

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.)

January 30, 1989

LB 70, 187, 208, 267, 338, 378, 421

LB 267 General File, and LB 208 General File with amendments, those signed by Senator Chizek. Health and Human Services Committee reports LB 187 to General File with amendments, LB 338 General File, and LB 378 General File with amendments. (See pages 49S-99 of the Legislative Journal.)

Mr. President, Senator Hall offers notice of hearing as Chair of Revenue. Senator Pirsch asks unanimous consent to add her name to LB 70 as co-introducer.

Mr. President, Senator Smith has amendments to be printed to LB 421. (See pages 500-501 of the Legislative Journal.)

Mr. President, the last order of business are motions from the Credentials Committee as well as an accompanying report to be inserted in the Journal. (See pages 502-13 of the Legislative Journal.)

PRESIDENT: Senator Warner, Senator Jerome Warner, your light is on and I failed to call on you. Senator Warner, please.


SENATOR WARNER: Mr. President and members of the Legislature, I just wanted to indicate that handed out to you this morning was the report of the Credentials Committee relevant to the 17th Legislative District contest and appropriate motions reflecting that conclusions of the Credentials Committee have been filed with the Clerk, and I assume the Speaker will place those on the agenda for tomorrow.

PRESIDENT: Thank you. Senator Emil Beyer, I haven't heard your resonant tones of your voice this morning, would you like to rise and say something about adjourning until January 31st at nine o'clock in the morning.

SENATOR BEYER: Mr. Speaker and colleagues, I move that we adjourn until nine o'clock on January 31st.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are adjourned. Thank you.

Proofed by:


LaVera Benischek

February 2, 1989

LB 33, 35, 173, 342, 421, 516

LB 421 to General File with amendments; LB 516, General File with amendments; and LB 173 indefinitely postponed, all signed by Senator Hartnett as Chair. (See pages 562-65 of the Legislative Journal.)

Appropriations offers notice of hearings for February 10 and February 16. Signed by Senator Warner. Natural Resources offers notice of hearings for Friday, February 10. Signed by Senator Schmit.

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Journal page 565 shows LB 33 and LB 35 were presented to the Governor.) That's all that I have.

SPEAKER BARRETT: Thank you, sir. Proceeding then to LB 342.

CLERK: Mr. President, LB 342 was a bill introduced by the Health and Human Services Committee and signed by its members. (Read title.) The bill was introduced on January 11, referred to the Health Committee for hearing, advanced to General file. I do have committee amendments pending, Mr. President.

SPEAKER BARRETT: Committee amendments on 342, Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, this bill was brought to us by the Health and Human Services Committee. It comes from a working group that was formed after the end of the last session, the Medical Association, the Health Department, the osteopaths of the state, to update osteopathic law in Nebraska. Osteopaths are a medical profession that has evolved over the years to be very similar in terms of training and preparation for practice as physicians are. It is a different philosophy but they frequently go to the same medical schools and have the same background. The committee amendments which are technical in nature simply clarify the references in the bill. The bill itself deals with updating the references to osteopaths. They will now be referred to as osteopathic physicians and osteopath physicians and surgeons, depending on the circumstance. That's the sum and substance of the bill and the committee amendments are needed to clarify some drafting errors. I would ask for the adoption of the amendments.

SPEAKER BARRETT: Thank you, sir. Any discussion on the adoption of the committee amendments? If not, those in favor of

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LB 61, 125, 231A, 240, 349, 360A, 421
431A, 494, 733, 790

and we don't have a system in our law to recognize that difference, when you make your change you resubmit your forms, your policies and your agents. Now, what are we going to do? We're going to approve them all, aren't we? But we're going to take them out and look at them and stamp them with another rubber stamp. It's unnecessary. So long as these items were approved by the department when they were initially brought to the state, they stay in effect while the transfer is made. If the provision is not here, unfortunately, that change of domicile will occasion a new filing of all of the forms we already have approved, totally unnecessary, therefore, the reason for this bill. It's standard practice elsewhere. I urge its adoption and advancement and applaud Senator Haberman for bringing this measure.

PRESIDENT: Thank you. Senator Haberman, did you wish to close? Okay, 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 61.

PRESIDENT: LB 61 advances to E & R Initial. LB 349.

CLERK: Mr. President, before that, if I may, items for the record. Mr. President, new bills. (Read title for the first time to LB 431A, LB 231A, LB 360A and 520A. See page 675 of the Legislative Journal.)

Urban Affairs Committee reports LB 240 to General File; LB 790 to General File; LB 125 indefinitely postponed; LB 494 indefinitely postponed. Those are signed by Senator Hartnett as Chair.

Senator Wesely has amendments to LB 733 to be printed; Senator Smith to LB 421. (See page 676 of the Legislative Journal.)

Mr. President, the next bill, LB 349, was a bill that was introduced by Senator Conway. (Read title.) The bill was introduced on January 11, referred to the Banking Committee, advanced to General File. I have committee amendments pending by the Banking Committee, Mr. President.

PRESIDENT: Senator Landis, are you going to handle those?

February 14, 1989 LB 421, 443, 714

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Kristensen, the Chair assumes that that was your closing. Thank you. The question before the body is the advancement of LB 443 to E & R Initial. All in favor vote aye, opposed nay. Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 443.

SPEAKER BARRETT: LB 443 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Retirement Systems Committee offers notice of hearing, signed by Senator Haberman as Chair.

Senator Hartnett would like to print amendments to LB 421 and Senator Robak would like to add her name to LB 714. And, Mr. President, Senator Chambers would like to add his name to LB 443 as co-introducer. (See page 744 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Abboud, would you care to dismiss us?

SENATOR ABOUD: Yes, Mr. President. I move we adjourn until February 15 at 9:00 a.m.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed no. The ayes have it, motion carried, we are adjourned.

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may. I need a little help, please. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill.

PRESIDENT: LB 556 is advanced. LB 421.

CLERK: LB 421, Mr. President, was offered by Senator Smith. (Read title.) The bill was introduced on January 13, referred to the Urban Affairs Committee. Mr. President, the bill was advanced to General File. I do have committee amendments pending by the Urban Affairs Committee.

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President and members of the body, the committee amendments become the bill. And I think what it does and I think Senator Smith will probably speak to it, but what it does it does not change the law of what a first class city can annex. They do provide an additional notice to affected people of a proposed annexation and provides for a public hearing and additional information on how city services will be extended to the annexed area. The amendment would require the council to adopt a resolution indicating its attempt to annex and, at the same time, would adopt a plan for providing city service to the annexed area. The plan is to have a certain basic information on the cost and the timetable for providing the services. It must be specific enough to provide a reasonable person with full and complete understanding of the city's intention. Within 60 days of passing the resolution by the city council, the council must hold a public hearing on the annexation to provide the public with a chance to respond to the proposal. Notice of the hearing is to be given in the original resolution and is also supported to be printed in the city's official newspaper at least 10 days before the hearing. The second section of the amendment changes the old language to more modern usage. "Service" is substituted for "benefits". And, with that, I would like...unless Senator Smith would like to talk about the amendments, and so forth, that is the committee amendment. That is the essence of the bill.

PRESIDENT: Any further discussion on the committee amendments? Mr. Clerk, you have an amendment to the committee amendments?

CLERK: Mr. President, Senator Smith, you had an amendment

printed, Senator, on page 500. I understand you want to withdraw that amendment. Is that correct? Mr. President, Senator Smith would then move to amend, the amendment as found on page 676 of the Journal.

PRESIDENT: This is an amendment to the committee amendments? All right, Senator Smith, please.

SENATOR SMITH: Yes, Mr. President and members of the body, or Mr. Chairperson, rather, and members of the body, this amendment to the committee amendment would just do a couple of things. On page 2, line 17, of the committee amendment it would strike the three words, "a reasonable person", and in line 18, strike "with". And the reason "a reasonable person" is removed is because of the discussion that we had surrounding how do you define a reasonable person and what kind of problems could ensue because of those three words being in this amendment which says that a reasonable person should be provided with enough information that they could totally understand the annexation plan. So by removing the words "a reasonable person" what we're simply doing then is leaving the statement to be made, "the plan adopted by the city council shall contain sufficient detail to provide a full and complete understanding of the intentions of the city...", and so on. So that's part of the amendment. The other part of it is on page 3, strike beginning with the first "at", in line 1, through the word "annexation" in line 2, and strike beginning with the third "the" in line 7 through the second "as" in line 9. And what we're doing there, excuse me, is removing words which, for instance where it talks about providing at least equal services, again, how do you determine what is equal? Because what they may be providing would be some other kinds of services other than those that are already in the existing area. And so...or then what's in the city itself that those would not be the services that would be needed in the annexed area. And so, for that reason, we're asking for you to remove those words also. And that's the extent of the amendment to the committee amendments and I would ask for the body's adoption.

PRESIDENT: Senator Hartnett, do you wish to speak? Okay, the question is the acceptance of the Smith amendment to the committee amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 13 ayes, 0 nays on adoption of Senator Smith's amendment

February 15, 1989 LB 421

to the committee amendments, Mr. President.

PRESIDENT: The Smith amendment is accepted to the committee amendment.

CLERK: Mr. President, Senator Hartnett would move to amend the committee amendments and that amendment is on page 744 of the Journal.

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President and members of the body, I passed this out along with the other ones. I did not...I thought it was going to come up yesterday and we had time to print it in the Journal. And simply what it does is on page 3, line 19, after "city" inserts "at least once", and simply a better clarification of that they...that the cities have to only require to publish the notice on one occasion which is at least 10 days prior to the public hearing. And that's simply the purpose for the amendment. So I would ask the body to adopt the amendment.

PRESIDENT: Senator Smith, did you wish to speak to that?

SENATOR SMITH: I would just say that I can support that amendment.

PRESIDENT: Okay, the question is the adoption of the Hartnett amendment to the committee amendments. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 0 nays on adoption of Senator Hartnett's amendment to the committee amendments, Mr. President.

PRESIDENT: It is adopted. Anything else on it, Mr. Clerk?

CLERK: Nothing further on the committee amendments, Mr. President.

PRESIDENT: Okay, now we're back to the committee amendments. Any discussion on the committee amendments? Senator Smith.

SENATOR SMITH: Mr. President, would it be appropriate at this time to discuss the bill because the bill now will become what the committee amendments are?

PRESIDENT: I guess that would be appropriate if you would like.

SENATOR SMITH: All right. I think that this is the time maybe to explain the purpose of the annexation measure and what the amended version of the bill will become when you adopt the committee amendments. Excuse me. The intent of the bill is to ensure that annexation is done in an orderly manner and to also ensure due process. Present statutes regarding annexation are vague enough that those things are not clear. And so basically what we come down to now in the revised bill, which is the committee amendments that will become the bill when we adopt the amendments, are simply these things. Number one, that if a city is proposing to annex a parcel of land, these are the requirements that we will place upon them, that they would put out a resolution indicating their intent that would be made known to all the people in the area, that they would put together a plan which would include some data that would be able to tell anyone who was interested enough to find out at least an estimated cost as far...or as to what they were proposing for the annexed area. And this would be for the purpose of notifying the taxpayers of the city as well as those people in the proposed area, that a map very clearly delineating those people who are in the proposed area so that if someone came down to the city office and wanted to know, am I in or am I not in the proposed area for annexation, they could look at the map and they could readily see, yes, I am or, yes, I am not. So those are some of the things that we're including in the provisions for that. We would also require that a public hearing would be held and there are certain days that are...I mean, they have a number of days that this is set when the hearing would have to be held so that they could provide for input from the public pro and con on the issue. And then, finally, that it would provide for the requirement of the public notice to be published 10 days prior to the hearing at least once, as we have now amended the bill, in the local newspaper so that everyone has the opportunity to know in advance when the hearing will be held. And then, finally, there is a small section on the end which simply clarifies or modernizes the current language. Instead of benefits...let's see, instead of "services" it talks about "benefits". Or is it the other way around? I think I did it backwards. Instead of "benefits" it becomes "services". And where there is a section here that's been removed in the very end of the bill, those benefits that they were talking about which now becomes services, it just itemizes some of the

examples of what they could be and it's not necessary because we already have alluded to that prior to this. So that's...that becomes the...the committee amendment is the bill once you have adopted the amendment and I want you to know that I'm very pleased with the way this has come out because this is exactly what I would like to have seen it become. I would ask for your support of the committee amendments.

PRESIDENT: Thank you. Senator Hartnett, on the committee amendments.

SENATOR HARTNETT: Mr. President and members of the body, I think that Senator Smith has done a good job of explaining the bill. The committee amendments are the bill right now because I think one of the concerns, I think, of some of the people that are being annexed by cities is the right of due process, the right of a hearing, and I think that's what we have come up in the Urban Affairs Committee with a bill that does that. It allows for...it doesn't limit the powers of a city to annex. It simply says that there has to be a due process. There is the 60-day. After they pass the resolution, there is a hearing so everybody can get their input in whether it's good or bad. And so I think it's a good measure that we put into the state statutes. So, with that, I would like you to approve LB 421. Thank you.

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

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

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

SENATOR SMITH: Mr. President, I would just tell the members of the body one more time that the amendment that they just adopted now replaces the original bill which was in some ways controversial. It is no longer controversial. It is, as amended, the bill. The amendment which is now the bill provides for due process for people. It requires a city to issue a resolution proclaiming their intent as far as annexation is concerned. It requires them to have a plan. It outlines what the plan will include, including some data, which will talk

about costs. It will also require for a public hearing. It requires that a map that lays out and shows where the proposed annexed areas are and down to the property owners who are involved so that when they come into the city office if they want to know, am I in or am I not in, what line are we talking about here, they can look at a map and they can see whether they, in fact, are included in the proposed area for annexation. Then it finally requires, as I said, a public hearing and also before that a notice to be published in the newspapers. So it's totally now a due process law and we have total support on all sides of the issue. I would ask for your favorable consideration of the bill. Thank you.

PRESIDENT: Thank you. Senator Hartnett, on the advancement.

SENATOR HARTNETT: Yes. Mr. President and members of the body, I would do the same thing, I would ask for the advancement of this bill. 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: 26 ayes, 0 nays, Mr. President, on the advancement of 421.

PRESIDENT: LB 421 is advanced. LB 516.

CLERK: LB 516, Mr. President, was a bill introduced by Senator Hartnett. (Read title.) The bill was introduced on January 18, referred to Urban Affairs, advanced to General File. I have committee amendments by the Urban Affairs Committee, Mr. President.

PRESIDENT: Senator Hartnett.

SENATOR HARTNETT: Mr. President and members of the body, I think I handed a handout to you and I think that simply states what the bill is. We want to add an emergency clause, or the committee wanted to add an emergency clause. If you look at the second page of it, is that we, last year, when Senator Lynch and myself had a bill we excluded that, it was struck in...this language that made these people qualify was stricken from the language so that is the reason for adding the emergency clause. Also, there is a change in the language which would

February 16, 1989 LB 183, 187, 187A, 214, 214A, 332, 421
433, 516, 556
LR 30

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this, the one-third mark, the 30th day in the life of the first session of the ninety-first Legislature. Our Chaplain this morning, Harland Johnson. Please rise for the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland. Roll call.

CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports, or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 187 and recommend that same be placed on Select File; LB 187A, LB 556, LB 421, LB 516, LB 214 and LB 214A, all on Select File, some having E & R amendments attached. (See pages 765-66 of the Legislative Journal.)

Mr. President, LR 30 is ready for your signature.

I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 183. (See pages 766-68 of the Legislative Journal.)

I have amendments to be printed by Senator Haberman to LB 187; Senator Kristensen to LB 332 and, Mr. President, a motion from Senator Wesely to place LB 433 on General File notwithstanding the committee action. That will be laid over. And that is all that I have, Mr. President. (See pages 768-69 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 30. (See page 769 of the Legislative Journal.)

Members will please return to their seats in anticipation of Final Reading. As a matter of interest, LB 198 will not be read

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LB 187A, 421, 556

strike "\$647,943" and insert "\$579,046"; and on line 15 strike "\$10,784,250" and put in \$10,940,650". This is from the fiscal office. I apologize, Mr. Chairman and members, for the confusion. Offer that and ask for your support for that fiscal note amendment.

PRESIDENT: Any further discussion? If not, we're voting on the adoption of the Lynch amendment as lately described. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: Okay, the Lynch amendment is adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

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

SENATOR LINDSAY: Mr. President, I move that LB 187A as amended be advanced to E & R Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 556.

CLERK: Mr. President, 556, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 556 be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 421.

CLERK: Mr. President, on 421, the first...I have E & R amendments, first of all, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 421 be adopted.

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

CLERK: Mr. President, Senator Smith would move to amend the bill. Senator, I have AM650.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Yes, thank you, Mr. President. I have an amendment which, I'm sorry that the members of the body don't have a copy of the amendment. I didn't think the bill would come up today and we did ask for it to be entered in the record and so it would have been printed, but basically although it is kind of a...it looks like a big amendment, it really is not. All it does is change the language throughout LB 421...now wait a minute, to include not only cities of the first class regarding annexation procedures, but also all other classes of cities. That would include then our metropolitan area, our primary class city, all first classes I've already said, second class and villages would be lumped in there also. Remember that the bill itself just is a due process bill. It requires public hearings to be held regarding proposed annexation by the city. It requires a notice would be provided to all the landowners and it requires a notice to have a plan regarding the cities' intentions for development of the area that is being proposed for annexation would be provided. And from the testimony that we heard and in visiting with...I've run this by the League of Municipalities, haven't had time to talk to anyone else on it, but I just feel that this is a fair measure. According to someone who talked to me, if it's good for first class cities, it should be good for everyone else and if I'm concerned about due process, it should be provided to people of all communities in the process of annexation. I just believe that, as a policy, it should apply to all cities. If there are questions, I'd be glad to try to answer them. Are there any lights on?

PRESIDENT: Yes, one.

SENATOR SMITH: All right. I would just listen to what that person has to say then, thank you.

PRESIDENT: Thank you. Senator Hall, please.

SENATOR HALL: Mr. President and members, Senator Smith, would

you yield to a question?

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Certainly.

SENATOR HALL: I apologize. Could you explain the amendment that we don't have a copy of?

SENATOR SMITH: Yes. What the amendment does is go through the bill and add wherever we talk about first class cities who would be affected by requirements to provide due process, we extend that and include all classes of cities.

SENATOR HALL: So it would include second class cities, municipalities...

SENATOR SMITH: Yes.

SENATOR HALL: And this is only the sections of the bill that deal with due process?

SENATOR SMITH: Yes, right.

SENATOR HALL: Okay, thank you very much.

SENATOR SMITH: Yes.

PRESIDENT: Senator Smith, would you like to close on your amendment?

SENATOR SMITH: I would just ask that the body vote to attach this amendment to the committee amendments of the bill.

PRESIDENT: Senator Smith, just so we understand each other, I believe this is an amendment on its own, is it not?

SENATOR SMITH: Yes, the reason I say it's an amendment to the amendment is that if anyone wanted to compare this amendment, they would have to look at the committee amendments which have now become a part of the bill.

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

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LB 421, 516

CLERK: 27 ayes, 1 nay, Mr. President, on the adoption of Senator Smith's amendment.

PRESIDENT: The Smith amendment is adopted. Anything further on it, Mr. Clerk?

CLERK: Nothing further, Mr. President.

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

SENATOR LINDSAY: Mr. President, I move that LB 421 as amended be advanced to E & R for Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 516.

CLERK: Mr. President, on 516, Senator, I have...I don't have E & R. I do have an amendment to the bill from Senator Hall, Mr. President. (Hall amendment appears on pages 954-55 of the Legislative Journal.)

PRESIDENT: Okay, Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. If could have a Page, I...Mr. President and members, the bill 516 is a bill of Senator Hartnett's. It deals with the handicapped parking provision. All this amendment is is a bill that was also heard in committee that dealt with handicapped parking permits, the placards that are currently used. This bill was also advanced out seven to nothing out of the committee. I offer it as an amendment to Senator Hartnett's bill. I have talked to Senator Hartnett. He is in agreement with the amendment. We dealt with it. It just deals with the issue of what form that placard can take. I had...the bill was LB 240 that I introduced, and if you want to open your bill book, the amendment that I offer is identical to the underlying green copy of LB 240. It simply changes the provision for the type of placard that can be used to designate one is driving a vehicle that is eligible for a handicapped parking space. If you're familiar with what is used in many parking facilities when you buy a monthly pass to park in, say, for example, a lot either here in Lincoln or in Omaha and some other areas, they offer you a little cardboard hanging type of device that you hang from your rearview mirror. The attendants can go by, see whether or

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LB 421, 606

and LB 606 to General File with amendments. (See pages 956-57 of the Legislative Journal.)

And, Mr. President, Senator Abboud would like to add his name to LB 421 as co-introducer. (See page 957 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Senator Schimek, would you like to go to your microphone and adjourn us until tomorrow morning at eight o'clock.

SENATOR SCHIMEK: Yes, Mr. Speaker, so move.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until eight o'clock tomorrow morning, eight o'clock.

Proofed by:

Arleen McCrory
Arleen McCrory

March 6, 1989

LB 187, 187A, 214, 214A, 224, 320, 326
334, 354, 354A, 421, 516, 556, 638

PRESIDENT: The motion fails. Mr. Clerk, do you want to read in some things before we proceed?

ASSISTANT CLERK: Yes, Mr. President. I have priority bill designations from Transportation Committee and Senator Carson Rogers. Government Committee reports LB 638 to General File with committee amendments. Committee on Enrollment and Review reports the following bills correctly engrossed--LB 187, LB 187A, LB 214,...

PRESIDENT: The call is raised.

ASSISTANT CLERK: ...LB 214A, LB 320, LB 326, LB 334, LB 354, LB 354A, LB 421, LB 516, and LB 556. That is all that I have, Mr. President. (See pages 988-91 of the Legislative Journal.)

PRESIDENT: We're back on the advancement of the bill. Senator McFarland, on the advancement of the bill, followed by Senator Chambers and Senator Hefner.

SENATOR MCFARLAND: Yes, I'd like to address some of the concerns that Senator Chambers has raised because he's really overstated, he's misled and he had not apparently read the bill in detail, as he tries to convey to us. Let's just look at one thing. He's alleging that this is going to be a state enforcement procedure, an...

PRESIDENT: The call is raised.

SENATOR MCFARLAND: ...agent for the NCAA. And all it is to do is to protect eligibility of college athletes for the institutions. Well the fact of the matter is that in the part dealing with the noneligible student athlete we say that they cannot be contacted either, unless the sports agent registers with the Secretary of State. Earlier Senator Chambers said, well why should they have to be concerned, if they don't have eligibility, why should they have to be concerned about whether the sports agent registers with the Secretary of State. The reason is we're concerned about all athletes, eligible, noneligible, high school athletes, athletes who may be in professional school or graduate school or whatever. The goal of the bill is to protect athletes from being exploited by sports agents. If you read that particular provision that talks about noneligible student athletes they can be contacted, it's on page 4, they can be contacted if the sports agent is registered.

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LB 41, 49, 72, 89, 152, 157, 265
285, 287, 357, 357A, 373, 421, 431
431A, 480, 501, 513, 613, 619, 637
649, 758, 767, 776, 803

Retirement Systems report LB 41 to General File with amendments. That is signed by Senator Haberman. And LB 287 to General File with amendments, signed by Senator Haberman. Banking Committee reports LB 758 to General File with amendments; LB 776, General File with amendments; LB 480, indefinitely postponed; LB 613, indefinitely postponed, and LB 803 indefinitely postponed, those signed by Senator Landis as Chair. Transportation reports LB 72 to General File with amendments; LB 373, General File with amendments; LB 501, General File with amendments; LB 152, indefinitely postponed; LB 513, indefinitely postponed; LB 649, indefinitely postponed, those signed by Senator Lamb as Chair. Select File, E & R reports LB 49 and LB 431 to Select File and LB 431A to Select File. Enrollment and Review reports LB 157 correctly engrossed, LB 265, LB 357, LB 357A and LB 619 all correctly engrossed. General Affairs Committee reports LB 767 to General File with amendments. That is signed by Senator Smith. A series of amendments to be printed, Senator Lamb to LB 285, Senator Withem to LB 637, and Senator Smith to LB 421. (See pages 1182-93 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: May I please introduce some guests of Senator Schmit, please, in the...I don't know which balcony they are in. There are 41 seventh graders and their teacher from Aquinas School in David City. Are you folks in either balcony? Would you please rise and be recognized? Thank you for visiting us today. Senator Smith, did you wish to speak on Section 10 of the amendment? Senator Lynch, did you wish to speak on that?

SENATOR LYNCH: Only to save time, mention again, as Senator Warner and I discussed earlier, our agreement on this portion of the Scott Moore amendment, so we would ask for your support for this amendment.

PRESIDENT: Senator Moore, did you wish to close on the Section 10 portion of your amendment?

SENATOR MOORE: No, just ask that it be adopted.

PRESIDENT: All right, the question is the adoption of the second half of the Moore amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Moore's second amendment to the bill.

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LB 326, 334, 421

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 326 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1199-1200 of the Legislative Journal.) 37 ayes, 0 nays, 3 present and not voting, 9 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 326E passes. LB 334.

CLERK: (Read LB 334 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 334 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1200-01 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 334 passes. LB 421.

CLERK: Mr. President, I have a motion. Senator Smith would move to return LB 421 to Select File for a specific amendment. The amendment is found on page 1191 of the Journal.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, you remember that LB 421 was a bill which set forth procedural requirements when municipalities were attempting to go through the process of annexation. And you will also remember that when the bill moved from Select I attached an amendment that would have placed not only the first class cities under this process but all classes of cities, including metropolitan and primary. And since that time have sat down and visited with representatives from Omaha and Lincoln and I have seen...they are both, by the way, home charter communities, and they have shown me their policies, their processes and procedures and it would make it almost impossible, in fact, it would be impossible to follow this process which I have set out which originally was intended for first class cities. For that reason, what I am

doing in this amendment is asking you to support me in striking the sections that dealt with their inclusion in the bill and then we're adding words which were originally stricken which are part of what they look at, I guess, as far as I have been told by attorneys, they need to have the words "reasonable person" reinstated back into the bill because it is a term that they use in legal circles. And so this is why it's important. Also I would like to change the words "sketch" to the word...or to the words "map drawn to scale", which was my intent originally and I don't know how that escaped me. So, basically, that's the intent of the amendment and I would ask your support and if there are any questions, I would try to answer them.

SPEAKER BARRETT: Thank you. Discussion on the motion? Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, I wonder if Senator Smith would respond to a question or two.

SPEAKER BARRETT: Senator Smith.

SENATOR WITHEM: Senator Smith, as I understand the bill, it sets up procedural policies that cities will follow when they are annexing that are primarily designed to give some type of due process, due process involvement in...for those individuals that live in those areas so they will receive notification, have some input into the process, be able to know what's likely to be happening with them. Is that the intent of the bill?

SENATOR SMITH: Absolutely.

SENATOR WITHEM: Okay, and you...and on Select File, you thought it was a good idea and I agreed with you at that time to making this apply to all categories of cities, not just Class I's, and so we amended it on Select File to make it apply to all categories of cities?

SENATOR SMITH: Yes, that's right.

SENATOR WITHEM: Okay, and now you're standing, saying that shouldn't apply to all categories of cities, Class I's are the only ones that should have to comply with this?

SENATOR SMITH: Yes. Would you let me...

SENATOR WITHEM: Because of some specifics that make it really difficult for the City of Omaha or City of Lincoln to comply, can you tell us what those specifics are?

SENATOR SMITH: No, it isn't that they can't, that they don't do these things, they do them but they do them in a different process. And by bringing me copies of their charters, their codes, those sort of things, they did show...they did convince me that they're doing all of these and, in fact, much more than what we're asking to have done here. But the process that I'm asking to have done for first class cities, which they can comply with in this procedure, are not the way that they have done it and are doing it presently. They have a much...I guess they have more of an administrative branch of government than we have in the first class cities. They do have the mayoral government but it's very different from what the procedure is in a first class. Examples would be that it would be...and I can give you some...ooh. They were talking, for instance, about my first requirement as a part of the steps, the procedure to go through. It's the steps, it's the process that are very different that they can't do a resolution to adopt potential annexation because (interruption).

SENATOR WITHEM: I...I...Mr. Speaker, I understand the light went out and all and I know a lot of people don't care about this issue, it is relatively important to the district I represent so I would appreciate being able to hear Senator Smith's answers...

SPEAKER BARRETT: Thank you. Your point is well taken.

SENATOR SMITH: Well, do you want to talk and I'll put my light back on so that I won't take your time if you want to just...

SENATOR WITHEM: No, I want to hear what you have to say.

SENATOR SMITH: Okay. All right, what basically their problem was is that they have an ongoing continuing process. They start at a certain time of the year and they continue on and their whole procedure is very different from the way first class cities do this so that if they have already got this ready to go, then saying we have a resolution and now we're going to do this, they have already done some of those things and it's just the difference in how they do it. And they have convinced me because we did sit down and we had a long discussion about it.

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SENATOR WITHEM: Okay. So you feel that individuals who live in zoning jurisdiction of cities...I represent a lot of those, I know you do also,...

SENATOR SMITH: Yes.

SENATOR WITHEM: ...need to have certain rights as it relates to the...when a city chooses to annex, you are convinced that the City of Omaha and the City of Lincoln are already meeting the intent of what 421 would have them do but you...but the specific procedures that are outlined in 421 are different but you're still convinced they're meeting the same intent?

SENATOR SMITH: They're doing a lot of additional things over and above what cities of the first class are being asked to do in this bill.

SENATOR WITHEM: Okay, are there any things that you are asking cities of the first class to do in this bill that the City of Lincoln and the City of Omaha are not doing for those people that they are annexing?

SENATOR SMITH: No.

SENATOR WITHEM: Okay.

SENATOR SMITH: I absolutely feel that that's not the case, Ron, because...

SENATOR WITHEM: Okay.

SENATOR SMITH: ...as I said, they're doing all of these things and they're doing other things too. There are other criteria.

SENATOR WITHEM: Okay. Thank you, Senator Smith. I appreciate that. I did turn my light on in case I need some additional time and I see somebody turned it off.

SPEAKER BARRETT: One minute.

SENATOR WITHEM: I served as Chair of the Urban Affairs Committee and on the Urban Affairs Committee. I have, in my district, tremendous problems of individuals who live in zoning jurisdictions of the city with a way in which they interreact

with the city government of that city. Senator Lynch, I know, has had very serious problems along this same line also, as a matter of fact brought us a bill a couple of times to abolish the three-mile zoning jurisdiction because of the way he felt the city was treating some of his constituents. If you are convinced, Senator Smith, that these people are going to receive...are receiving the proper treatment and that individuals in first class cities will continue to receive proper treatment, I will be, you know, supportive of your amendment at this time but I would like to see it spelled out maybe even a little more specifically because it is a real concern of mine that cities can impose a zoning juris...lots of rules and regulations and change the lifestyle of people in the zoning jurisdictions. They can annex pretty much at will...

SPEAKER BARRETT: Time has expired.

SENATOR WITHEM: ...and those individuals really do not have a great deal of control over the type of decisions that they make because they don't elect the city council. And I saw Senator Hartnett push his light and I will be interested in hearing what he has to say on it also. Thank you. I will support your amendment at this time but before it comes up on Final Reading I would like to seriously be convinced.

SPEAKER BARRETT: Thank you. In anticipation of a possible question, Senator Morrissey, yes, we are eligible for worker's compensation coverage. Senator Chambers, discussion on the Smith motion.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I was prepared to support the bill as it existed without the amendment and I had indicated to some people that that's what I intended to do. But Senator Smith had some discussions with people from Omaha, at least, and maybe Lincoln, and she was willing to accept what she is offering as an amendment, so, based on the assurances that she has given to me, I am going to support her amendment too. That's the serious part. When that happened up there with the light going out, it made me think of something. I heard a song a long time ago called "Dangerous Dan McGrew" and part of it said, suddenly, wham, all the lights went out and a voice cried, die you must. A woman screamed, a shot rang out and somebody bit the dust. Then the lights flashed on and the Northwest Mounted Police came crashing through. They drew their guns and said, which one is Dangerous Dan McGrew?

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Hot Lynch.

SPEAKER BARRETT: The Chair is not certain that that comment is germane to the...Senator Smith, please, further conversation.

SENATOR SMITH: Are they...are there other lights on?

SPEAKER BARRETT: Just another light.

SENATOR SMITH: Oh, you want to talk to me?

SENATOR HARTNETT: (Laughter.)

SENATOR SMITH: Well, didn't you just say Senator Smith? (Laughter.) Well, what is he doing?

SENATOR HARTNETT: I'll pass.

SPEAKER BARRETT: It's my understanding that we talk to the Chair. (Laughter.) Senator Smith, the floor is yours unless you would rather yield to Senator Hartnett.

SENATOR SMITH: Well, could...Mr. Speaker...Mr. President, may I ask a question to you?

SPEAKER BARRETT: I'm sorry, your light is now...

SENATOR HARTNETT: Why is Senator Hartnett standing up as though he wants to speak?

SPEAKER BARRETT: Senator Smith, your light is now off.

SENATOR SMITH: But my light was on.

SPEAKER BARRETT: I recognize Senator Hartnett. Senator Hartnett, please.

SENATOR HARTNETT: Mr. Speaker and members of the body, I serve now as I took Senator Withem's position as Chairman of the Urban Affairs Committee. And I think the reason that Senator Smith brought this bill to us, Senator Withem, was to protect the people being annexed. I really think she specified very clearly in the bill to protect the people that are being annexed. I think she had a situation in her area out there that the city did some things without letting the people know and I think the

bill, as it is now, and as it will return, is in a good shape. It will protect the people and I have the...we live in the same...somewhat the same area and we have the same problems. But this, I think, specifies the procedure that the city council, and so forth, must go through before they annex. So I think it's a good move...it's a good bill and I support it, did support it in committee. Thank you.

SPEAKER BARRETT: Thank you. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, and I would thank Senator Hartnett for clarification also. And I would be very pleased between now and when the bill comes back for final to sit down...I was...I did try to visit with Senator Withem and I missed him. I'm sorry that I didn't do that because Senator Withem had indicated he was interested in this bill and I didn't have the chance to tell you that we had had this meeting. I would like to give just a minute of my time, in closing, to Senator Hannibal who sat in on this meeting with us. And, by the way, there were people there, representatives, three from Lincoln, a couple from Omaha and then Senator Hannibal who was basically there, I wanted someone else there to be a mediator if we needed one. And so I would like to have him sort of add a few words if he has some that he would like to add.

SPEAKER BARRETT: Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker. I guess I'm going to oppose the amendment because Senator Chambers said if I'm for it, he would be against it. Only to clarify some legitimate questions that Senator Withem does raise and Senator Withem and I have also worked on SID legislation together and certain annexation things. What the bill was intended to do, as Senator Hartnett did point out, was to allow for some processes that do not exist right now in Class I cities. Senator Smith has told you that class...the primary class and metropolitan classes have processes that are even more protective of the citizens than the bill points out, but they are different processes and so all this is doing is taking the bill back to the original intent and not creating what could become some extremely chaotic situations with regards to the present processes that are going on in the primary class and the metropolitan class cities, Lincoln and Omaha, to be exact. So it isn't...it isn't hurting anything in Omaha. It isn't changing anything in Omaha or Lincoln. It is helping the Class I citizens to give them some of the

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protections that the citizens of Omaha and Lincoln already have. I support the amendment...the return and will support the amendment.

SPEAKER BARRETT: Thank you. Senator Abboud.

SENATOR ABBODD: Mr. President, colleagues, I also rise to support Senator Smith's amendment. I know she spent a great deal of time over this issue and I think there was some concern that this new system...I should say a fairer system that Senator Smith put together dealing with Class I's should be expanded to include other cities in the state. I think that the City of Omaha and Lincoln have made a pretty good case that there is a great deal of protection offered to subdivisions in the annexation procedure and if there would be any changes, I think that this would not be the vehicle to be using. I think that Senator Smith had a very real and serious problem in her particular district and I think that this helps to solve that particular problem as well as any future problems that Class I cities may have. So I will be supporting Senator Smith's amendment.

SPEAKER BARRETT: Thank you. There are no other lights on, Senator Smith. Anything further on the motion to return?

SENATOR SMITH: I would just ask the body to support the motion to return.

SPEAKER BARRETT: Thank you. Shall the bill be returned to Select File for the purpose of an amendment? All in favor vote aye, opposed nay. Please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The motion carries. Senator Smith, on the amendment itself.

SENATOR SMITH: I have explained the amendment in my motion to return and so unless someone has questions, I would just ask that the body would support me in this amendment to the bill. Thank you.

SPEAKER BARRETT: Thank you. Discussion? Senator Chambers.

SENATOR CHAMBERS: Senator Smith, just one comment for the record. We're basically giving...creating a system of due process for the people who might face annexation?

SENATOR SMITH: Yes. And I...

SENATOR CHAMBERS: Thank you.

SENATOR SMITH: ...should add something else, Senator Chambers. It's not only for their protection, it's also for the taxpayers of the city who is proposing annexation so that they are aware of the costs, the benefits, what it may cost them as taxpayers to bring in the annexed area that they're proposing.

SENATOR CHAMBERS: But due process underlined. Senator Schmit. Senator Loran Schmit, due process though is what we're talking about in this bill?

SENATOR SMITH: Yes.

SENATOR CHAMBERS: Thank you.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yeah, just a...I wasn't going to speak again but Senator Chambers' last question of Senator Smith, I don't know if I necessarily agree with Senator Smith's statement. We are creating due process for residents that of...near...near first class cities that may face annexation. We are not creating due process for people who live near Omaha or who live near Lincoln. We are trusting that those cities will continue to keep their processes in place. We are doing nothing with this bill to guarantee that the City of Lincoln and the City of Omaha continue. We could pass this bill, they could change their policies next month to become a very arbitrary sort of process and this Legislature would have no control over that without passing additional legislation. So I don't think it's accurate to say we are creating due process for all the citizens of the state. We're creating due process for people who live within zoning jurisdiction of first class cities. Is that correct, Senator Smith?

SPEAKER BARRETT: In the absence of further discussion, anything further, Senator Smith?

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LB 421, 440, 489

SENATOR SMITH: No, I don't think so, Mr. President. I think everyone here understands what I'm trying to do and, yes, definitely this does...it's a process for, at this point if they accept my amendment, citizens of the first class cities. And if there is a problem that surfaces later on, I will be the first one to be supportive of doing some things but it will have to be something different than this process to do that. I would ask for the support of the body. Thank you.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment. Those in favor vote aye, opposed nay. Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Smith's amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Smith, please. Senator Smith, would you care to readvance.

SENATOR SMITH: I would ask the body to readvance the bill, please.

SPEAKER BARRETT: You have heard the motion to readvance the bill. Those in favor say aye. Opposed no. Motion carried. The bill is readvanced. Mr. Clerk, the next bill.

CLERK: (Read LB 440 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 440 become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See pages 1201-02 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 440 passes. LB 489.

CLERK: (Read LB 489 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 489 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

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LB 154, 183, 254, 421, 592
LR 61

LB 154 correctly engrossed, LB 183, LB 254, LB 421, all correctly engrossed. (See pages 1228-29 of the Legislative Journal.)

Mr. President, new resolution, LR 61 by Senator Schmit asking the Legislature to congratulate the Wahoo boys basketball team for winning the Class B State Basketball Championship. (See page 1229 of the Legislative Journal.)

Mr. President, Senator Chambers would move to bracket LB 592 until April 25 of this year.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, I have two reasons for doing this, one is that I am serious about the motion; the other is to maybe make it possible that some will have the opportunity to speak who otherwise might be knocked down by a call of the question. Very few issues on this floor relate directly to me and mine in the way that this does that will cause me to speak as I am doing today on the floor of this Legislature. Never have I seen any concern for doing a program that would uplift those in my community, never have I seen the fervor for that as I see for these kinds of things of increasing the punishments, putting people in jail and so forth. When the North Freeway was running through my community and I stood up here and tried to explain the damage that would be done and, in fact, it has been done, the increased number of vacant lots, the inability of people to afford housing who used to have housing have all come to fruition, got nowhere. There are people from all over the state, none of whom are in my district and my district won't even run the risk of being affected by it, who are concerned about a low-level nuclear waste facility and they write me letters and call me on the phone and cry to me in person about how it might damage their community and be harmful to them. And I tell them there were probably over 40 other senators over there who care not a pop of the finger for my community. The pollution from the cars driving right through what they call a low-rent housing project, right through the middle of an OHA housing development where many, many small children live, this Legislature did not care, did not care, and does not care now. I told you that I had talked to Mayor Calinger about putting together a program where we don't just talk about jobs, but there are some realistic opportunities made available to these young people. He never got back to me. Some of the things he

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LB 154, 254, 281, 421

Record, please.

ASSISTANT CLERK: (Read record vote. See page 1310 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 154 passes. LB 254E.

ASSISTANT CLERK: (Read LB 254 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 254 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See page 1311 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 254E passes. Before proceeding to the final bill on Final Reading, the Chair is pleased to advise that Senator Moore has guests in the north balcony. We have with us 20 fourth grade students from Emmanuel Lutheran in York with their teacher. Would you folks please stand and be recognized. Thank you. We are glad to have you with us. LB 421.

CLERK: (Read LB 421 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 421 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1311-12 of the Legislative Journal.) 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 421 passes. To reiterate the announcement yesterday, we do plan to work through the noon hour today, hopefully with an early adjournment around midafternoon this afternoon for the holiday. Also the bills under item 7 on today's agenda, Select File, senator priority bills, 54, 49 and 49A have been handled, so we will momentarily move to Select File, nonpriority bills, beginning with LB 281. And while the Legislature is in session and capable of transacting business, I

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LB 154, 155, 254, 265, 281, 421, 619
623

propose to sign and I do sign, LB 154, LB 623, LB 155, LB 619, LB 265, LB 254, and LB 421. The call is raised. Mr. Clerk, the first bill.

CLERK: Mr. President, LB 281 is on Select File. I have no E & R amendments. I do have an amendment to the bill by Senator Chambers. Senator Chambers amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chambers, on your amendment.

SENATOR CHAMBERS: Mr. Chairman, let me look at this, because my amendment may have already been adopted.

SPEAKER BARRETT: Fine.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am on the bill now. I was thinking of a different bill. The amendment says that the provisions of this bill shall apply prospectively or from the date that the bill takes effect, and in order that there will be no confusion, nothing unfair to anybody, we are setting up a new system. We are loosening certain legal requirements so that when that is done I think those kind of activities ought to...the bill should apply only after the bill takes effect. So that is what the amendment would do. It doesn't change anything in the bill, which I don't like. I don't like the bill. But if you are going to have a bill like this, where you can have a noncertified document used in this state for the purpose of depriving an individual of a right or a privilege, then the least you can do is say that it will apply only to things that occur after the date that the bill is passed.

SPEAKER BARRETT: Thank you. Discussion. Senator Lamb, followed by Senator Lindsay.

SENATOR LAMB: Yes, Mr. President and members, you will remember that there was extended discussion about this bill previously. This has to do with points taken off your license from other states, and this bill allows the Department of Motor Vehicles to certify that in fact you have been convicted in another state, and that the record is true and correct. We have gotten an Attorney General's Opinion on the bill in regard to whether it violates the rules of evidence. The Attorney General's Opinion has been positive. He says the bill is okay, and in regard to

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LB 154, 155, 250, 254, 265, 272, 281
421, 503A, 619, 623, 683

SPEAKER BARRETT: Thank you. Anyone else? A record vote has been requested. All in favor of the advancement of the bill please vote aye, opposed nay. Shall LB 281 be advanced, that is the question? Have you all voted? Have those who care to vote voted? Record, please.

CLERK: (Read record vote. See pages 1314-15 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on the advancement of LB 281.

SPEAKER BARRETT: The bill is advanced. Anything for the record?

CLERK: Yes, Mr. President, I do. I have amendments to be printed to LB 272 by Senator Landis; and LB 683 by Senator Wehrbein. I have a new A bill, LB 503A by Senator Goodrich. (Read for the first time by title. See pages 1315-16 of the Legislative Journal.)

Mr. President, I have a lobby report for this past week; a confirmation report by the Judiciary Committee. It is signed by Senator Chizek. Notice of hearing by the Rules Committee for Thursday, April 6.

And, finally, Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, LB 421. See page 1317 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Labedz has a very special guest under the south balcony, a friend of hers, Tom Kelly, who is a student at Westside Middle School. Tom, would you stand up and take a bow. We're glad to have you with us. Also observed under the south balcony is a former member of this body, Senator George Syas of Omaha. Senator Syas. Nice to have you back, George. LB 250, Mr. Clerk.

CLERK: Mr. President, Senator, I have E & R amendments on LB 250, first of all.

SPEAKER BARRETT: Senator Lindsay.

CLERK: E & R amendments, Senator.

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LB 147, 154, 155, 254, 265, 340A, 421
619, 623, 683, 781

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Schmit would move to amend the bill.

SPEAKER BARRETT: Senator Schmit. Senator Schmit, on your amendment. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Chambers, this would be your closing.

SENATOR CHAMBERS: I am not going to close. I will just move to advance LB 340A to E & R Engrossing.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please signify by saying aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, anything to read in?

CLERK: I do, Mr. President, thank you. A communication from the Governor to the Clerk. (Read. Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, and LB 421. See page 1350 of the Legislative Journal.)

Mr. President, Senator Wehrbein has amendments to be printed to LB 683; Senator Smith to LB 781. (See page 1351 of the Legislative Journal.) That is all that I have. Mr. President.

SPEAKER BARRETT: Thank you. To the next bill, Mr. Clerk. LB 147.

CLERK: Mr. President, the next bill is LB 147. I have no E & R to the bill, Mr. President. I do have an amendment pending, however, from Senator Ashford. Senator, this is AM0891. (See pages 1351-52 of the Legislative Journal.)

SPEAKER BARRETT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. This amendment concerns the addition to the separate juvenile court bench in Douglas County of a third juvenile court judge. If I might give a brief history, there are two separate juvenile courts, three, actually, separate juvenile courts in the State