'm offering, if that last vote is an indication, will be rejected. There is language in this bill that says that "No peace officer or law enforcement agency shall be held criminally or civilly liable for his or her actions pursuant to this section taken in good faith". And the same language appears in lines 15 and 18 on page 9 of the bill. My amendment is to strike that language. Currently, law enforcement officers have no liability if they perform their

April 26, 1989

LB 84, 308, 361, 361A, 508, 509, 591A
605, 627, 669, 722, 793, 813

SPEAKER BARRETT: Thank you, Mr. Chairman, and thanks to members of the Appropriations Committee for the overview of LB 813. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Government Committee gives notice of cancellation of hearing, confirmation hearing. Amendments to be printed to LB 308 by Senator Warner; and Senator Conway and Haberman to LB 84. (See pages 1934-35 of the Legislative Journal.)

Natural Resources offers a confirmation hearing report. Communications from the Governor to the Clerk. (Read. Re: LB 361, LB 361A.) A second letter. (Read. Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 722, and LB 793. See pages 1935-36 of the Legislative Journal.)

Enrollment and Review reports LB 591A as correctly engrossed, Mr. President. That is all that I have. (See pages 1936-37 of the Legislative Journal,)

SPEAKER BARRETT: Thank you. There are a number of motions on the desk. It occurs to the Chair...Senator Schmit.

SENATOR SCHMIT: I believe the comment from Senator Warner was that if there were comments relative or questions relative to the general explanation, that they would be in order before the motions, is that correct or not?

SPEAKER BARRETT: That is correct. You are in order, yes. Proceed.

SENATOR SCHMIT: Well, thank you, Mr. President and members. I appreciate this explanation of the budget this morning, and I know that although it was an overview it was detailed and there will be, no doubt, many other legislators who will have questions, and I want to ask the indulgence of the body this morning because of an issue which is of considerable importance to all of us, I believe, and to myself, in particular, and to all of those who are associated with agriculture, in particular also. Agency 60 on page 112, the Gasohol Committee, Senator Warner pointed out that the committee has appropriated for '89-90 only \$1,670,626 of that total 17 million plus money and I want to say at this time that there will probably be a lot of comment about that in the future, but I have discussed it just