

January 12, 1989

LB 54, 111, 209, 268, 271, 325, 335
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

February 21, 1989 LB 48, 73, 87, 220, 234, 336, 351
372, 399-401, 558, 592, 684, 704, 714
762

to LB 336 by Senator Withem. Senator Hall has amendments to LB 704 to be printed, Mr. President. (See pages 798-99 of the Legislative Journal.)

Education Committee gives notice of change of location for a hearing on February 28. That is offered by Senator Withem.

Judiciary Committee whose Chair is Senator Chizek reports LB 87 to General File, LB 220 to General File, LB 234 General File, LB 372 General File, LB 399 General File, LB 401 General File, LB 558 General File, LB 592 General File, LB 73 indefinitely postponed, LB 351 indefinitely postponed, LB 400 indefinitely postponed, LB 684 indefinitely postponed, those all signed by Senator Chizek as Chair. (See pages 799-800 of the Legislative Journal.)

Revenue Committee whose Chair is Senator Hall reports LB 714 to General File with amendments and LB 762 to General File with amendments, both those signed by Senator Hall as Chair of the committee. (See pages 800-03 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Now we'll move on to LB 48, please.

CLERK: Mr. President, the Legislature last considered LB 48 on February 13. At that time Senator Landis made a motion to indefinitely postpone the bill. That motion is pending.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President, members of the body, over the weekend I've had a chance to think about it and I've come to the conclusion that it must have been a moment of delusion on my part. I don't know why I offered that motion. I certainly want to withdraw it now.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Bernard-Stevens. The amendment is on page 740 of the Journal.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President and members

family have to explain the absence. And it seems to me a far more palatable way for those nonviolent offenders that would have the courts permission and would also have the offenders approval. They have to approve this if they want to take this alternative. I think it's a very tasteful alternative, very inconspicuous, keeps that person to be a contributing member instead of locked up in jail and being a taking member of society. With that, I urge your vote for LB 399.

SENATOR LANDIS: Excuse me, I hit the bell too quick there. This is the closing on 399, therefore, the question is, shall the bill advance? Those in favor vote aye, those opposed vote no. Clerk will record.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 399.

SENATOR LANDIS: Thank you. The bill is advanced. The call is raised, and we will go on to LB 401. I'll remind the body that following 401 we will go to LB 608, a bill previously passed over by the Chair. The introducer of 401, Senator McFarland. Mr. Clerk.

CLERK: Mr. President, 401, offered by Senator McFarland. (Read title.) The bill was introduced on January 12, referred to Judiciary, advanced to General File. I have no amendments to the bill.

SENATOR LANDIS: I see that Senator Chizek is to carry the bill for Senator McFarland. Senator Chizek, to open.

SENATOR CHIZEK: Senator McFarland had asked if I would present this. LB 401 would allow either party, in dissolving a marriage or an annulment action, to request a name change in their petition or their response. The request would be granted, except for good cause shown. And the change would become effective on the date the decree was entered. The fact that children of the marriage would have a different surname than the parent would not, by itself, constitute good cause in the bill. It also provides that dissolving decree entered before the effective date of the bill, in which a name change was not requested or granted, would not hinder or prevent either party from affecting a common law name change. With that, I would urge advancement of the bill.

March 30, 1989

LB 401, 603

SENATOR LANDIS: Thank you, Senator Chizek. There are no lights on. Senator Chizek, would you like to close? He'll waive closing. We'll move then to vote on the advancement of LB 401. Those in favor vote aye, those opposed vote no. Clerk will record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 401.

SENATOR LANDIS: The bill is advanced. We'll move now to LB 608. Principal introducer is Senator Kristensen. Mr. Clerk.

CLERK: Mr. President, 608, offered by Senator Kristensen. (Read title.) The bill was introduced January 19, referred to Transportation, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LANDIS: Senator Kristensen, to open.

SENATOR KRISTENSEN: Thank you, Mr. Chair, members. I'm here to talk about LB 608 this morning. This amends Section 60-1419. Currently this section provides motor vehicle dealers to provide a bond in the amount of \$25,000. The reason that this bill is important is because of a Supreme Court case that happened not long ago, called Dugdale v. First State Bank. That was a case where someone had went into a local dealer, had purchased an automobile, at which time the dealer didn't remand the proceeds back to the bank who was holding the title and the security interest. And the car purchaser says, my goodness, how come I don't get my title, the bank says, well, you're not going to get your title because I didn't get paid for this car. This matter went to the Supreme Court. Usually under our law, the financier of automobile inventories has always been protected because he had his name as a lien on the title, and he would get his proceeds back when he was paid. He'd release his lien and the title would go over to the person who purchased the car. That didn't happen in this case, and in fact it went to the Supreme Court, and the Nebraska Supreme Court said, well, car buyer, you bought this in the ordinary course of business. You had some expectation that you were going to get good title, you paid for the car, and the real problem was the car dealer himself who didn't bother to pay the bank. We're not going to penalize you, car buyer, for this situation. What this bill does is it comes back and allows the bank, or any security holder, to go after

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

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

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 7, 1989

LB 66, 372, 401, 546

SENATOR LINDSAY: Mr. President, I move that LB 66, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 546.

CLERK: LB 546, Senator, I have E & R amendments, first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 546.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 546, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 372.

CLERK: LB 372, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 372.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

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

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 401.

April 7, 1989

LB 401, 482, 608

CLERK: LB 401, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 401 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 608.

CLERK: LB 608, Senator, I have E & R pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 608.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 608, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 482.

CLERK: LB 482, Senator, I have E & R amendments first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 482.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

April 11, 1989

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

your light is on.

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

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

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

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

Proofed by:

Sandy Ryan
Sandy Ryan

April 17, 1989

LB 372, 401, 506

LB 372, please.

ASSISTANT CLERK: (Read LB 372 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 372 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1714-15 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 372 passes. If I could direct your attention to the north balcony, please, for just a moment. We have a special group of people there. We have about 42 students from all over the world and they are visiting all over Nebraska. They are from, all from different, visiting in different towns and cities and this foreign high school exchange organization was organized by the Nebraska Education Foundation for Foreign Students, a nonprofit group that matched 46 students with Nebraska host families this year. The organization also sends Nebraska students abroad. So would you folks please rise and be recognized for your attendance here. Thank you. We welcome you here and we hope you enjoy the rest of your visit which extends over several months in the United States. Thank you for visiting us today. Mr. Clerk, LB 401.

ASSISTANT CLERK: (Read LB 401 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 401 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 1715 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 401 passes. LB 506 with the emergency clause attached, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first item I have on the bill is a motion by Senators Haberman and Korshoj to return the bill for an amendment found on 1679. I understand this

April 17, 1989

LB 47, 66, 372, 395, 401, 506
LR 2

kind of interesting, someone mentioned the Syracuse Tax Study once or twice. No one talks about it anymore, no one talks about it. I opposed the tax study because I said we would not follow it. We have not even looked at the bloomin' thing, and so here today we write new tax policy. We are setting up a whole new system which will come back to haunt us for many years. Ladies and gentlemen, I have the advantage over many of you. I am not going to have to be around here when the chickens come home to roost if you do not adopt this amendment, but the younger members of this body will be here and you will have to answer for the failure if you do not adopt this amendment. I suggest you adopt the amendment.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 506, LB 401, LB 372, LB 66, LB 47, and LB 395. Discussion on the Schmit motion to return the bill, Senator Hall, followed by Senator Rod Johnson.

SENATOR HALL: Thank you, Mr. President and members. I rise in indifference to Senator Schmit's amendment because, as you know, I have not supported LR 2CA and I won't support it should we read it yet today into Final Reading, but those are for other reasons than the amendment that Senator Schmit has before us at this time. The amendment would, basically, become a mini-uniformity clause, if you will, with regards to the valuing of agricultural land. It I don't think is an attempt, the first amendment that we are dealing with by Senator Schmit, in any way to harm LR 2CA, and I think it does exactly what he says, and that is spells out the issue of how the classes of agricultural will be treated. I think it is much more though than just clarifying language. Senator Schmit, would you yield to a question?

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. President.

SENATOR HALL: Loran, the issue would still be one that the courts would and probably will address sometime in the future and my question is, will, even with your amendment that you have before us right now, will...the sales assessment ratio is still going to be a key factor in that determination with regard to the valuation and the, I guess the, oh, the value that is placed on the land that comparisons are made by the court, would it

April 17, 1989

LB 47, 66, 372, 395, 397, 401, 506
683
LR 2

want to create a situation where we have to come back in and discuss this a third and fourth and fifth time. I am exhausted with the issue. I am trying to do what I think is right, trying to work with the farm groups as best I can to give them what they think is best for agriculture, and if that is wrong, then I will be corrected by this body I am sure many times in the future. So I'd ask the bill be readvanced, Mr. President.

SPEAKER BARRETT: Thank you, sir. We have had a request for a machine vote. The question is the advancement of LR 2 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 36 ayes, 2 nays, Mr. President, on the motion to readvance LR 2.

SPEAKER BARRETT: LR 2 is readvanced. For the record, Mr. Clerk.

CLERK: Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 395, LB 47, LB 66, LB 372, LB 401, LB 506.)

Senator Schmit has amendments to be printed to LB 683 and LB 397. (See pages 1720-21 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Two reminders, the blood pressure checks and the cholesterol checks are still proceeding in Room 2102 and will be held up until one o'clock today. So those of you that would like to take advantage of it, please do so between now and one o'clock. Also be reminded that we will start with 761 at one-thirty following our recess. Senator Wehrbein, would you care to recess us, please?

SENATOR WEHRBEIN: Yes, Mr. Speaker, I'd move that we adjourn...or adjourn recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.