

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 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113
116, 158A, 165, 166, 171, 172, 175A
177A, 177, 194, 200, 208, 238, 261A
267, 277A, 284A, 296, 312A, 312, 321
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

January 24, 1990

LB 369, 855, 1124, 1161, 1213, 1231

reports LB 855 to General File. (See page 491 of the Legislative Journal.)

Mr. President, I have hearing notice from Natural Resources signed by Senator Schmit as Chair. (LB 1213 and LB 1231. See page 491 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Kristensen.

I have amendments to be printed, Mr. President, by Senator Lamb to LB 369, and, Mr. President, the last, I have requests from Senator Smith to add her name to LB 1124 and Senator Hefner to LB 1161 as co-introducers. That's all that I have, Mr. President. (See pages 492-93 of the Legislative Journal.)

SENATOR LAMB: The motion is to adjourn until tomorrow morning at 9:00 a.m. All those in favor say aye. Those opposed. We are adjourned until tomorrow morning.

Proofed by:


LaVera Benischek

PRESIDENT: Time.

SENATOR BERNARD-STEVENS: I respectfully withdraw my request and motion at this time.

PRESIDENT: Thank you. Let me make one suggestion here. As far as I was concerned, I did not ever hear of this being challenged before of a parliamentary inquiry and usually I understand that we, the Legislature, go back to Mason's Manual of Legislative Procedure when we don't have a specific rule for that. And this is what Mason says. An answer to a parliamentary inquiry is not a decision and, therefore, cannot be appealed. Now, apparently, I made a wrong decision on that and if such a situation...a motion is made on a parliamentary inquiry, I will not accept such a motion. Do I make myself clear? In other words, if you have questioned a ruling of our own rules and that answer is given to you, then you should not challenge the Chair on your own ruling. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Would the Chair indulge at least a clarifying response at this point? If not, I will make another motion so that I can.

PRESIDENT: No, we're going to move on, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Fine. At some other point, I will respond then, and, thank you.

PRESIDENT: Okay. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, very quickly, if I may. Natural Resources Committee, whose Chair is Senator Schmit, reports LB 969 to General File; LB 987 to General File. Those are signed by Senator Schmit as Chair.

Revenue Committee, Chaired by Senator Hall, reports LB 896 to General File, and LB 965, General File. Those are signed by Senator Hall.

Government Committee gives notice of hearing, as does Health and Human Services.

Mr. President, amendments to be printed. LB 369, Senator Lamb

January 25, 1990

LB 369, 503A, 610, 662, 769
LR 246

has amendments; Senator Scofield to LB 610, LB 662 and LB 369. Senator Goodrich has amendments to LB 503A. Mr. President, I believe that's all I have at this time. (See pages 500-06 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 246. Now, where are we? We are back to discussing ceasing debate on the Chambers amendment to the Schimek motion. And the question is, of course, shall debate cease? Senator Landis, your light is on first. Senator Langford made a motion to cease debate. So we must act on that first to cease debate. And the question is, shall debate cease? All those in favor vote aye, opposed nay. Have you all voted? Senator Langford, please.

SENATOR LANGFORD: I guess we better have a call of the house, please.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 9 ayes, 2 nays 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. Please return to your seats and record your presence, please. Please record your presence. Looking for Senator Pirsch, Senator Robak, Senator Lamb, Senator Bernard-Stevens, Senator Goodrich. Senator Langford, do you wish to authorize call ins, or did you want a roll call? Okay. Roll call vote has been requested, in reverse order. Senator Goodrich, will you record your presence, please. Thanks. Senator Lamb we're looking for now. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, would the...do the rules allow when we're under call to seek all those who are not here and compel their attendance? I'm just asking, and this is not for the purpose of challenging what you said. I'm making an inquiry as to the status of the rules.

PRESIDENT: As I recall from memory, yes, you may wait for them and, yes, you may demand that they come back.

SENATOR CHAMBERS: That's what I want.

CLERK: Nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, let's proceed to General File, 1989 priority bills, LB 369.

CLERK: Mr. President, LB 369 was a bill introduced by Senator Lamb. (Read title.) The bill was introduced on January 11 of last year. Mr. President, at that time it was referred to the Transportation Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Transportation Committee.

SPEAKER BARRETT: The Chair recognizes Chairman Lamb.

SENATOR LAMB: Yes, Mr. President and members, if Senator Korshoj's bill is the most important in this session, this is probably the second most important bill in this session. LB 369, in its original form, merely allows a person with a commercially licensed vehicle, you could also pull a farm trailer, or, in other words, if you have a commercially licensed pickup, you can pull a farm trailer. Currently, you can't do it. Some people would like to do that because they have a little acreage, they have a horse, they have a business in town so they're not eligible for the farm plated pickup so they have a commercially licensed pickup. Under present law, it's strictly interpreted, they can't pull that horse trailer with their commercially licensed pickup. Now the committee amendment limits, merely limits this to pickups, license 16 tons or less. In other words, it limits what the original bill of LB 369 does because it did not limit the size of a commercially licensed vehicle which could pull this farm trailer. The committee amendment does limit that to essentially pickups. And I would move the committee amendment, Mr. Chairman.

SPEAKER BARRETT: Thank you. Any discussion on the committee amendments as explained by Senator Lamb? If not, Senator Lamb, anything further? Thank you. The question before the house is the adoption of the committee amendments to LB 369. Those in favor vote aye, opposed nay. Voting on the committee amendments. Have you all voted? Please record.

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

SPEAKER BARRETT: The committee amendments are adopted. To the

bill as amended, Senator Lamb.

SENATOR LAMB: Mr. President and members, now you have on your desk an explanation of the amendment that I am offering. I am offering an amendment, if anyone is listening, which folds three other bills into this bill; three similar bills, all of them are on General file. And this amendment is in your bill book but the explanation is right here on your desk. And one of the bills is LB 713 and that has to do with livestock forage vehicles used to carry unbaled livestock forage upon a highway. Now, currently, the mileage or the speed limit for these forage vehicles is 30 miles an hour and we are putting that up to 50 miles an hour. If you're going down the highway with a stack of hay, currently, to be legal, you have to go 30 miles an hour or less. We think it's reasonable to put that up to 50 miles an hour and that's part of LB 713 which is in the amendment. Now another part of LB 713 lets those people with that vehicle that hauls unbaled forage go home empty, go home empty. Currently, the cops are picking them up when they're going home empty because the statutes do not allow them to go home empty with this wide vehicle. You can go down the highway loaded with this load of hay on this vehicle but then when you come back down the highway, empty, to go home, you're in violation of the law. So that's part of 713 which is being amended into this bill in the amendment which is in your bill book, it's AM2221. Now another part of that LB 713...and there is nothing in this bill which has not been advanced by the committee, it's all on General File either in the original bill or in the committee amendment. It's kind of like that ad you've seen on TV about spaghetti sauce, all these...all these spices they talk about, they're in there, they're in there, they're in there. So this was brought to the committee, this part of 713 was brought to the committee by Senator Coordsen. And, currently, this section provides that for determining axle weights, the distance between axles shall be measured to the nearest foot. When a fraction in exactly one-half foot, the next larger whole foot is to be used to determine maximum axle weight. This was brought to us by Senator Coordsen because of a trailer manufacturer in his district that had trouble with that partial foot. Really, very insignificant but it does make them legal where they're not legal. Now another bill, or another section, or another bill in there is LB 887, Senator Scofield's bill, which was advanced by the committee this year, and this allows farm plated trucks to pull boats or cabin trailers. And Senator Scofield brought this to the committee. It seemed logical, no opposition to that;

does allow the farm plated trucks to pull boats or cabin trailers. And also in this amendment is LB 131 by Senator Peterson. It amends the term "motor vehicle" to exclude from the meaning of that term a power unit hay grinder or a combination which includes a power unit and a hay grinder when operated without cargo. This is merely a clarification so that the law enforcement people know that these hay grinder vehicles are exempt from registration. Most of the counties are assuming that is the way it is but some of the counties have questions and this is a clarification to be sure that all of them are treated equally. That, Mr. Chairman, is the contents of amendment 2221, which is in your bill book. And I will have a minor little bill drafting correction for that amendment once the amendment is adopted.

SPEAKER BARRETT: An amendment on the desk, Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Lamb would move to amend his own amendment. It's found on page 500.

SPEAKER BARRETT: Senator Lamb.

SENATOR LAMB: Yes. On page 13, line 16, in the amendment I offered, after "vehicles" insert "enroute to pick up, delivering". It's just a clarification of that part of the amendment which has to do with, I believe it's those hay trucks that return empty that there is a slight drafting area. And I would move that this amendment to the amendment be adopted.

SPEAKER BARRETT: Any discussion? Any discussion? If not, the question is the adoption of the Lamb amendment to the amendment. Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 23 ayes, 0 nays on the amendment to the amendment, Mr. President.

SPEAKER BARRETT: Thank you. Back to a discussion of the Lamb amendment as amended. Senator Scofield, would you care to discuss it, followed by Senator Crosby.

SENATOR SCOFIELD: Thank you, Mr. President. I simply rise to thank Senator Lamb for his willingness to accommodate a number of small bills that I think are all noncontroversial but, nevertheless, very much needed and appreciated by primarily rural people in this state. This will, I think, move some bills

out of the way this session that need to be done and yet could easily get clogged up in the pipeline as we move closer to the end. Senator Smith did raise a question to me about LB 887, which is amended into here, and it came about as a result of...several farmers in Box Butte County came to me and said that they were interested in pulling a boat or a cabin trailer behind their farm pickup and were informed they had to buy a commercial plate. And, at the same time, there seemed to be major inconsistencies in the law because if they had one of those little campers that you could actually set in the box of your pickup, that was okay to run that on a farm plate. And so we talked to a county treasurer and we talked to the Transportation Committee and that was how...and the County Officials Association, and that's how LB 887 evolved. And it might seem like a relatively minor problem but it was a real headache for the individuals that were involved and there was no opposition to the concept. So, on behalf of my farmers out there, I thank Senator Lamb for his good work.

SPEAKER BARRETT: Senator Crosby.

SENATOR CROSBY: Thank you, Mr. President, and members, I seem to be supporting Senator Lamb a lot this week. And this bill, I just want to be sure I have a couple of answers to be sure I understand what all you're putting into it, Senator Lamb. So if you would yield for about two questions...two or three questions.

SENATOR LAMB: Yes, I will.

SENATOR CROSBY: The first one is...and is this an urban versus rural bill?

SENATOR LAMB: Actually, this is an urban bill because this allows a commercially licensed vehicle to pull a horse trailer...

SENATOR CROSBY: Okay.

SENATOR LAMB: ...and that's strictly...

SENATOR CROSBY: The second...my second question, does this have anything to do with being as big as a load of hay? You seem to be talking about hay a lot here. You don't have to answer that. My serious question is, I just want to be sure that I understand

on the hay...that when you're hauling the hay and then bringing it back, none of these vehicles go very far, comparatively. They aren't going clear across the state or...right?

SENATOR LAMB: Not ordinarily, although there could be a case where...

SENATOR CROSBY: That could happen. And it's only in daylight hours. I have read that...

SENATOR LAMB: Yes.

SENATOR CROSBY: ...you can't...at night those big ones can't go.

SENATOR LAMB: That's correct.

SENATOR CROSBY: And does that include interstate, all kinds of highways?

SENATOR LAMB: No, they're not...let's see, other than a freeway, you know, it's not on the interstate, it's not eligible.

SENATOR CROSBY: Yeah, okay. Thank you. Thank you.

SPEAKER BARRETT: Senator Coordsen, please, followed by Senator Peterson.

SENATOR COORDSEN: Yes, I have a bill, I think Senator Lamb explained it, in my district and I handed out a handout, if you're interested, that shows how current Nebraska law deviates from the federal guidelines for weights for actual distances. And it has to do with, in federal law, more than eight feet between axles and less than nine...and this is on a tandem axle trailer, you can haul up to 38,000 pounds. Nebraska has a half foot rule so that if your trailer is between eight and eight and a half feet in axle distance, you could haul only 34,000 pounds but if it was eight feet, six and one-tenth inches, you could haul 39,000 pounds. I had a manufacturer down there that was diversifying and got into the business of making semi-trailers and they have been quite successful at it, except that the trailer design and the axle components that were contracted for, they came up with a configuration of eight feet and five inches, so that under Nebraska law they could haul 34,000 pounds;

federal law or federal guidelines would give them 39,000...or 38,000 pounds. So this amendment, and because of our half foot rule we couldn't put it in the scale that's in law, this amendment puts us into the same weight brackets that are contained in the federal safety weight guidelines. So that's what this one is about. If they would have been one inch longer, under federal guidelines they could have hauled 39,000 pounds. So that's kind of the way it works. So I would encourage the adoption of the total amendment.

SPEAKER BARRETT: Thank you. On the amendment, Senator Peterson.

SENATOR PETERSON: Thank you, Mr. Speaker, and members, just to further clarify my little bill that we had in Transportation last year, up in my area and around the state we have a lot of hay grinders and they go out and grind hay up on farms and ranches. And we had a county treasurer up there that was trying to collect a commercial license on, if I recall, on hay grinders. We also had one incident where we had one scale, state scale, where one of the scale men was stopped and harassed on this hay grinder or two that was going through, saying they had to buy a commercial license. So this is just to clarify what we hope will correct that situation where they can...won't have to buy this commercial license and won't... hopefully, stop the scale from harassing a couple of these hay grinders. I ask for the adoption of this and the whole amendment. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion on the amendment? Senator Lamb, would you care to close?

SENATOR LAMB: Very briefly, Mr. President, to just reiterate the four bills that are all in there as either in their original form or as amended by the committee and that there is nothing else added. So if you have a question about the amendment, you can look in your bill book in regard to these four bills and exactly what you see in the bill book in regard to those four bills is what is in this amendment and I would ask that it be adopted.

SPEAKER BARRETT: Thank you. The question is the adoption of the Lamb amendment to LB 369. All in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of

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

February 2, 1990

LB 50, 143, 369, 503, 503A, 720, 720A
821
LR 8

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by Pastor Harry Walles of the Faith United Methodist Church here in Lincoln. Pastor Walles.

PASTOR WALLE: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Walles. Please come back and be with us again. Roll call.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections to the Journal.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LR 8 and find the same correctly engrossed; LB 50, LB 143, LB 503, LB 503A, LB 720, LB 720A all reported correctly engrossed, those signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 630-32 of the Legislative Journal.)

Mr. President, Senator Elmer would like to print amendments to LB 369 in Journal. I have hearing notice from Senator Smith as Chair of the General Affairs Committee. (See pages 632-33 of the Legislative Journal.)

Mr. President, report of registered lobbyists for this past week. And the last item, Mr. President, is a report from the Department of Social Services filed pursuant to statute. That report will be available in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Chair is announcing that we will begin Final Reading with LB 821, followed by 822, and then come back to LB 399. We'll begin Final Reading with LB 821. Will members please return to their seats for Final Reading. Those unauthorized persons please leave the floor. Proceed with the reading of LB 821, Mr. Clerk.

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 34, 240A, 369, 374, 409, 422, 530
543, 896A, 907, 1108, 1109, 1165, 1217
1228
LR 251, 252

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 907.

PRESIDENT: LB 907 is advanced. LB 984, please.

CLERK: Mr. President, may I read some items for the record? Mr. President, your Committee on Health and Human Services whose Chair is Senator Wesely reports LB 374 as indefinitely postponed, LB 530 as indefinitely postponed, those signed by Senator Wesely. Education Committee reports LB 1109 to General File and LB 1108 to General File with committee amendments attached, those signed by Senator Withem. (See pages 705-06 of the Legislative Journal.)

Banking Committee reports LB 1165 to General File; LB 1217, General File; LB 1228, General File, those signed by Senator Landis. In addition to those items, Mr. President, I have a new A bill, LB 896A by Senator Withem. (Read by title for the first time. See page 707 of the Legislative Journal.)

Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 34, LB 409, LB 422, and LB 543.)

Mr. President, amendments to be printed, Senator Hall has amendments to LB 240A, Senator Lamb to LB 369. (See pages 707-09 of the Legislative Journal.)

Mr. President, a new resolution, LR 252 offered by Senators Conway, Korshoj, Warner, Nelson and Beyer, asking the Legislature to acknowledge the service, knowledge and expertise that Phil Kruse has contributed to the State of Nebraska. That will be laid over, Mr. President. (See page 710 of the Legislative Journal.)

Mr. President, I have a referencing report referring LR 251 to the Judiciary Committee for public hearing, as well, Mr. President, as a request for the sale of revenue bonds by Kearney State College. As part of that process, Mr. President, I have a letter from Senator Labedz to the Clerk advising the Legislature as to the reference of that proposed bond sale.

Mr. President, finally, a request from Senators Hall and Chizek as Chairs of the Revenue Committee and Judiciary Committee to

February 7, 1990

LB 163, 164, 348, 369, 953, 953A, 980
987A, 1059, 1070

SENATOR HANNIBAL: Senator Wesely, please.

SENATOR WESELY: Yes, thank you. We are to the last bill today. We appreciate all your patience. This is also the last of the three pieces of Governor Orr's "year of the family" package, the last two bills are part of it. This is the third piece. Deals with special need children. I'm carrying a bill for Governor Orr, yes. (Laughter.) This bill deals with....she doesn't it know, though. But....This bill deals with special needs children. Currently, if they are placed by public agency, the Department of Social Services special needs children can get additional assistance, private agencies don't get that assistance. This would expand, and this is a federal requirement, so we need to adopt it. And I'd move for the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Wesely, would you care to close? Senator Wesely waives closing. The issue before you is the advancement of LB 1070. All those in favor vote aye, opposed nay.

(No tape overlap. Vote on advancement of LB 1070 was 25 ayes, 0 nays.)

SENATOR HANNIBAL: The bill is advanced. I really appreciate you taking the time to stay around here. Is there anything for the record, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, I do.

SENATOR HANNIBAL: I've been informed that refreshments will be served in the Senators Lounge very quickly.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB 980 to Select File with amendments; LB 164 to Select File with amendments; LB 348 to Select File; LB 953 to Select File with amendments; LB 953A to Select File. (See pages 715-17 of the Legislative Journal.)

SENATOR HANNIBAL: The call is raised.

ASSISTANT CLERK: Senator Beyer has amendments to LB 369 that he asked to be printed; Senator Haberman to LB 1059. New A bill. (Read LB 987A by title for the first time.) Amendments to LB 163 to be printed from Senator Schimek. A report of

February 12, 1990

LB 93, 100, 346, 369, 454, 461, 517
529, 560, 578, 593, 647, 771, 1008
1010A, 1019, 1022, 1027, 1045, 1048, 1064A
1078, 1081, 1085A, 1110, 1123, 1186, 1199
1243
LR 13

SPEAKER BARRETT: Motion fails. The call is raised. For the record, Mr. Clerk.

CLERK: Yes, Mr. President, I have a series of items. Mr. President, I have a Reference Report referring LB 1243 to the Judiciary Committee. That is signed by Senator Labedz as Chair of Reference. A hearing notice from Banking, Commerce, and Insurance, Mr. President, for February 20, signed by Senator Landis.

Amendments to be printed to LB 1022 by Senator Smith; Senators Warner and Beyer to LB 369. (See pages 744-46 of the Legislative Journal.)

Mr. President, your Committee on Transportation whose Chair is Senator Lamb reports LB 1186 to General File with committee amendments attached, signed by Senator Lamb. Banking Committee reports LB 93 as indefinitely postponed, LB 100, LB 454, LB 461, LB 529, LB 560, LB 578, LB 593, LB 647, LB 771, LB 1008, LB 1027, LB 1045, LB 1078, LB 1110, and LB 1123, all reported indefinitely postponed, those signed by Senator Landis as Chair of the committee. Government Committee, Mr. President, whose Chair is Senator Baack, reports LB 1019 to General File, LB 517 indefinitely postponed, LB 1048, LB 1081, and LR 13CA as indefinitely postponed, those signed by Senator Baack as Chair. (See pages 746-47 of the Legislative Journal.)

New A bills, Mr. President, LB 1010A by Senators Ashford, McFarland, and Chambers; LB 1085A by Senator Wesely; LB 1064A by Senator Wesely. (All read for the first time by title. See page 748 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, moving on to the next bill on General File, LB 1199.

CLERK: LB 1199, Mr. President, was a bill introduced by Senator Landis. (Read title.) The bill was introduced on January 18 of this year, referred to the Banking, Commerce, and Insurance Committee for public hearing. I have no amendments to the bill, Mr. President.

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

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LB 369, 520A

E & R amendments to LB 520A.

SENATOR HANNIBAL: You've heard the motion. All those in favor say aye. Opposed nay. They are advanced.

CLERK: Mr. President, Senator Schellpeper would move to amend the A bill. The amendment is on page 665 of the Journal.

SENATOR HANNIBAL: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. Chairman and members, the A bill will decrease it from 120,000 a year to 60,000 a year, so it is a decrease in the A bill. So I would just move the A bill.

SENATOR HANNIBAL: Any discussion? Seeing no lights on, Senator Schellpeper, would you care to close? Waives closing. The issue before you is the amendment by Senator Schellpeper to LB 520A. All those in favor of the amendment vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Schellpeper's amendment to the bill.

SENATOR HANNIBAL: It is adopted.

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

SENATOR HANNIBAL: Senator Schellpeper.

SENATOR SCHELLPEPER: Move the bill.

SENATOR HANNIBAL: Motion before you is advancement of 520A. All those in favor say aye. Opposed nay. It is advanced. Mr. Clerk, to LB 369.

CLERK: Mr. President, 369, first order of business are Enrollment and Review amendments.

SENATOR HANNIBAL: Senator Lamb, please. Excuse me, Senator Lindsay, please.

SENATOR LINDSAY: It's the first time I've been confused with Senator Lamb. I'd move the adoption of the E & R amendments to LB 369.

SENATOR HANNIBAL: You heard the motion. All those in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Elmer would move to amend the bill. The amendment is on page 632 of the Journal.

SENATOR HANNIBAL: Senator Elmer, please.

SENATOR ELMER: Thank you, Mr. President, this is the motor vehicle omnibus bill that's coming along now. My amendment is a very simple little thing to protect individuals who buy used vehicles. If you buy a vehicle that has been reassembled from anyone, you go to the courthouses and get your title. If it happens that during the reassembly the vehicle identification number is not attached to the vehicle you buy, say a pickup, then the Department of Motor Vehicles is required through a procedure that the county sheriff uses of inspection to furnish you with a new motor vehicle identification number before you can procure a title. I have had several constituents who have been caught between a rock and a hard place on this particular thing because when the sheriff goes and examines the automobile or the pickup or the truck that he has bought from a salvage yard or somewhere, he finds that parts of or the entire vehicle is contraband or stolen somewhere else. And then he is required, the sheriff is required to confiscate the pickup and the buyer is out. He doesn't have any recourse. This amendment, all it does is require the seller of a motor vehicle to provide the VIN number or the vehicle identification number rather than the burden being on the buyer to find out to his sadness that it is not there when he goes to the county clerk's office. I'd ask your adoption of the amendment. Thank you.

SENATOR HANNIBAL: Thank you, Senator Elmer. On the amendment, Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, I rise to support the amendment by Senator Elmer. It is really LB 501 which passed through the committee and while I'm here I might just say there are three other amendments, one by Senator Smith, one by Senator Beyer and one I believe by Senator Conway which are also bills which were advanced by the committee and that I would support those three which will be explained by their sponsors.

SENATOR HANNIBAL: Thank you, Senator Lamb. There are no

further lights on. Senator Elmer. Senator Elmer waives closing. The issue before you is an amendment by Senator Elmer to LB 369. All those in favor of the amendment vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Elmer's amendment.

SENATOR HANNIBAL: The amendment is adopted. Further amendments to the bill.

CLERK: Mr. President, Senator Smith would move to amend. Senator I have 2389 in front of me. (Smith amendment appears on pages 1086-88 of the Legislative Journal.)

SENATOR HANNIBAL: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, I have to first of all start off by thanking Senator Lamb who has graciously consented to allow me to amend LB 72 into this bill which LB 72 as you recall was a motorcycle educa...or renewal drivers...or I mean a motorcycle renewal license renewal bill which has been sitting on General File. It passed out of Transportation Committee with an 8-0 vote last year and so basically I just remind you that currently any person applying for a motorcycle operator's license may be excused from operating a motorcycle for the license examiner if such a person has successfully completed the approved basic or advanced motorcycle safety course and what this bill will do is simply make it become mandatory that they shall be waived by the examiner if they have completed the motorcycle safety education course, which puts them on the same basis as provisions for renewing a drivers license. And then secondly, it amends the bill which was Section 60-2138 prior to this time which provides that the Department of Motor Vehicles may spend up to 15 percent of the money collected each year in the Motorcycle Safety Education Fund on activities which promote motorcycle safety. And this would allow those funds also then to be utilized in a promotion of motorcycle awareness kinds of things. That is simply what the bill does and if there are questions I will try to answer them, otherwise I would ask for the support of the body on accepting this as a part of the bill. Thank you.

SENATOR HANNIBAL: Thank you, Senator Smith. Senator McFarland, on the Smith amendment, please.

SENATOR MCFARLAND: Is this a germane amendment? In your consideration, is this a germane amendment?

SENATOR HANNIBAL: Are you asking for a ruling?

SENATOR SMITH: Are you asking the Chair that?

SENATOR MCFARLAND: I'm asking Senator Smith.

SENATOR HANNIBAL: Senator Smith, would you respond to a question, please?

SENATOR SMITH: Is this germane?

SENATOR MCFARLAND: Yeah.

SENATOR SMITH: I don't know. I've been told it is.

SENATOR HANNIBAL: Senator McFarland, are you finished?

SENATOR MCFARLAND: No, let me just look at the section. Certainly, if it's germane, then we can just proceed. If it is nongermane then the process should be to suspend the rules I would think. I would ask for a germaneness ruling.

SENATOR HANNIBAL: Thank you. Senator McFarland, after hearing the issue and the sections of law involved, I would recommend that the...neither the issue is exactly the same or is substantially the same, nor are we addressing the same sections of statutes, so that I would have to rule that the amendment is not germane.

SENATOR MCFARLAND: That would be fine. I'd move to suspend the rules and suspend the germaneness rules.

SENATOR HANNIBAL: Senator McFarland, I'm not sure your motion is in order right now. What I would... Senator McFarland, I'll stand corrected. Since you did have the floor still, since you did have the floor still I would rule that your motion is in order and if your motion is to suspend the rules for...

SENATOR MCFARLAND: Thank you, Senator Hannibal. Won't it be nice when we're out of this place next year and not so much confusion? I will move to suspend the germaneness rule to allow

this amendment to be considered by Senator Smith.

SENATOR HANNIBAL: Thank you. Senator Smith, your light is on. Would you wish to speak to the suspension issue?

SENATOR SMITH: Yes, I would just thank Senator McFarland and ask for the consideration as far as suspension of the rules are concerned.

SENATOR HANNIBAL: There are no further lights on. Senator McFarland, would you care to close on the motion?

SENATOR MCFARLAND: Yes, I think this is the proper way to do it and this is what I tried to do with the previous bill. I think it is a legitimate exercise of senatorial courtesy and I fully support it. Thank you.

SENATOR HANNIBAL: Thank you. That was a closing. The issue before you is the suspension of the rules. All those in favor vote aye, opposed nay. Voting on the suspension of the rules. Please vote if you would care to.

SENATOR SMITH: I do.

SENATOR HANNIBAL: Could use a little help. Vote if you'd care to, please. Please record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the suspension of the germaneness rule to permit consideration of Senator Smith's amendment.

SENATOR HANNIBAL: The rules are suspended. The issue before us now is the amendment offered by Senator Smith. I believe Senator Smith has already opened on the bill. I see no other lights on, excuse me, now there is a light on. I'll recognize Senator Moore, please.

SENATOR MOORE: I can't pass the opportunity by, by given the fact that this time of year we tend to get lax in our rules, that last motion. We just made this amendment and bill fair game for the repeal of the motorcycle helmet bill, but I'll use my better judgment and refrain from filing that amendment at this time.

SENATOR HANNIBAL: Thank you, Senator Moore. Senator Smith,

please, followed by Senator...Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, and thank you, Senator Moore. All I'm doing is thanking people on this bill it seems like, but I would ask the body's support in adopting this amendment which was originally LB 72, to whatever the bill is we're dealing with right, 369. Thank you.

SENATOR HANNIBAL: Thank you. Senator Wesely, please.

SENATOR WESELY: I know it's inappropriate to ask questions about legislation, but perhaps... I just looked at the summary of LB 72 and it concerns me a bit, I guess, Senator Smith, and I hate to be that way, but you are suggesting that if an individual...is it conform a current statute regarding motor...automobile licenses, is that what you're trying to do, and...so you don't have to take a written or other exam as long as you haven't had a violation?

SENATOR HANNIBAL: Senator Smith, would you respond.

SENATOR SMITH: What I'm asking in the bill is that it conforms to the extent that, so that it makes it the same as someone renewing a driver's license, that you don't have to take the driving test if you have already completed the safety education course which does extensive driving kinds of training for them.

SENATOR WESELY: Okay.

SENATOR SMITH: And that is an incentive, by the way, for them to take that motorcycle education course.

SENATOR WESELY: So currently, right now, a driver of a car, if they don't have a traffic violation doesn't have to come in, they just send in their stuff and that's...so you're just trying to reflect that.

SENATOR SMITH: Right. What I'm saying is that they have taken that driving education course, that motorcycle education course...

SENATOR WESELY: There is nothing more here for a motorcycle operator that isn't available...

SENATOR SMITH: No, no, no, huh uh.

SENATOR WESELY: All right.

SENATOR HANNIBAL: Thank you, Senator Wesely. Senator Smith, your light is on now. Would you care to speak? She passes. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Senator Smith, would you yield to...the question I want to ask you, if you would respond, and this is just technical. I assume that the amendment that you offered, I haven't looked at it, was the amended version of 72? Okay. And so they have that amended version then that's up there from the committee amendments?

SENATOR SMITH: Yes.

SENATOR BERNARD-STEVENS: Okay, thank you.

SENATOR HANNIBAL: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker, or Mr. Chairman, members of the body, Senator Smith, can I ask you a question?

SENATOR SMITH: Absolutely.

SENATOR HARTNETT: Do you have to pass the course, or you just have to enroll in the course? I haven't looked at the bill and it was last year and so forth. What does it require?

SENATOR SMITH: Actually, what they would have had to have done was to have completed, successfully completed the motorcycle education training course.

SENATOR HARTNETT: Okay. Successfully completed. Thank you. Pass it.

SENATOR HANNIBAL: Thank you, Senator Hartnett. Were you finished, Senator Hartnett? Senator Bernard-Stevens, please. He passes. There are no other lights on. Senator Smith, would you care to close on the amendment?

SENATOR SMITH: Please, give me 25 green lights. Thank you.

SENATOR HANNIBAL: You've heard the closing. The issue before you is the adoption of the amendment offered by Senator Smith to

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LB 369, 910

LB 369. All those in favor vote aye, opposed nay. Please record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Smith's amendment.

SENATOR HANNIBAL: Senator Smith's amendment is adopted. Are there further amendments to the bill?

CLERK: Mr. President, Senator Lamb has the next amendment. I have a note on this one, Senator, you want to withdraw 2447?

SENATOR LAMB: Withdraw, please.

SENATOR HANNIBAL: It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Beyer. Senator, this is your amendment you will find in your bill book. It is AM2452.

SENATOR HANNIBAL: Senator Beyer, please, on the amendment.

SENATOR BEYER: Mr. Speaker and colleagues, the amendment was printed separately from the Journal. Also I handed out an explanation of the amendment. The amendment is LB 910 as amended by the Transportation Committee amendment. LB 910 was unanimously advanced by the committee. At a public hearing there was no opposition to the bill and it was supported by the Department of Motor Vehicles and the Nebraska Motor Carriers Association. The amendment would make three changes. On titles, currently the law provides that a Nebraska certificate of title to a motor vehicle will not be issued to any vehicle if the title is to show an out-of-state address. An exception is created for vehicles which are to be registered on an apportioned basis with Nebraska as a base state a non-Nebraska address may be utilized to attain a Nebraska title. Second, on trailer plates. Currently, license plates for trailers which are registered as part of an apportioned fleet are issued the same as other license plates. A new plate is issued every three years with renewal stickers used every year. The amendment provides that for apportioned vehicles based in Nebraska a permanent trailer license plate shall be issued beginning January 1, 1991. On initial issuance there will be a charge of a fee of \$6 per trailer. The plate is renewable annually upon payment of a fee of \$2 and then replacement trailer plates will

be issued upon payment of a fee of \$6. All fees received from the issuance of permanent trailer plates are to be deposited in the Highway Cash Fund. This is to help vehicles where some of the carriers have trailers all over the United States, they cannot get the licenses on it in time, but it will show that they are registered on their power unit. And then also on odometers, currently, any vehicle, this is car or truck, 25-years-old or newer, when transferred, must be accompanied by an odometer statement. To conform to requirements of the Federal Truth and Mileage Act, the requirement for odometer statements is reduced to vehicles 10-years-old or newer. With that, I would urge adoption of the amendment. I think also I have an amendment to the amendment when the Clerk gets up there.

CLERK: Mr. President, you do, Senator. Senator Beyer would move to amend his amendment. The amendment to the amendment is on page 746 of the Journal, Senator.

SENATOR HANNIBAL: Senator Beyer, on the amendment to the amendment.

SENATOR BEYER: Mr. Speaker and colleagues, the amendment to the amendment is to clear up language which was in the amendment which was the original LB 910. When AM2452 was drafted, the bill drafters left out the standing committee amendments, so we're just putting the standing committee back in to 910 as it was voted out of the committee. So I would ask your adoption of the amendment to the amendment at this time.

SENATOR HANNIBAL: Thank you, Senator Beyer. On the amendment to the amendment, Senator Warner is next to speak, but before he does I'd like to take this opportunity to introduce some guests of Senator Lamb that are under the south balcony. They are Jim and Cleta and Josh Weisbeck. Would you please stand and be recognized. Senator Warner, on the amendment to the amendment. He passes. You want to on the amendment itself. There are no other lights on. Senator Beyer, would you like to close on the amendment to the amendment?

SENATOR BEYER: No close, just take a vote.

SENATOR HANNIBAL: Thank you. The issue before you is the adoption of the amendment to the amendment. All those in favor vote aye, opposed nay. Please vote if you'd care to.

SENATOR BEYER: Looks like we're getting awfully short on numbers. Need one more. Here it comes.

SENATOR HANNIBAL: Please record, Mr. Clerk.

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

SENATOR HANNIBAL: The amendment is adopted. Back to the amendment. Senator Beyer, you have already opened. Senator Warner, please, on the amendment.

SENATOR WARNER: Mr. President, I think I may want to ask for a division of the question relative to the odometer issue, unless I will ask Senator Beyer a question first.

SENATOR HANNIBAL: Senator Beyer, would you respond.

SENATOR BEYER: Yes.

SENATOR WARNER: As I read this, it is changing the 25 years to 10 years to be in conformance with federal truth in mileage. Is that...my question, I guess, is this mandated because if there is any place it seems to me that the buyer ought to know the number of miles that is on a vehicle that is 10 years or older. Certainly, there are a great many farmers who buy used trucks and I think it makes some difference if they have 100, 200, 300, 400,000 miles, or I can think of a personal experience where I was to trade in a car and it had 80 some thousand on the speedometer and the usual stuff, the guy, you know, pulled out and looked at the car and then came back and said, well, that car ought to be worth about so much, 80 some thousand miles, and I said, no, no, that is 180 and some thousand miles and all of a sudden its trade-in value was something less than the price of two tires, both of which were almost new. And I would have a lot of reservations about opening up to, in all effect, allow a place that seems to me it is most important for a prospective used car buyer to have protection and that is on old vehicles. So my question is, does the federal regulation require to be 10 years or can we have a longer period of time?

SENATOR BEYER: No, Senator Warner, it is not mandated. It is something that was brought by DMV to us just to bring the rules up to conform with it, but it is not mandated, so...

SENATOR WARNER: Excuse me, Senator Beyer, who is AMV?(sic)

SENATOR BEYER: Beg pardon?

SENATOR WARNER: I didn't understand, who is AMV? (sic)

SENATOR BEYER: Department of Motor Vehicles. Department of Motor Vehicles brought that portion of it.

SENATOR WARNER: Okay, doesn't help me much. I still think it is bad policy. I would ask for a division of the question on the amendment, if that can be divided. It obviously can by subject matter. I don't know how it is drafted.

SENATOR HANNIBAL: Senator Warner, you have asked for a division of the question, is that correct? Senator Warner, you have asked for a division of the question? Would you care to approach the front here along with Senator Beyer to see how we would divide it? Senator Warner, it appears that while a division could be in order, that it might be more expedient to have an amendment made to strike one section of the amendment. Would you be interested in moving that?

SENATOR WARNER: I would so move, Mr. President, strike Section 13 based upon the advice of the Chair that that will result in the bill retaining the current provision in Nebraska statute that the odometer recording must be made if the vehicle is 25-years-old or newer. I would move that that motion I think...

SENATOR HANNIBAL: Resisting the temptation to reinstate the division question, I will call upon Senator Schmit to ask if he wishes to speak on this amendment. Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, is this the Warner section of the amendment? Thank you. Well, I have a question. I guess since Mr. Hannibal is in the Chair, I was going to ask him, but I could ask Senator Warner also because he referred to 180,000 mile vehicle, it being somewhat, I would guess, decrepit and I've been before the Appropriations Committee several times. I've tried to get a new helicopter for the highway patrol and the bird right now is 11-years-old and will be 13 before they get delivery if they would actually pop for it this year, and I wonder, Senator Warner, if an automobile with 186,000 miles on it would be about comparable to an 11-year-old helicopter.

SENATOR HANNIBAL: Senator Warner, would you care to respond?

SENATOR WARNER: I understand the purpose of the questions, I think, Senator Schmit. I can't think of a quick response.

SENATOR SCHMIT: Take your time, Senator Warner, and maybe when you get back before the Appropriations Committee you might have thought of something by that time.

SENATOR WARNER: I will think about it when we get back there.

SENATOR SCHMIT: Remember also that the 180,000 mile automobile travels on the ground and the helicopter travels in the air, if that adds anything to your consideration, and thank you very much, Mr. Chairman.

SENATOR HANNIBAL: Thank you, Senator Schmit. Before I ask Senator Warner to close, I would like to take this opportunity to announce that Senator Weihsing has some guests in the south balcony. He has 25 girls from the Mitchell High School basketball team. Would you all please rise and be recognized by the Legislature, please. Thank you for joining us here today and good luck. Senator Warner, would you...oh, Senator Beyer's light has come on.

SENATOR BEYER: Well, just an answer that I just found out to Senator Warner, is a fact that the states that have already changed this, Nebraska would not be able to get the...anything beyond 10 years for vehicles bought outside of Nebraska in those states, Senator Warner. That would be one of the problems we would have. We'd be all right in our state, but any vehicle that you would purchase from out of state, the most you could go back is a 10-year record of their...because other states have changed.

SENATOR HANNIBAL: Was that a question to Senator Warner, Senator Beyer?

SENATOR BEYER: Just an explanation I give to him. It's up to him what he wants to do with it.

SENATOR HANNIBAL: Thank you. There are no other lights on. Senator Warner, would you care to close on the amendment?

SENATOR WARNER: Mr. President, I'd like to withdraw my motion for amendment and restate my request for a division of the question by voting on Section 13 secondly for the obvious reason that I would have to have 25 votes to have an amendment and to this bill and a division of the question, it will need 25 votes to require and not be able to provide to those who have to buy used cars what kind of real mileage they have on them when they are over 10-years-old. I think that ought to be done by a required 25 votes procedurally and not be in the position of, with the number of absentees, so I will reinstate my request for a division of the question.

SENATOR HANNIBAL: The amendment is withdrawn. The Chair rules that the question is divisible. We are dividing, as I understand it, the entire amendment from Section 13 of the bill. Senator Warner, is there a particular order in which you would care to go? Senator Beyer, we will suggest that we will handle the amendment with the exception of Section 13 at this time. Would you care to talk on that again?

SENATOR BEYER: Is there any other lights or you just want to...?

SENATOR HANNIBAL: There are none.

SENATOR BEYER: I would just say that I would appreciate your vote to adopt the amendment to the amendment excluding Section 13.

SENATOR HANNIBAL: Thank you. Senator Beyer has closed on that amendment. The issue before you on a division of the question is AM2452 with the exception of Section 13. All those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the AM2452 with the exception of Section 13 of that amendment.

SENATOR HANNIBAL: The motion is adopted. Part 1 of the divided question has been adopted. We move to part 2 which is Section 13. Senator Warner, your light is on. Would you care to address that?

SENATOR WARNER: Well, only to say, Mr. President, members of the Legislature, and as I understand it, as Senator Beyer has

already indicated, that inasmuch those states that are in conformance with 10 years there may be some difficulty, or would be difficulty obviously, in retaining records on interstate transfers and that may well be an issue that is there. Nevertheless, from my viewpoint, protection for odometer readings on older vehicles is extremely important, whether it is trucks or cars and if a car is well kept it can still have high mileage and you'd never be aware of it. And it could have had excellent care with high mileage and might still be a very good vehicle. And I just feel that that kind of a policy change ought to be done with 25 votes. I cannot support it.

SENATOR HANNIBAL: Thank you. Senator Beyer, please.

SENATOR BEYER: A question of Senator Warner.

SENATOR HANNIBAL: Senator Warner, would you respond.

SENATOR BEYER: Senator Warner, I don't have a problem one way or the other really, but the thing of it is, the question I would ask is, what happens if you go into a state that has adopted the 10-year rule and that is the most you can get and you would bring it into Nebraska to license it, what would happen? Do you have any idea?

SENATOR WARNER: No, sir. I suspect I would buy from a Nebraska dealer where it was available I guess.

SENATOR BEYER: Well, I don't disagree with that, but if it wasn't, what would you do? I think everybody is going to have to vote their conscience on this one. I just really couldn't say one way or the other. I think the explanation has been made that some states have adopted it and that would be the most that you could get. If Nebraska stays with the 25, and I'm like Senator Warner, I drive a car that is over that 10, so we'll just have to go and see what the body thinks. Thank you.

SENATOR HANNIBAL: There are no other lights on. Senator Beyer, would you care to add more in the closing? Senator Beyer waives closing. The issue before you is the second part of the AM2452, specifically Section 13. All those in favor of adopting that amendment vote aye, opposed nay. Have you all voted? Have you all voted? Please record, Mr. Clerk.

CLERK: 8 ayes, 10 nays, Mr. President, on adoption of that

portion of Senator Beyer's amendment.

SENATOR HANNIBAL: Part 2 of that amendment is not adopted. Are there further amendments, Mr. Clerk?

CLERK: Next amendment I have...Senator Warner, you had an amendment, Senator. I have a note you want to withdraw.

SENATOR HANNIBAL: It is withdrawn.

CLERK: Mr. President, Senator Conway would move to amend the bill. (Conway amendment appears on pages 1107-12 of the Legislative Journal.)

SENATOR HANNIBAL: Senator Conway, please.

SENATOR CONWAY: Mr. President and members, the amendment that I offer to you is a bill that came out of committee and was amended and the copy that is being filed on 369 is as the committee amended it and we worked this through the various interested parties. In your bill book, LB 961, in essence, with committee amendments is the amendment that I offer to you. What it basically is a kind of a unique situation with an insurance company in the State of Nebraska doing business in Nebraska that insures trucks and those trucks in many cases are titled all over the United States. When, in fact, a truck is stolen in many cases at some point in time the loss is paid out as a total settlement for their payment of that truck in that it was stolen and then at a later date that truck is found somewhere, has not been damaged and they run into a very difficult situation in terms of what to do at that point. Many states and many jurisdictions and law enforcement agencies will not relinquish that truck to this company unless they can show something other than a signed over title. They have to prove ownership. And so what we have created is a situation where we come up with a nontransferable title. What that title will allow them to do and the problem is also with the county clerk in terms of how do I handle this situation? What the individual can do is go to the law enforcement, or excuse me, the insurance company, who has the title signed over to them that is an out-of-state title, can take that down to their county jurisdiction and their county clerk, get this so-called nontransferable title, but it is an absolute proof of ownership, take that to the law authorities whoever is holding this vehicle after it has been found from...after being stolen, lay claim to that vehicle, bring the

vehicle back, have it inspected and then convert it back into a regular title. Because of the problems we have with our inspection law of having a Nebraska law enforcement person identifying the serial numbers and the like in part of that inspection, in many cases you've got that catch-22, the vehicle is somewhere else, you can't move it until you can show ownership. Unless you can move it, you can't get it back to Nebraska to have it inspected and you're caught in that trap. So this nontransferable title would address that particular problem, so with that explanation, I would offer it to the body to be amended on to LB 369.

SENATOR HANNIBAL: Thank you, Senator Conway. Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Senator Conway, just a quick question if you would, please.

SENATOR HANNIBAL: Would you respond.

SENATOR BERNARD-STEVENS: Your opening sounded reasonable to me, and I don't particularly have any problems with it as far as what I heard. I guess I'd just kind of like to know, since I was looking at the bill and haven't had a chance to see it obviously since it wasn't passed out of committee, or they chose to hold it I guess, what was some of the problems that developed in Committee that kept the bill from coming out that we might want to be aware of on the floor before we vote on this this afternoon?

SENATOR CONWAY: It was advanced out with committee amendments. There were some technicalities and some of the insurance companies, various insurance companies had various feelings. When I originally wrote the bill, I did not identify it that it was specifically titles that were non-Nebraska titles, and in many cases there was some confusion of why do we need to do this if it's a Nebraska title because you can convert a Nebraska title without inspection. This company holds a lot of titles that are from other states and they need to convert them into being Nebraska titles because now they have ownership. And so it took us a couple days to have the various insurance companies give us a few technical amendments to make sure that everybody was satisfied and so that is...were made in the committee amendments and then the committee did advance the bill out.

March 1, 1990

LB 369, 937

SENATOR BERNARD-STEVENS: Thank you, and maybe I can help clarify some of the confusion on the floor for those that are paying attention. Jerry, I think you mentioned it was 961, actually I think it's LB 931 and that is where I got confused that it was in part...937?

SENATOR CONWAY: LB 937.

SENATOR BERNARD-STEVENS: Okay, 937, and so that's where some of the confusion is that it is still being held by committee and the other question I guess you can do by a nod of your head, on 937 then that is being offered, did you offer, I assume then, the committee amendments, the bill as amended by the committee as far as this amendment pending?

SENATOR CONWAY: Right, it is as amended.

SENATOR BERNARD-STEVENS: Okay, thank you.

SENATOR HANNIBAL: Thank you. Senator Conway, there are no further lights on. Would you care to close?

SENATOR CONWAY: Thank you, Mr. President, like you say, it's a minor situation, is creating a difficulty for a county clerk in my district in Dakota County by virtue of he does not know what he is authorized to do without this technique. We came up with a solution. Everyone seemed to agree to it, that this would be a way to work. It is somewhat unique in that we don't have that many insurance companies who upon the theft of a vehicle and then later it is found and has a title in an out-of-state situation even though it has been signed over, that conversion is a very difficult situation. So it is unique, but it would be very helpful for this company to continue to do business. So with that, I offer the amendment.

SENATOR HANNIBAL: Senator Conway was closing on AM2470 to LB 369. The issue before you is the adoption of that amendment. All those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

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

SENATOR HANNIBAL: The amendment is adopted. Are there further amendments to the bill?

March 1, 1990

LB 369, 369A, 571, 594, 656, 980
LR 264

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

SENATOR HANNIBAL: On the advancement of the bill, Senator Lamb.

SENATOR LAMB: Well, Mr. President, I would only say that I think this bill is in great shape now. There are only eight bills in it. Originally there were going to be 10, but two of them advanced on consent calendar, so I would ask that the bill be advanced.

SENATOR HANNIBAL: There are no other lights on, Senator Lamb. Would you care to close? Senator Lamb waives closing. The issue before you is the advancement of LB 369. All those in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 571 and recommend that same be placed on Select File, LB 594 Select File, LB 656 Select File, with E & R attached. (See pages 1112-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 264 introduced by Senators Schmit, Landis and Wesely. (Read brief description. See page 1118 of the Legislative Journal.) That will be laid over.

Senator Lamb has amendments to LB 980 to be printed. (See page 1119 of the Legislative Journal.)

Mr. President, a new A bill, LB 369A offered by Senator Beyer. (Read by title for the first time. See page 1118 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Weihing, for what purpose do you rise?

SENATOR WEIHING: Mr. President and members of the Legislature, I move that we adjourn until Friday, March 2, tomorrow morning, at 9:00 a.m.

SENATOR HANNIBAL: Thank you. You've heard the motion. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by: Debbie Smith
Debbie Smith

10230

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

April 5, 1990

LB 369, 953, 1043

CLERK: (Read LB 1043 on final reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1043 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1945-46 of the Legislative Journal.) 37 ayes, 1 nay, 6 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 1043 passes. LB 953.

CLERK: (Read LB 953 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 953 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1946-47 of the Legislative Journal.) 36 ayes, 1 nay, 5 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 953 passes. Senator Rod Johnson has a guest under the north balcony, Keven Schumacher, University of Nebraska student, Ag Economy. Would you please rise, Keven, so they see who you are. Thank you, Keven. LB 369 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 369 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 369 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1947-48 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 369 passes with the emergency clause attached. We have some special guests in the south balcony this afternoon.

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,