

January 13, 1989

LB 30-34, 361, 410-460

CLERK: Mr. President, I do, thank you. I have a reference report referring LBs 374-409, signed by Senator Labedz as Chair of the Reference Committee.

In addition to that, Mr. President, I have received a communication from the Chair of the Reference Committee referring the communication received from the University Board of Regents regarding the University Health Care project. That has been referred to Appropriations Committee for public hearing.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 30 and recommend that same be placed on Select File; LB 31, LB 32, LB 33 and LB 34, all on Select File, Mr. President, all with E & R amendments attached. (See pages 223-26 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 410-449 by title for the first time as found on pages 226-49 of the Legislative Journal.)

Mr. President, in addition to those items I have notice of hearings from the Agriculture Committee offered by Senator Rod Johnson as Chair; from the Business and Labor Committee offered by Senator Coordsen as Chair; from the General Affairs Committee. That is offered by Senator Smith as Chair. And, Mr. President, a notice of hearing from Senator Warner as Chair of the Appropriations Committee.

SENATOR HANNIBAL: Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 450-459 by title for the first time. See pages 236-38 of the Legislative Journal.)

Mr. President, finally, I have an announcement the Urban Affairs Committee has selected Senator Korshoj as Vice-Chair of the committee.

Senator Rod Johnson would like to add his name to LB 361 as co-introducer. (See page 238 of the Legislative Journal.)

(Read LB 460 by title for the first time. See page 238 of the Legislative Journal.)

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.

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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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LB 61, 412

you extend this problem out just a little bit further, if an employer of tipped employees has a base wage rate of \$3.00 an hour, then their employees must receive at least \$3.01 an hour or the employer must make up the difference. What LB 412 will do then is to redefine. We will strike the word "primarily" from the tipped section of statute and add the words "that the sum of the wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section, which means that all employees in the State of Nebraska, tipped or nontipped, will be guaranteed a minimum wage rate of \$3.35 an hour rather than the rather awkward situation that exists today. Thank you.

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

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

PRESIDENT: The committee amendments are adopted. Now on the advancement of the bill, Senator Coordsen.

SENATOR COORDSEN: In the process...thank you, Mr. President. In the process of explaining amendment which would add the emergency clause to the bill because of the nature of the problem that exists, I covered the bill, I think, rather thoroughly so I would merely advance the bill at this point in time.

PRESIDENT: Very good. Any further discussion? If not, 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 412.

PRESIDENT: LB 412 is advanced. LB 61.

CLERK: LB 61, Mr. President, was a bill that was introduced by Senator Haberman. (Read title.) The bill was introduced on January 5, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

February 10, 1989 LB 61, 176, 327, 349, 408, 412
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

February 21, 1989 LB 61, 312A, 327, 412

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 327.

CLERK: 327, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 327 be adopted.

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

CLERK: I have nothing further on the bill, Senator.

PRESIDENT: LB 3 ..advancement.

SENATOR LINDSAY: Mr. President, I move that LB 327 as amended
be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 412.

CLERK: 412, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 412 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 61.

CLERK: LB 61, Senator, I do have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R
amendments to LB 61 be adopted.

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

CLERK: Nothing further on LB 61, Senator.

PRESIDENT: Senator Lindsay.

answered. I don't think we will until we get to talk with a lot of people out there who have concerns with this concept. I am talking now about Class II and III schools. I am talking about even some of the Class VI schools, and as long as we have that problem, I think we need to take it easy, tread water, so to speak, do an interim study, and I believe this bracket motion provides for that concept. Thank you.

PRESIDENT: Thank you. The question is, shall the bill be bracketed until January 15, 1990? All those...Senator Dierks.

SENATOR DIERKS: I would like to ask for a call of the house and we had better have a roll call vote.

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

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please return to your seats. Those not in the Chamber, please return to the Chamber and record your presence. We have a call of the house and a roll call vote. Please look up to see if your light is illuminated. We will have the roll call vote in regular order. We are looking for Senator Chambers, Senator Coordsen, Senator Langford, Senator Warner, Senator Scofield, Senator Pirsch. Senator Warner, would you turn on, please. Thank you. We are looking for Senator Pirsch and Senator Chambers. Okay, we are all here and the question is, shall the bill be bracketed? And we have a roll call vote in the regular order. Will you please hold the conversation down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See page 828 of the Legislative Journal.) 12 ayes, 32 nays, Mr. President, on the motion to bracket.

PRESIDENT: The motion fails. The call is raised. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 61 and find the same correctly engrossed; LB 176, LB 312A, LB 327, LB 349, LB 412,

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 336, 412, 412A, 423, 438

CLERK: (Record vote read. See pages 2626-27 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 412E passes. LB 412AE.

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

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 412A with the emergency clause attached pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See pages 2627-28 of the Legislative Journal.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 412AE passes. LB 423.

CLERK: (Read LB 423 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 423 pass? Those in favor vote aye, opposed nay. Record.

CLERK: (Record vote read. See page 2628 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 423 passes. I would like to return now to LB 336E.

ASSISTANT CLERK: (Read LB 336E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 336 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See pages 2628-29 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 5 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 336E passes. LB 438.

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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

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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.