

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 1, 1989. LB 61, 90, 114, 183, 263, 264, 327
349, 389, 408, 412, 612, 744
LR 21, 22

Education gives notice of change of hearing location regarding LB 89 as well as notice of hearing. I also have notice of hearings from the Government, Military and Veterans Affairs Committee. That is signed by Senator Baack as Chair.

Your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 263 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. LB 327 General File with amendments, LB 408 General File with amendments, LB 389 indefinitely postponed. Those are signed by Senator Baack. (See pages 536-37 of the Legislative Journal.)

Education Committee whose Chair is Senator Withem reports LB 744 to General File, LB 183 General File with amendments, LB 264 indefinitely postponed, LB 612 indefinitely postponed. Those are signed by Senator Withem as Chair. (See pages 537-42 of the Legislative Journal.)

Business and Labor Committee whose Chair is Senator Coordsen reports LB 412 to General File with amendments. It is signed by Senator Coordsen as Chair. (See page 542 of the Legislative Journal.)

Banking Committee whose Chair is Senator Landis reports LB 61 to General File and LB 349 to General File with amendments. Those are signed by Senator Landis as Chair of the Banking Committee. (See page 542 of the Legislative Journal.)

Mr. President, in addition to those items, resolutions, LR 21 by Senators Beyer, Goodrich, and Senator Abboud asking the Legislature to express its sympathy to the family of Opal Peterson. That will be laid over, Mr. President. (See page 543 of the Legislative Journal.) LR 22 by Senator Dierks asking the Legislature to recognize July 1, 1989 as Centennial Day for the Village of Elgin. (See page 544 of the Legislative Journal.)

Mr. President, Senator Lynch would move that LB 90 be placed on General File notwithstanding the actions of the Natural Resources Committee, Mr. President. That will be laid over. (See page 543 of the Legislative Journal.)

I have amendments to be printed from Senator Schellpeper to LB 114. (See page 543 of the Legislative Journal.) That is all that I have at this time, Mr. President.

have a different form of government but the statutes concerning the elections will be the same. Actually there were two places in the statutes now that Nebraska City was attempting to follow. This clarifies which ones of those statutes that they would follow for their election process.

PRESIDENT: Thank you. Senator Baack, please.

SENATOR BAACK: Yes. Mr. President and members, I rise in support of LB 327. The only concern that the committee had when we heard the bill was that it would not harmonize well with the election law study that we're doing. We have run this bill by Steve Wiitala, whose doing our election study, and he said that it harmonizes very well with the other changes that we're looking at. So, I think it will fit in well with all the other things we're doing with the election law changes. So I would urge your advancement of the bill.

PRESIDENT: Thank you. Senator Wehrbein, did you wish to close?

SENATOR WEHRBEIN: Nothing more than just to say that the reason for this bill this year is the fact that next year, at this time, when they will be having an election it was important to have that done at this time rather than wait a year when all the other adjustments were going to be evidently made in the election laws. Nebraska City, at this time of year, would be in an election process and would appreciate having it done this year rather than waiting until next. So, otherwise I urge your support. Thank you.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 327.

PRESIDENT: LB 327 advances. We'll take up LB 408, but may I introduce some guests of Senator Coordsen, please. In the north balcony, we have eight high school seniors from Exeter, Nebraska and their teacher. Would you folks please stand and be recognized by your Legislature. Thank you for visiting us this morning. LB 408.

CLERK: LB 408, Mr. President, offered by Senator Barrett,

Senator Hefner, and Senator Schimek. (Read title.) The bill was introduced on January 12, referred to Government, advanced to General File. I have committee amendments pending by the Government Committee, Mr. President.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Mr. President and members, this time I was more wide awake. I'm ready for this one. I don't know if we even need to consider the amendments. Senator Barrett has been talking about we needed to kill more bills, so I don't know if he's going to get up and offer a kill motion on this as soon as we come up or not.

PRESIDENT: Might be all right.

SENATOR BAACK: No, the committee amendments on this bill are quite simple. The committee...we liked the concepts in the bill and we liked a lot of the aspects of the bill. The only change that we wanted to make was the way the bill was originally written. It said that academically gifted students who take part in those academically gifted programs would have been precluded from being in this legislative academy. We wanted to make sure that some of those academically gifted children could take part in this academy also. So this...so the language change in the committee amendments just makes it very, very clear that academically gifted students could participate in this program, they wouldn't be precluded from participating. With that, I would urge the adoption of the committee amendments.

PRESIDENT: Thank you. Senator Hefner, on the bill. Senator Barrett, on these.

SENATOR BARRETT: Thank you, Mr. President, members. I concur with Senator Baack and the committee's desires on this amendment. I hope the body supports it. Thank you.

PRESIDENT: Thank you. Did you wish to close, Senator Baack?

SENATOR BAACK: No, I just urge adoption.

PRESIDENT: The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. I need a little bit of help on the adoption of the committee amendments.

Record, Mr. Clerk, please.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of the committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Barrett, are you going to handle the bill?

SENATOR BARRETT: Thank you, Mr. President and members. Through the uniqueness of New Horizons for Nebraska, I bring to you today LB 408 at the suggestion of several thousand people across the state who have indicated that there is a need in the state to develop leadership for the future, and LB 408 represents one of the first efforts in that regard. The bill creates an annual youth leadership academy sponsored by the Legislature which, hopefully, will allow participants to learn and to enhance leadership skills. And the bill will also establish the Nebraska Student Exchange Act which, hopefully, will address the perceived bias in this state on a regional basis, perhaps an opportunity for a little better understanding of lifestyles and perspectives in various parts of the state. New Horizons has given us 46 initiatives that we should be examining, and this bill addresses specifically Initiative 1, which was the Legislative Leadership Academy, and Initiative 21, which is again addressing the linkage between, hopefully, rural and urban Nebraska. Again, the bill is a product of a lot of work on the part of a lot of people, and specifically speaks to the need to take care of the future in terms of leadership among our youth. Finally, I would suggest to the body that one of the main concerns of New Horizons is the brain drain. It's been mentioned publicly on numerous occasions and it's my feeling that this bill will also address that particular subject of young people leaving the State of Nebraska. With that, I would hope the body would advance the bill onto Select File. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Hefner, then Senator Schimek, please.

SENATOR HEFNER: Mr. President and members of the body, I'm a co-sponsor of this bill, I'm real happy to be so. I think this is a terrific program and I think we need to get started on some type of a program such as this as soon as we can. This addresses our youth, it addresses the future leaders of tomorrow, and this will definitely help our youth to develop

leadership qualities. We do have some other programs in Nebraska, and I think they're good programs, like the girls and boys states and, of course, this is mainly...this mainly deals with government. We also have some good 4-H programs. We also have Boy and Girl Scout programs, and these are very good programs of our youth. It tends to help keep our youth in the state after they graduate from college. I feel that a program such as this, and Senator Barrett has explained it very well, it helps build a better quality of life. Many times we hear the bad things about our youth, but they also do a lot of things in our great state. I feel that a program such as this will be an investment in the future. I also think that would help to have a better relationship among the rural areas and the urban areas. Would encourage you to advance this to the next stage of debate.

PRESIDENT: Thank you. Senator Schimek, please, followed by Senator Moore.

SENATOR SCHIMEK: Mr. President and members of the body, I almost hesitate to take debate time because I can't imagine that this bill is going to be controversial or that anybody would vote against it. But I think I better make certain that I make my argument. I am also pleased to be a co-sponsor of this bill. I'm very enthusiastic about it. As a former teacher, I know that too often too few students receive the opportunities to participate in programs like this. Having, as an adult and as a student, participated in things like girls state and youth council and music programs, I know that there were still students, in my rural high school, who were capable and who did not get the opportunities. One of the things I like particularly about this bill is that for the youth academy it considers students who are at risk and who are not in traditional leadership positions, and I think that is very positive. I also think that a youth academy has the potential for establishing life-long networks, not only between the students and the schools and other students but among the families as well. I think it has potential of bridging the gap not only between rural and urban but in cultural ways as well. And I think that we have a lot of cultural diversity in our state, and that this could help people better appreciate those cultural differences. Regarding the rural-urban exchange, I was fortunate enough several years ago to have a student from Italy in our home for a year, and a student from Switzerland in our home for a month. And recently we had the opportunity to visit both of those students in their homes and I can't tell you what

a fantastic experience it is. I think that this would allow not only...

PRESIDENT: Excuse me, Senator Schimek. I'm sorry to interrupt you. (Gavel.) Could we please have it quiet, we're having trouble hearing the speaker. Thank you, Senator Schimek.

SENATOR SCHIMEK: Thank you. I think that this bill would allow not only students to benefit from this exchange program, but that it would allow the families and the communities also to benefit from this exchange. I hope that every member of this body will vote to advance this bill. Thank you.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator McFarland.

SENATOR MOORE: Mr. President and members, I'm like Senator Schimek, can't really find any reason for me to speak, because I think most people will be for this. But I did just want to get up and give some of my own accolades on what a wise idea I, personally, think this is. I mean, the more we can do to get people in high school involved in the legislative process at a younger age, the better off we are. I speak, I guess, maybe from my own personal experience here. In high school I was involved in the Nebraska Council of Youth, Youth Government Day across the hall, eventually became a Page here, served there for a year, then worked my way up through the ranks and eventually got elected. The only drawback is, if you do this, you may create more obnoxious young senators like me. But I think it would be money well spent to do that.

PRESIDENT: Thank you. Senator McFarland, you're next, but may I introduce a guest, please. (Gavel.) May I introduce a guest, please, under the south balcony, Senator Richard Maresh, a former member of this body. Would you welcome him. Good to see you, Senator Maresh. Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. I was going to say to Senator Schimek, don't ever be surprised when someone opposes a bill if it costs a little money. But I see this bill is so good even Senator Moore is for it, so we've got high hopes for this one. It would be...the investment for this bill would be money well spent. I think...I've always thought that the greatest resource we have in our state is the students in our state, and the quality of students we have and the quality of

teachers and faculty and people we have, one of our greatest resources that we have never really used or encouraged as much as we should. I think Senator Barrett should be commended for his New Horizons project and for this bill being one of the first ones to come to the floor from that project. It's a great idea. I think it's a worthy cause to get students involved in a leadership training program, to get the youth of Nebraska involved in knowing about their state government, knowing about our state and the importance that they serve as future leaders in our state. I would certainly encourage everyone to vote for the bill, I think it sends a strong message to the youth of our state and to their parents. So I would urge you to support and advance the bill.

PRESIDENT: Thank you. Senator Hannibal, please, followed by Senator Hartnett.

SENATOR HANNIBAL: Mr. President, members, unfortunately I have to stand in a little bit of an ogre situation on the bill, not because I'm opposed to the bill, but I do think it is important that we point out a couple of things that are potentially ineffectual in the bill. I appreciate the New Horizons project as much as anybody. I appreciate the Speaker's involvement in the project, and I appreciate the Research Department's involvement and, as a matter of fact, all the involvement we've had over the last year and a half with the body. I was somewhat concerned, however, realizing the pragmatism of the committee amendments. I was somewhat concerned that the committee amendments were adopted, because what could happen under the bill, as it was amended by the committee, is that we may have, we have the possibility of a duplicating situation with this bill. I understand that that is not the goal of the bill, and I understand it's not the goal of the Speaker or the Department of Research or any of us on this floor. I only stand to say that we must be careful that we don't get into a duplicative situation. If, in fact, these leadership positions go to people, go to students, go to young people that already are involved in leadership programs through different organizations that we have around the state, if, in fact, these potential leaders are already leaders and already in the top of their class and already doing all of these things, then we really haven't accomplished the goal of the bill. The goal of the bill is to take potential leaders who haven't, through the traditional means of measurement, shown that leadership ability. But for us, as individuals, to select from our districts young

people who have that potential, and we are able to find that potential through nontraditional means and try to expose them to become leaders of Nebraska and, hopefully, help improve the state and themselves, great goal. Make sure that we do not duplicate the situation by attracting the same students that we attract already. If we do, we are going to spend 145,000, \$130,000 unnecessarily, and that I'm opposed to. I'm also somewhat concerned where the project is being directed from. I would like to see it be in a little more traditional place, realizing, however, that it is important for us, in the pilot project, to try to have some control over a program we put in. I'm not against the present position. I only point out that at some point that we may want to move this operation, hopefully, it's very successful, and, hopefully, it can grow, move it to a more traditional area of government. I've spoken about both of these ideas with the Speaker, and I have been assured, and I am convinced that the Speaker's goals and mine are the same. I will support the bill. I thought it important to put it in the record that there are these caveats involved, and I have every confidence that the Speaker and his leadership and the members of this body will see to it that these possible problems do not occur.

PRESIDENT: Thank you. Senator Hartnett, please, then Senator Pirsch.

SENATOR HARTNETT: Mr. President, members of the body, I guess I rise...I support the concept, I think. I think Senator Hannibal said it much better than I can say it. But I think if we keep dumping more things on the "good" students all the time, I think what Senator Hannibal says, I have some concern. I guess I was not on the floor but I heard in the speaker's...Senator Schimek talking about the student at risk, because I think there are some students that have not even been identified by the leaders in their schools that get lost and may be helped by this particular program. But, if we're going to keep doing it to the same ones, I think we are...the cheerleaders and the football players and so forth, I really have some concern. And I hope that is not the reason, have to stand up here straight, reasons for the bill being introduced. But I really think we needed to look at that second level of students in our school, the ones that maybe have some potential and not select the one that comes...that is selected by every group to do everything. I think that is what Senator Hannibal was simply addressing. I have some of the same concerns, that we do a good job of

selecting young people in our communities that are...have potential but have not been recognized by the school leaders. Thank you.

PRESIDENT: Thank you. Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. President. I, too, echo Senator Hannibal and Senator Hartnett's concerns. When I put my light on I was curious and I have some unanswered questions, particularly about the mechanics of how these students will be chosen. And perhaps somebody could respond to that. Senator Barrett, could you respond to that?

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Yes.

SENATOR PIRSCH: It says, of course, that you nominate by the high school. Is that correct? Or the high school informs the students of this program?

SENATOR BARRETT: Each member of this Legislature, Senator Pirsch, will be able to nominate two people from his or her legislative district to be candidates for the Legislature's Youth Academy. The nominations...

SENATOR PIRSCH: But that is drawn from a list of nominees submitted by high schools located within the district. And then that is reviewed by the Director of Research to verify their eligibility.

SENATOR BARRETT: That's...

SENATOR PIRSCH: So we come in at the end, I understand that.

SENATOR BARRETT: We come in at the beginning, Senator Pirsch, when the high schools submit to us, or when we...excuse me, when they submit the names to us then we will nominate from that list of people. So...

SENATOR PIRSCH: Okay, but to be nominated they have to fill out...or they have to be recommended by the high school. I don't know if they have to fill out anything or not. And then when they are nominated the Director of Research verifies the eligibility, that is in Section 7.

SENATOR BARRETT: Yes.

SENATOR PIRSCH: And then it is given to us, as I understand it.

SENATOR BARRETT: The Executive Board then will make the final decision.

SENATOR PIRSCH: Pardon?

SENATOR BARRETT: I believe the Executive Board, in the bill, makes the final decision, as I remember it.

SENATOR PIRSCH: Oh, I thought the senator made the final decision. Says selection shall be made by the member of the Legislature representing the legislative district from a list of nominees...

SENATOR BARRETT: Yes.

SENATOR PIRSCH: ...submitted by high schools located within the district.

SENATOR BARRETT: I stand corrected, you're right, Senator Pirsch.

SENATOR PIRSCH: So we have the final decision.

SENATOR BARRETT: Yes, and the Executive Board will determine the application, the form it will take.

SENATOR PIRSCH: And then those are just passed out to the high schools and the high schools will...counselors will encourage those who are at risk?

SENATOR BARRETT: That's correct.

SENATOR PIRSCH: So those will...those decisions will all be made at the high school level, and then the Director of Research will verify eligibility. What does that mean?

SENATOR BARRETT: Eligibility criteria will be developed by the Executive Board, and then the appointment of the advisory committee of educators is optional, according to the bill.

SENATOR PIRSCH: So then the Director of Research would go through that list and check off if those students meet that eligibility.

SENATOR BARRETT: Um-huh.

SENATOR PIRSCH: If they don't meet the eligibility, do we then go back to the high schools for more nominations?

SENATOR BARRETT: Well, I don't think the bill specifically speaks to that.

SENATOR PIRSCH: Um-huh.

SENATOR BARRETT: I would assume it would be up to the Exec Board.

SENATOR PIRSCH: Okay. Thank you, Senator Barrett. I did have questions about how the...how those original selections would be made. And then, too, what would disqualify a student for eligibility by the Director of Research.

PRESIDENT: One minute.

SENATOR PIRSCH: I would imagine that the Executive Board would follow through on that, but it's still unclear to me.

PRESIDENT: Thank you. Senator Schimek, please, then Senator Lynch.

SENATOR SCHIMEK: If I may, I'm not...I would just like to ask or ask Senator Pirsch, Senator Pirsch, did you understand from the bill that the qualifications, listed on page 5, are numerous, and it does say that the Exec Board may decide amongst these qualifications. It might take all of them into account, or some of them into account. And I would think that any student who is considered would not necessarily have to meet all of those criteria established by the Exec Board. In other words, they might be an at-risk student, or they might not. They might be a student who has leadership potential, recognized leadership potential, personal attributes, enthusiasm, creativity. I mean, I don't think necessarily that all of those attributes will have to be considered. And I don't think they have to be at-risk students. I don't want you to misinterpret the remarks that I made earlier in my presentation.

PRESIDENT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Yes, could I have a question of Senator Barrett, if I could?

PRESIDENT: Senator Barrett, would you respond, please.

SENATOR BARRETT: Yes.

SENATOR LYNCH: Senator Barrett, I have no problem, so far, except that some of us don't have a high school in our district. Probably more of us don't have than have. Well, maybe that is not true, but some of us don't. And I'm not worried about that, but if I understand it to mean that the senators who have high school districts in their legislative dis...high schools in their legislative districts will be...have some input, that would mean that, for example, people from my district, who go to North High School, could be recommended by Ernie, or people that live in my district, from Northwest High School, could be recommended by Carol. Would that spell out...oh, so it would come back to the legislative district. Oh, so we would know who they are at least.

SENATOR BARRETT: Yes, yes.

SENATOR LYNCH: I have no problem. Sounds like a good idea. Thank you.

SENATOR BARRETT: Thank you.

PRESIDENT: Thank you. Senator Barrett, would you like to close on the advancement of the bill?

SENATOR BARRETT: Thank you, Mr. President. Only to say that I appreciated the comments made by Senators Hannibal and Pirsch and Hartnett regarding the selection. The bill, in its original form, of course, was directed at students who are not in traditional leadership positions, of course, who don't qualify for some other gifted programs. The amendment itself, I don't believe, hurts the bill that much because it is still up to the Executive Board to set the criteria and make the final selections, although their points are well taken, and points that I've considered as well. Thank you. I hope the body will move the bill.

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LB 408, 412

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

CLERK: 26 ayes, 0 nays on the advancement of 408, Mr. President.

PRESIDENT: The bill is advanced. According to the Speaker's instructions, we're going to skip LB 744 and go to LB 412.

CLERK: LB 412, Mr. President, is offered by the Business and Labor Committee and signed by its members. (Read title.) The bill was introduced on January 13, referred to Business and Labor. The bill was advanced to General File, Mr. President. I have Business and Labor Committee amendments pending.

PRESIDENT: Senator Coordsen, please. Just a moment, Senator. Now try it.

SENATOR COORDSEN: Mr. President and members of the body. Thank you. I might have to talk a little louder if you didn't turn me on. We're talking about the bill. The bill is the result of a problem that was uncovered during an interim study hearing on the effect of the increase in the state minimum wage that was made two years ago when we increased the state minimum wage to \$3.35 an hour for nontipped employees to...and to \$2.01 an hour for tipped employees. We had several testifiers from the restaurant...from restaurant businesses in the State of Nebraska that reported to us a problem that had developed with the interpretation of the Department of Labor of the current statutes. The statutes read currently for persons compensated primarily by way of gratuities, the employer shall pay wages at a minimum rate of \$2.01 an hour. The Department of Labor interest was triggered by the word "primarily". Their interpretation of that meant...was that for an employee that was compensated partially by tips, by gratuities, that "primarily" meant they must receive an amount from tips more than the amount they received as base wage. What this translated into in real life is that we have a situation that exists today where a tipped employee will have a base wage of \$2.01 an hour. In order to be considered a tipped wage, they must have at least \$2.02 an hour in tips, which gives us then a state minimum wage for tipped employees, with that interpretation, of \$4.03 an hour for tipped employees, \$3.35 an hour for nontipped employees. If

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LR 25

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. It is always good to have one of our own members be our chaplain of the day and this morning we have Senator Scott Moore with us. Would you please rise for the invocation.

SENATOR MOORE: (Prayer offered.)

PRESIDENT: Thank you, Senator Scott Moore, very fine. Roll call, please.

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

PRESIDENT: Thank you. Did you make any mistakes in the Journal?

CLERK: We did not make any mistakes in the Journal, Mr. President.

PRESIDENT: Very good. How about any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 327 and recommend that same be placed on Select File; LB 408, LB 412, LB 61, LB 349 and LB 176. (See pages 684-85 of the Legislative Journal.)

Mr. President, Senator Baack has designated LB 183 as his priority bill, and I have a series of gubernatorial appointments from the Governor. Those will be sent to Reference Committee for referral to the appropriate Standing Committee. That is all that I have, Mr. President.

PRESIDENT: Thank you, sir. We'll move to number 5, LR 25, Mr. Clerk.

CLERK: Mr. President, LR 25 was introduced by the Appropriations Committee and signed by its members. It is found on page 607 of the Journal. (Read resolution.)

PRESIDENT: The Chair recognizes Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President, members of the Legislature, as been read to you, the resolution, LR 25, has been brought to you by the Appropriations Committee and I have

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53, 60, 79, 110, 123 140, 168
169, 189, 190, 207, 408, 607, 610
708, 775
LR 2, 29

for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chair is Senator Chizek reports LB 42 to General File; LB 44, General File; LB 708, General File; and LB 110 as indefinitely postponed. Those are signed by Senator Chizek.

Mr. President, Revenue committee whose Chair is Senator Hall reports LR 2CA to General File; LB 607, General File with amendments; LB 775, General File with amendments. Those are signed by Senator Hall. (See pages 690-91 of the Legislative Journal.)

Health and Human Services Committee whose Chair is Senator Wesely reports LB 610 to General File with amendments. (See page 691 of the Legislative Journal.)

Mr. President, Report of Registered Lobbyists for this past week as required by statute. (See page 692 of the Legislative Journal.)

I have amendments to be printed to LB 408 by Senator Barrett.

Mr. President, communication from the Governor to the Clerk. (Read communication regarding signing of LB 35, LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168 and LB 169. See page 693 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 140 to Select File with E & R amendments attached. (See page 693 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 29, please.

CLERK: Mr. President, LR 29 was offered by Senator Langford. It's found on page 656. (Read resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mr. President and colleagues, I offer this resolution with a great deal of joy because this gentleman plays cards and plays golf with Jack, my husband, every day, practically, in the summer. He has been instrumental in the

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524, 534, 601

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

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

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

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

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

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

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

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

February 21, 1989 LB 154, 227, 298, 318, 408, 440, 713

Select File with E & R amendments, LB 318 Select File with E & R amendments, LB 440 Select File with E & R and LB 154 Select File with E & R. (See pages 794-97 of the Legislative Journal.)

Mr. President, Speaker Barrett has amendments to be printed to LB 408. (See page 797 of the Legislative Journal.)

Mr. President, your Committee on Transportation whose Chair is Senator Lamb to whom was referred LB 227 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with committee amendments attached and LB 713 General File with committee amendments attached. (See page 797 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to Select File, LB 298.

CLERK: Mr. President, LB 298 is on Select File. I have no E & R. I do have an amendment to the bill, Mr. President, from Speaker Barrett. The amendment is found on page 721 of the Journal.

PRESIDENT: Thank you. Speaker Barrett, please. Just a moment, Speaker. (Gavel.) Could we please have it a little quieter so we can hear the speakers. Speaker Barrett.

SPEAKER BARRETT: Thank you, Mr. President and members. The amendment being offered on LB 298 I think addresses a couple of concerns that came up on General File when the bill was discussed for the first time. LB 298, as you recall, is the bill that raises the rates to be paid for publication of legal notices. A couple of major concerns I believe were voiced on the floor when we did debate the bill the first time. One of the questions was whether or not a political subdivision finds that it can't find a newspaper which will publish any notice at the legal rate, and I believe the other concern which was raised involved the question of a public official finding that to publish the type of notice that he or she needs, they would have to pay more than the legal rate. So the amendment which I'm offering offers two new short sections listing three specific situations where the public official could negotiate with a legal newspaper to publish the notice at a rate higher than the legal rate. However, the higher rate does have a cap or a limit. A negotiated rate could never be higher than the newspaper's lowest scheduled rate for classified ads of the type

March 2, 1989

LB 48, 49, 61, 176, 226, 298, 327
349, 391, 398, 408, 416, 458, 459
502

2 present and not voting, 4 excused and not voting,
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

in the exchange program to Omaha, and vice versa, why don't you allow it, why don't you permit it in the bill, which did make some sense. So, this amendment simply would allow an exchange within 150 miles, if the school was significantly different than the regularly attended school. Very simple. I would move its adoption.

PRESIDENT: Thank you. You've heard the explanation. All those in favor of the amendment vote aye, opposed nay. We're voting on the Barrett amendment, please. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays on adoption of Senator Barrett's amendment on page 692 of the Journal, Mr. President.

PRESIDENT: The Barrett amendment is adopted. Anything further on the bill?

CLERK: Mr. Speaker, you had an amendment printed on page 778, AM0424. I understand you want to withdraw that amendment.

SENATOR BARRETT: ...twenty-four, yes.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, Senator Barrett would move to amend. Senator, this is the amendment on 778, AM425.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Yes, Mr. President and members. This little amendment deals with the method of selection for the leadership academy. Senator Chris Abboud brought this to my attention the other day when he suggested that he might want to select a student who lived in his legislative district but went to school in another district. So this amendment states that a student will be nominated and chosen from the legislative district in which they live. In other words, the selection process is not based on the school districts, but on legislative districts. Very simple. I would move its adoption.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Barrett amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator

Barrett's amendment.

PRESIDENT: The Barrett amendment is adopted.

CLERK: Mr. President, Senator Barrett would move to amend. Senator, I have amendment AM434 on page 797.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Yes, thank you, Mr. Clerk, Mr. President and members. This is the last amendment on the bill, actually in two parts. The first one deals with the length of the youth academy. There were some who felt that the length of the academy might be too long, so...that we should not commit ourselves for two weeks. So this...the first part of this amendment simply says that the program cannot exceed two weeks. The second part of the amendment refers to the student exchange. There were people expressing an opinion that the two-week limit on the exchange was too short. So, in order to remedy this, the bill now allows for schools of the participants to jointly agree upon the time of the length of the exchange. That essentially is the amendment. I move its adoption.

PRESIDENT: You've heard the explanation. All those in favor of the Barrett amendment vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The amendment is adopted.

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

PRESIDENT: Senator Lindsay, please, on the advancement of the bill.

SENATOR LINDSAY: Mr. President, I move that LB 408 be advanced.

PRESIDENT: You've heard the motion. All those in favor say aye. Opposed nay. It is advanced. May I please introduce some guests in the north balcony, guests of Senator Rod Johnson. We have 33 seventh grade students from Sandy Creek School in Fairfield, Nebraska and their teacher. Would you folks please stand and be recognized. Thank you for visiting us today.

March 3, 1989

LB 78, 129A, 131, 183, 183A, 245, 250
250A, 340, 346A, 397, 408, 443, 447A
499, 509, 533, 538, 576
LR 43

advance the bill.

SPEAKER BARRETT: The motion fails. Messages on the President's desk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 183 to Select File; LB 183A to Select File; LB 250, Select File; LB 250A, LB 340, all to Select File, all signed by Senator Lindsay as Chair of the E & R Committee. (See page 975 of the Legislative Journal.)

Transportation Committee reports LB 533 to General File and LB 245 indefinitely postponed. Those are signed by Senator Lamb. Transportation also reports LB 509 to General File; LB 78, General File with amendments; LB 131, General File with amendments; LB 538 indefinitely postponed and LB 576 indefinitely postponed, and also signed by Senator Lamb. (See pages 975-80 of the Legislative Journal.)

Senator Moore has amendments to be printed to LB 499. (See pages 980-82 of the Legislative Journal.)

Enrollment and Review reports LB 408 correctly engrossed and LB 443 correctly engrossed. Those are signed by Senator Lindsay. (See page 982 of the Legislative Journal.)

Mr. President, an announcement from Senator Smith that the General Affairs Committee will not meet in Exec Session at one o'clock. General Affairs will not have their regularly scheduled Exec Session.

Mr. President, a new resolution offered by Senator Coordsen and other members. (Briefly described LR 43 as found on pages 982-83 of the Legislative Journal.)

Mr. President, new A bills. (Read titles for the first time to LB 346A, LB 129A, LB 447A. See page 983 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker, I move we adjourn and, providing we can get here, I...we adjourn until Monday morning, March 6th.

SPEAKER BARRETT: Thank you. You have heard the motion to

May 22, 1989

LB 388, 408, 408A, 412

ASSISTANT CLERK: (Read LB 388 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 388 become law? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 2624 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 388 passes. LB 408.

ASSISTANT CLERK: (Read LB 408 on Final Reading.)

SPEAKER BARRETT: All provision of law relative to procedure having been complied with, the question is, shall LB 408 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2624-25 of the Legislative Journal.) 35 ayes, 8 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 408 passes. LB 408A.

CLERK: (Read LB 408A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 408A pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 2625-26 of the Legislative Journal.) 38 ayes, 7 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 408A passes. LB 412E.

CLERK: (Read LB 412E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 412 pass with the emergency clause attached? Those in favor vote aye, opposed nay. Have you all voted? Please record.

May 22, 1989

LB 378, 378A, 388, 408, 408A, 412, 412A
423, 438, 438A, 444, 449

ASSISTANT CLERK: (Read LB 438 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 438 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 2630 of the Legislative Journal.) The vote is 36 ayes, 10 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 438 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 378, LB 378A, LB 388, LB 408 and LB 408A, LB 412 and LB 412A and LB 423. LB 438A.

ASSISTANT CLERK: (Read LB 438A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 438A pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 2631 of the Legislative Journal.) The vote is 37 ayes, 10 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 438A passes. LB 444.

ASSISTANT CLERK: (Read LB 444 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 444 become law? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Record vote read. See page 2632 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting.

SPEAKER BARRETT: LB 444 passes. LB 449.

ASSISTANT CLERK: (Read LB 449 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure

May 22, 1989

LB 209, 319, 323, 336, 354, 354A, 360
360A, 378, 378A, 388, 408, 408A, 412
412A, 423, 438, 438A, 444, 449, 449A
541, 569, 569A, 574, 575A, 575, 630
640
LR 219

While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 219. Mr. Clerk, where did we leave off?

CLERK: Mr. President, before we commence Final once again, I have an explanation of vote from Senator Conway. (Re. LB 209. See page 2648 of the Legislative Journal.)

Acknowledgement from your Enrolling Clerk, that bills read on Final Reading have been presented to the Governor. (Re. LB 209, LB 319, LB 323, LB 354, LB 354A, LB 360, LB 360A, LB 378, LB 378A, LB 388, LB 408, LB 408A, LB 412, LB 412A, LB 423, LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 575A, and LB 575.)

Mr. President, the first bill on Final is LB 630, this afternoon.

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'll take your seats, please, we'll start Final Reading on LB 630, please. LB 630, Mr. Clerk.

CLERK: (Read LB 630 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 630 pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2648-49 in the Legislative Journal.) 41 ayes, 1 nay, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 630 passes. LB 640 with the emergency clause attached.

CLERK: (Read LB 640 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 640 pass with the emergency clause attached? All those in favor vote aye, opposed nay, and I am reminded again for the second time today that some of you are not remaining in your seats while Final Reading is being read. Have you all voted? Record, Mr. Clerk, please.