

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.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I totally agree that we need to save as many lives as we can. Tim has already alluded to the fact that it's too late after they get in the bar. I think you're going the wrong place. And, Jacky, I'll tell you how you can save lives and lots of them, and I'm serious about this, have Department of Revenue send out to every retail merchant in the State of Nebraska that sign when they send...they've got the sales tax list, mandate them to put it up, let them read about it before they get in the bar. You would do some good and I would support that. When they are in the bar you might save one life, and bless you, I'm all for that. But let's go, let's let the...let's let them read about it when they go to the grocery store. Mandate them to put that sign up. It's that important to me I would also support the appropriation for it. If every store you go in this sign is posted, like we have to post our sales tax certificate, people are going to see it and think about it. You're going to get damn little thinking going in a bar, some, but not much. If you are really serious and not trying to say it's your duty as a bartender to get this message across, after they are already in the bar, it's after the fact. And I would, if mandated, be glad to put one up in my place of business, but you'd cover the whole state and you would have awareness like you could never get any other place. I'm through, thank you.

SPEAKER BARRETT: Thank you. The question before the body is the indefinite postponement of LB 70. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to indefinitely postpone.

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

CLERK: Mr. President, I do. Your Committee on Health and Human Services, whose Chair is Senator Wesely, reports LB 353 to General File; LB 48, General File with amendments; LB 231, General File with amendments; LB 273, General File with amendments; LB 366, General File with amendments. Those are all signed by Senator Wesely. (See pages 474-77 of the Legislative Journal.)

February 2, 1989

LB 273, 366  
LR 21

Rogers, please, we're on the bill.

SENATOR ROGERS: Mr. President and members, this bill was introduced by me on behalf of a group of ambulance volunteers in my district, basically just to clarify some things. There are many, probably, physician assistants, especially out in rural Nebraska. It would make better use of our hospital personnel if they could occasionally be assigned to transport patients. The Nebraska Academy of Physician Assistants supported the bill with the amendment. They have been providing citizens service for over 15 years and they are strictly functioning within their scope to the current list of physicians, registered nurses, licensed practical nurses who can aid in the transportation of patients as now, and I would simply encourage advancement of this bill.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 273.

PRESIDENT: LB 273 advances. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 21. Moving on to LB 366.

CLERK: Mr. President, 366 was a bill introduced by Senator Lynch. (Title read.) The bill was introduced on January 11, referred to the Health Committee, advanced to General File. I have committee amendments by the Health and Human Services Committee, Mr. President.

PRESIDENT: Senator Wesely, please, the amendments.

SENATOR WESELY: Thank you, Mr. President, members, LB 366 is a bill brought to the committee by Senator Lynch. It deals with a current statute regarding group homes' zoning. Currently, the statute provides that you can't discriminate against group homes dealing with cerebral palsy, autism and mental retardation. The original bill would have added mental illness. At the hearing the Catholic Social Services and hearing impaired individuals came in and said, this discrimination ought not occur in any event for anybody with a mental or physical disability and asked that we broaden the bill to recognize that. And so the

committee did adopt an amendment and that is what we would ask you to adopt at this point to provide for antidiscrimination on the basis of any mental or physical disability in this area. So I would ask for the committee amendments to be adopted, Mr. President.

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

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Health Committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Lynch, to the bill.

SENATOR LYNCH: Mr. President, members, I think Senator Wesely described everything that is included, in fact, in the bill. It is a one-paragraph bill, four lines, and accomplishes only what he suggests, hearing impaired, the blind, the head injury and some others would like to be included and all of those kinds of needs are unique from the other and require, in their case, individual attention and rehabilitation and maintenance of life kinds of programs. It would make sense. Unless there are any lights on, Mr. Chairman, I would open, ask for your support, and waive closing.

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

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 366.

PRESIDENT: LB 366 advances. LB 56.

CLERK: LB 56 offered by Senator Coordsen. (Title read.) The bill was introduced on January 5, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. LB 56 is a bill that was developed with the full

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LB 48, 56, 127, 167, 184, 185, 231  
273, 366, 804  
LR 22

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as chaplain of the day, Pastor Wayne Hineman of the Rosemont Alliance, in Lincoln, Nebraska. Would you please rise for the morning prayer.

REVEREND HINEMAN: (Prayer offered.)

PRESIDENT: Thank you, Pastor Hineman. We appreciate your coming out on this cold morning to have our invocation. Thank you. Roll call, please.

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

PRESIDENT: Any corrections this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 48 and recommend that same be placed on Select File; LB 231 Select File with amendments, LB 273 Select File with amendments; LB 366 Select File, LB 56 Select File, LB 127 Select File, LB 167 Select File, LB 184 Select File with amendments, LB 185 Select File; all those signed by Senator Lindsay as Chair of the E & R Committee. (See pages 577-78 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding LB 804. That will be inserted. (See pages 578-59.)

Gubernatorial appointment to the Power Review Board. That will be referred to Reference Committee. A report, Mr. President, from the Nebraska Energy Office required by statute. That will be on file in my office.

Mr. President, LR 22 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 22.

CLERK: That is all that I have at this time, Mr. President.

February 9, 1989

LB 140, 231, 366

continue to discuss the philosophy of financial support in that regard.

PRESIDENT: Now the question is the advancement of the bill. Those in favor please vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 2 nays, Mr. President, on the advancement of LB 140.

PRESIDENT: I think we'll leave our General File at this point. I would like to introduce a couple more guests. A guest of Senator Peterson, under the south balcony we have Mr. Marlin Winter of Norfolk, Nebraska. Also, Senator Lowell Johnson has a guest, under the north balcony Louis Johnson...no Arnie Gebers of Scribner, Nebraska. Would you please stand. Thank you, gentlemen. Now to the Select File we'll be taking off LB 344. I understand there are amendments coming on that. We'll start with LB 231.

CLERK: LB 231, Senator, I have E & R amendments pending.

PRESIDENT: Okay, Senator Lindsay, 231, E & R amendments.

SENATOR LINDSAY: Thank you, Mr. President. I would move that the E & R amendments to LB 231 be adopted.

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

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 231 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 366.

CLERK: On 366, Senator, I have no amendments to the bill.

PRESIDENT: Okay, Senator Lindsay on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 366 be advanced.

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LB 56, 127, 167, 184, 366

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 56.

CLERK: LB 56, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 56 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. Senator, LB 127.

CLEPK: LB 127, Senator, no amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 127 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 167.

CLERK: LB 167, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 167 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 184.

CLERK: LB 184, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, on the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R  
amendments to LB 184 be adopted.

PRESIDENT: You have heard the motion. All in favor say aye.  
Opposed nay. They are adopted. On the advancement.

CLERK: Nothing further, Senator.

SENATOR LINDSAY: Mr. President, I move that LB 184 as amended  
be advanced.

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LB 48, 56, 127, 167, 184, 185, 208  
231, 361, 366, 426, 643, 714, 760  
LR 2

SENATOR LANDIS: We can regulate promotion. I think David raises the fair question, you're getting more than the evil that you have claimed for in the bill and I say, you're right, we are but that's the only way, realistically, in my mind, to stop free samples for kids. And, unfortunately, we're cutting out for the doves as well as the crows here but it's got to be done to have a workable system to ban free sampling.

SPEAKER BARRETT: Time has expired.

SENATOR LANDIS: I don't think this involved structure in the amendment is a workable system to stop free samples for kids. So I'm going to vote against the amendment and for the bill.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Dierks, Withem and Conway.

SENATOR MOORE: I move we adjourn until Monday morning, February 13th.

SPEAKER BARRETT: Anything for the record? Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly engrossed; LB 127; LB 167; LB 184; LB 185; LB 231; LB 366, all correctly engrossed.

Revenue Committee reports LB 426 to General File with amendments; LB 643, General File with amendments and LB 361, General File with amendments. (See pages 700-03 of the Legislative Journal.)

Senator Wesely has amendments to LB 208 to be printed. (See page 704 of the Legislative Journal.)

Series of adds, Senator Haberman to LB 760; Senator Hefner to LB 714; and Senator Hefner to LR 2.

Mr. President, unanimous consent that Banking Committee will change their hearing room for next Monday's hearing to the East Chamber. That's all that I have.

SPEAKER BARRETT: Thank you. Before calling a vote on the motion to adjourn, ladies and gentlemen, the Chair wants to exercise the privilege of announcing the fact that Ed Howard of



February 16, 1989      LB 184, 185, 195, 366

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 184 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 772-73 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 2 present and not voting, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 184 passes. LB 185E.

ASSISTANT CLERK: (Read LB 185 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 185 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See pages 773-74 of the Legislative Journal.) The vote is 37 ayes, 0 nays, 1 present and not voting, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 185E passes. LB 366, Mr. Clerk.

ASSISTANT CLERK: (Read LB 366 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 366 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 774 of the Legislative Journal.) The vote is 36 ayes, 0 nays, 2 present and not voting, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 366 passes. LB 195.

ASSISTANT CLERK: (Read LB 195 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 195 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

Chambers, Hefner, Wesely and Lynch, the Chair is very pleased to recognize some guests in the north balcony, Dr. Jim Horner from the Ag College has a UN-L leadership class of 30 as our guests. Would you please stand and be recognized by your Legislature. Thank you. We're very glad to have you with us today. Also, some very special guests of this Legislature today under the north balcony, we have Virginia Thrall, the Director of the Midwestern Office of the Council of State Governments and also Stacie Alexander, a staff associate, also with the Midwestern Office of the Council of State Governments. After the call is raised, I would hope that members will have an opportunity to say hello to these people and visit with them. Would you ladies please stand and be recognized. Thank you. We're delighted to have you here.

While the Legislature is in session and capable of transacting business, I propose to sign and I do sign engrossed LB 195, LB 366, LB 184, LB 167, LB 127 and LB 56 and, finally, engrossed LB 185. (See page 777 of the Legislative Journal.) Discussion on the Schimek motion, Senator Moore, Senator Chambers on deck.

SENATOR MOORE: Mr. Speaker and members of the body, I rise to support Senator Schimek's motion to return this bill to Select File and, by returning this bill to Select File, we would have the opportunity to strike the portion of the bill that I, personally, find objectionable. When this bill was on Select File I voted against the bill and I voted against it on Final Reading and I think it would be wise for us to strike this portion out of the bill. Now Senator Chambers and Senator Chizek and others have wondered why a senator from greater Nebraska, like myself, and Senator Lamb would dare have the audacity to question what the Omaha City Council is telling us they want. I guess I, personally, as I did on Select File, have a problem with having all these people elected at once. I just think you're better off having staggered terms. It is a simple, personal view I have and because I'm that way, I'm voting that way. I don't think I am here, just like neither is Senator Chambers here to serve as a rubber stamp for the Omaha City Council. I have the...it's my job to question and my job to exercise my right, to exercise my judgment. In my judgment, it's bad policy to elect the whole city council at once. For that reason, and not only...I don't care if it was the York City Council asking for it or the Omaha City Council asking for it, I'd still be voting no on this and I am sorry if I am not cowering and licking the boots of the Omaha City Council like

February 16, 1989      LB 56, 127, 140, 167, 183-185, 195, 366  
520, 582A

pages 786-88 of the Legislative Journal.)

I have a new A bill. (Read LB 582A by title for the first time.  
See pages 788-89 of the Legislative Journal.)

Madam President, bills read on Final Reading this morning are now presented to the Governor for her review. (Re: LB 56, LB 127, LB 167, LB 184, LB 185, LB 366 and LB 195.) Senator Schellpeper would like to print amendments to LB 520; Senator Chizek has amendments to LB 140. And, Madam President, Senator Elmer would like to add his name to LB 183 as co-introducer. (See pages 789-91 of the Legislative Journal.)

SENATOR LABEDZ: If there are no objections.

CLERK: I have nothing further, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Lowell Johnson, would you like to adjourn us until Tuesday, February 21st.

SENATOR L. JOHNSON: I would. Madam President and members of the Legislature, I move that the Legislature adjourn until 9:00 a.m., Tuesday, February 21.

SENATOR LABEDZ: Thank you, Senator Johnson. We are adjourned until Tuesday, February 21st, 9:00 a.m.

Proofed by: Arleen McCrory  
Arleen McCrory

February 22, 1989      LB 48, 56, 127, 158A, 165, 167, 184  
185, 195, 277A, 298, 366  
LR 31, 33

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain Reverend Harlan Johnson. Would you please rise for the invocation.

REVEREND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Johnson. I was waiting for the line, on time to be here for the morning invocation. Thank you very much for being with us and your thoughtful prayer. Roll call, please. Record, Mr. Clerk. please.

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

PRESIDENT: Thank you. Any corrections this morning?

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 48 as correctly engrossed; LB 158A, correctly engrossed; LB 277A, correctly engrossed; and LB 298, correctly engrossed, those signed by Senator Lindsay as Chair. (See pages 817-18 of the Legislative Journal.)

Notice of hearing, Mr. President, from the Transportation Committee, that's offered by Senator Lamb as Chair. Communication from the Governor to the Clerk. (Read communication regarding LB 56, LB 127, LB 167, LB 184, LB 185, LB 366, LB 195, and LB 165. See page 819 of the Journal.)

Mr. President, that's all that I have.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 31.

CLERK: Mr. President, I do have another item, forgive me. LR 33, offered by Senator Beyer. (Read brief synopsis of the resolution. See pages 818-19 of the Journal.) That will be laid over.