

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.)

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LB 54, 162, 319, 380, 381, 423, 467
476, 562, 574, 589, 651, 759
LR 14

new bills. That will be laid over.

Education Committee reports LB 562 to General File with amendments attached. That is signed by Senator Withem. (See page 927 of the Legislative Journal.)

Agriculture Committee reports LB 162 to General File, LB 381 General File, LB 574 General File, LB 54 General File with amendments, LB 589 indefinitely postponed, LR 14CA indefinitely postponed, those all signed by Senator Johnson as Chair. (See pages 930-33 of the Legislative Journal.)

Banking Committee reports LB 423 to General File, LB 380 to General File with amendments, LB 467 indefinitely postponed, LB 476 indefinitely postponed, LB 759 indefinitely postponed, those signed by Senator Landis. (See pages 933-34 of the Legislative Journal.)

Education reports LB 651 to General File with amendments, signed by Senator Withem and Banking reports LB 319 to General File with amendments. That is signed by Senator Landis. (See page 935 of the Legislative Journal.) I believe that is all that I have, Mr. President.

PRESIDENT: Senator Chambers, you have an amendment coming up. Do you wish to take that up now, or... Okay, Senator Bernard-Stevens, you have one. Do you want to try that now? We're getting close to the end of time. What do you think?

SENATOR BERNARD-STEVENS: We're going to pick it up just for a couple of minutes here.

PRESIDENT: All right, go ahead. Mr. Clerk.

CLERK: Mr. President, Senator Bernard-Stevens would move to amend the bill.

SENATOR BERNARD-STEVENS: Mr. Speaker, or, Mr. President, what I'm going to do is I wanted to briefly explain what the bill (sic) is, and then I'm going to withdraw it because I do believe we can get a vote on the bill at this particular time and I'd hate for us to have this good discussion and not have the bill advance, and I'm hoping the bill will advance. What I'll be offering on Select File is an amendment, is this particular amendment that will put in a mechanism and a procedure in place

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LB 213, 381, 423

SENATOR LABEDZ: LB 213 is advanced. LB 381, Mr. Clerk.

ASSISTANT CLERK: LB 381 was introduced by Senator Rod Johnson. (Read title.) The bill was read for the first time on January 12th, was referred to the Agriculture Committee. They advanced the bill to General File.

SENATOR LABEDZ: Senator Elmer, are you going to take care of LB 381?

SENATOR ELMER: Senator Labedz, yes, thank you very much. LB 381 was brought before the Agriculture Committee and changes a provision in the tractor testing requirement for marketing agricultural tractors in the State of Nebraska. Previously any agricultural tractor that was marketed was required to be tested at the University of Nebraska testing station. This change would exempt agricultural tractors, of 40 horsepower or less, from the arduous testing at the University of Nebraska testing station. Many small garden type tractors that are marketed by agricultural equipment companies are used in urban areas and places like this. There are a number of very high quality type small tractors of this description that are not marketed in Nebraska because of the costly testing. Therefore, we are asking to exempt those small tractors from the testing procedure, since they are not the type that are used normally by agriculture in their business of planting corn, and cutting wheat, and those kinds of activities. That basically, ladies and gentlemen, is the bill. I would ask for its advancement to Select File.

SENATOR LABEDZ: Is there any further discussion on LB 381? Seeing none, Senator Elmer, would you like to close? Senator Elmer waives closing. We're now voting on the advancement of LB 381. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 381 is advanced. Mr. Clerk, LB 423.

ASSISTANT CLERK: LB 423 was introduced by Senator Landis. (Read title.) The bill was read for the first time on January 13th, was referred to the Banking Committee, which

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LB 423

reports the bill advanced to General File.

SENATOR LABEDZ: Senator Landis, LB 423.

SENATOR LANDIS: Thank you, Madam President. LB 423 is another product of the Uniform State Law Commissioners. Before I explain the act, perhaps I should explain who the Uniform State Law Commissioners are and what job they do. The law has, hopefully, some basic theories that run through it, and has a tapestry of interworking relationships. As one piece of that tapestry gets changed, it's entirely possible for another area to be severely affected by those changes. And the Uniform State Law Commissioners is actually a product from about the turn of the century, in which our national economy was taking off. We needed a mechanism to harmonize various state commercial laws so that one could do business, if one lived in New York, with a firm in California and basically know what the underlying commercial rules were. We wanted to have some standardized state laws that states could pass knowing that they were moving towards a uniform rule with other states. Who serves as state law commissioners? Judges, law professionals, practitioners, they meet, study, analyze and then draft model bills for states to consider that can move the states towards similar points of view in similar laws in commercial areas. In 1918, these Uniform State Law Commissioners suggested to the country that we needed a uniform law on the transfer of real estate conveyances or the like fraudulently for the purpose of defeating bankruptcy or defeating a creditor. What happens in this situation is where a debtor, about to face bankruptcy, will transfer away a good asset to a friend, a family member, or whatever, become insolvent, declare bankruptcy and then the creditors are left with these few remaining assets to exonerate their old interests that pay off the debts. And the creditors have been robbed of these assets that have been fraudulently transferred away by the debtor to other people. Well, in 1918, the Uniform State Law Commissioners said we should have a uniform law that stops that from happening. Debtors who are transferring away their good assets and then going to become insolvent are really defrauding the creditors, who either lent them the money, or gave them loans based on the existence of those assets. We should collect back those assets and use those assets to pay the original creditors rather than these new people who've taken over the assets. Nineteen eighteen comes and goes. It's quite commonly done. Nebraska follows suit, we pass the law, that was called the Uniform Fraudulent Conveyance Act. Well, the law changes

over time. In 1978, for example, we passed the Bankruptcy Reform Act. It makes significant changes. Terms that were once appropriate to use in our Fraudulent Conveyance Act are no longer the terms that are being used for bankruptcy. So, what happens? In 1984, the Uniform State Law Commissioners get back together again and say, since we first promulgated this uniform law, there have been a number of changes in the commercial area, there's been a number of changes in the bankruptcy area. If we want to get back to the real guts of that idea, we have to sharpen our definitions, we have to recognize what the role of an insider, and to say that a transfer to an insider is also a fraudulent conveyance. We have to redefine what reasonable equivalent value, and fair consideration are, terms that used to be used in the Fraudulent Conveyance Act, but now have been muddled by court decisions. As a matter of fact, we have to overcome the recent case of Durrett v. Washington National Insurance Company, 1980, which ruled that mortgage foreclosure sales could constitute a fraudulent conveyance if the mortgage foreclosure sale did not recover an amount somewhere near the market value of the property. Well, that throws a whole lot of problems into the...creates a whole lot of problems if you can't have a good mortgage foreclosure sale. You need to have one. And to have a mortgage foreclosure sale that unfortunately doesn't produce a whole lot of money, should not trip a fraudulent conveyance statute and that shouldn't be a fraudulent action. So, the Uniform Commissioners drew together this language, it was reported out by our committee. It has been adopted in about 18 states. It has been advanced and introduced in another 10 or so. Nebraska, in so changing its law, merely updates and uses appropriate language and terminology and sharpens what, for us, is a law that is roughly 70 years old and whose terminology is archaic, but whose reason is all the more important today and that is to protect creditors from fraudulent conveyance of good assets by their debtors to somebody else and then the debtor goes into bankruptcy and thereby defeats what should be the rightful claim of the creditor to the assets of the debtor. That is the purpose behind the bill. I would ask for its adoption and advancement.

SENATOR LABEDZ: Thank you, Senator Landis. Senator Warner, on the advancement of LB 423.

SENATOR WARNER: I'd have a question for Senator Landis in this...I see no one appeared for or against, so I assume there is no change at all, but I can recall on occasions, when we've

done these uniform laws, there is sometimes a tendency that they wipe out a whole court case history that has essentially served as the law when it's an old law that we're dealing with and I have been told that sometimes this then generates a whole new series of lawsuits or could, and I think some of the areas as in state law where some uniform things were done a few years ago, that maybe wiped out a lot of court cases. Is there a substantive change? To what degree of change does this have that might, I guess, be a surprise to the people who are not attorneys but assume that there was some action that is normal and usual and has been true for a long time? Are we having something in this that would somehow subsequently surprise someone?

SENATOR LANDIS: Fair question. First let me say that Harvey Perlman, Dean of the UN-L Law School, appeared on the day this was taken up. He testified on behalf of an earlier bill and in that statement indicated his support for this measure as well. I don't think the records of the committee recorded that fact. I think he checked in as both a proponent for the Fraudulent Conveyance Act and the Uncertificated Securities Act that we passed earlier this morning. Dean Perlman and the rest of the uniform law commissioners, we have two in this state, Norm Krivosha and Harvey Perlman, what they attempted to do here was basically make terminology changes, updating language that basically has grown archaic because of the Bankruptcy Act change in the federal level in 1978. Secondly, they also wanted to recognize the insider transaction as a fraudulent conveyance, specifically. That is done as well. You are correct that there is an attempt in this language to undo a court case. That court case is a federal court case interpreting a mortgage foreclosure sale that yielded an amount of money not particularly close to the alleged actual value of the sale as a fraudulent transfer. Because there was significant difference in the amount of consideration for the loan that was given and what the asset then yielded when sold at a mortgage foreclosure, the absolutely unintended result of turning a legitimate mortgage foreclosure sale into a fraudulent transfer occurred. One of the purposes of this bill is to define fair consideration, good faith and the like so as to make it clear that a legitimate mortgage foreclosure sale is not a fraudulent transfer.

SENATOR WARNER: Then one other question in that area, is there an impact that changes the distribution of the proceeds in any way from...if it was a mortgage for sale type of concept as

it...that issue has come up particularly in the last couple of years on farm foreclosure forced in a couple of cases.

SENATOR LANDIS: The answer to your question is no. It does not change it and actually this will help us return to what I think you and I would regard as the standard law. Standard law is, if you've got a mortgage foreclosure and you've got a mortgage due in owing, you sell the property and the proceeds of the property, if they are less than the amount of mortgage, go to the creditor. If it's equal to, it goes to the creditor. If it's more than what the creditor is due by the debtor, the creditor is paid off in full and the debtor keeps the remainder. That is all to the good. However, the difficulty this court case is, it says the money that we collected from the third party buyer was so low that it must have been a fraudulent transfer. It tripped the fraudulent, the old fraudulent transfer language in the definition. Therefore, the debtor's debt to the creditor...

SENATOR LABEDZ: Senator Warner, your time is up.

SENATOR LANDIS: Okay. In answer to your question, to further answer your question, is it does not change the rights of recovery by a creditor or a debtor.

SENATOR LABEDZ: Thank you, Senator Landis. Senator Warner, your time was up. I see no further lights. Senator Landis, would you like to close?

SENATOR LANDIS: Let me see if I can go back, because this is an interesting problem and I'll see if I can explain it clearly. The sale that was made in the case of the Durrett case was to a third party. The amount was so low as to become a fraudulent conveyance. It meant then that the sale was inadequate and ineffective. Unfortunately, here's the creditor who is trying to foreclose on the mortgage and the mortgage sale itself can't be done because the asset won't bring an appropriate amount of money. It was to the creditor's interest to have the mortgage foreclosed upon, certainly the debtor had no interest in not having it done. I mean, that would exonerate the debt and the third party wanted the sale to go through. They were ready to buy. But because of the clash of this 1978 Federal Bankruptcy Law and the old language of the Fraudulent Transfer of Conveyance, the mortgage...the legitimate mortgage foreclosure sale was treated as a fraudulent conveyance and ineffective.

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LB 423, 509

For that reason...that is the single substantive change in the bill with respect to undoing a line of cases and that was the goal. With that, I would ask for the advancement of LB 423.

SENATOR LABEDZ: Thank you, Senator Landis. Senator Landis was closing on the advancement of LB 423. All those in favor vote aye, opposed nay. Have you all voted? Actually, they haven't. We're voting on the advancement of LB 423. Please vote.

SENATOR LANDIS: Senator Labedz, even though it is the lunch hour and I know that there are claims on our mind and our stomach that compete with doing our duty here, if necessary perhaps a call of the house might...unless, Senator Haberman, let's say, oh, he's already done his work. Well...gosh, do you think we're going to have to call for a call of the house?

SENATOR LABEDZ: You have the floor, you have the microphone.

SENATOR LANDIS: Senator Labedz, I guess I'll have to call for a call of the house. I don't want to, but let's take call in votes during the pendency of the call...oh, wait a second here. Maybe I don't need a call of the house.

SENATOR LABEDZ: Thank you, Senator Landis. We're voting on the advancement of LB 423. Please vote. Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 423 is advanced. Mr. Clerk, LB 509.

ASSISTANT CLERK: Madam President, LB 509 was introduced by Senator Scofield. (Title read.) The bill was read for the first time on the 18th of January. It was referred to the Transportation Committee. They report the bill advanced to General File.

SENATOR LABEDZ: Senator Scofield.

SENATOR SCOFIELD: Thank you, Senator Labedz. If all of you that just came back will bear with me, I will do this very quickly and shouldn't take much of your time. Just a little bit of background. The Branch Rail Revitalization Council was an entity that we created in 1980 to provide for the revitalization of branch rail lines. All of the members of that council are

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228
228A, 247, 323, 324, 371, 381, 423
486, 487, 487A, 488, 488A, 508, 509
566, 592, 605, 627, 643, 669, 714
722, 756, 781, 793
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 323, 381, 423, 509

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 323, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 213, nope. LB 381.

CLERK: Senator, 381, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adopt...excuse me, I would move the advancement of LB 381.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 423.

CLERK: LB 423, Senator, has no amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 423.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 509.

CLERK: Senator, excuse me, I have E & R amendments, first of all, on 509.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 509.

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: Senator Lindsay.

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LB 99, 135, 206, 228, 228A, 323-325, 381
423, 487, 487A, 508, 509, 605, 627
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

April 17, 1989

LB 77, 371, 423, 592, 643, 714, 761
LR 78

Morrissey's amendment.

PRESIDENT: The Morrissey amendment is adopted. Do you have anything for the record, Mr. Clerk?

CLERK: Not at this time, Mr. President.

PRESIDENT: Okay.

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

PRESIDENT: Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, I would move that we adjourn until tomorrow morning at nine o'clock.

CLERK: Mr. President, some items for the record, yes, thank you. A communication from the Governor to the Clerk. (Read. Re: LB 77, LB 371, LB 592, LB 643, and LB 714. See page 1736 of the Legislative Journal.)

A study resolution proposed by Senator Goodrich, LR 78. (Read brief explanation.) Senator Landis has amendments to LB 423 to be printed, Mr. President. (See pages 1736-37 of the Legislative Journal.) That is all that I have.

PRESIDENT: The motion is we adjourn until tomorrow morning at nine o'clock. All those in favor say aye. Opposed nay. You are adjourned until nine o'clock tomorrow morning.

Proofed by:


LaVera Benischek

May 15, 1989

LB 323, 423

of the state in an evenhanded manner. There is no difficulty from any competing interests. The Attorney General's Opinion...the Attorney General has issued an Opinion that with this amendment the bill is constitutional. I offer the adoption of the amendment. Thank you.

SPEAKER BARRETT: The question is the return of the bill. Any discussion? If not, shall the bill be returned? All in favor vote aye, opposed nay. Please record.

CLERK: 27 ayes, no nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Landis, anything further on the amendment?

SENATOR LANDIS: I urge the adoption of the amendment.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, all in favor of the adoption of the amendment to 323 vote aye, opposed nay. Record, please.

CLERK: 25 ayes, no nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Landis.

SENATOR LANDIS: I move to readvance the bill.

SPEAKER BARRETT: Thank you. The question is the readvancement of the bill. All in favor say aye. Opposed no. Carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, the next bill is LB 423. Senator Landis would move to return the bill. The amendment, Mr. President, is on page 1737 of the Journal.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the Uniform Fraudulent Transfers Act, and there were two variations from the uniform language suggested by Nebraska real estate practitioners. The first was to ensure that the normal four-year statute of limitations apply to insider transfers rather than the newer one-year limitation found in the bill. I

agreed to that notion. If there is an insider taking advantage of one of these kinds of transfers, they should have the same chance of having it undone by a court as what currently exists. So this changes the statute of limitations in that one situation from one to four years, where it is now, and in contravention to the uniform language that's just been out. Secondly, the other change is the standard of knowledge that an insider must have and that is to know or have reason to know that a transaction is a fraudulent conveyance. That standard is more objective and, because of that, would be easier to prove than the words found in the bill. With those two changes, the bill meets the objections of a couple of Nebraska practitioners who say that these changes should be made in the uniform language. I've agree to it. I've checked with the authors, as a matter of fact, of the bill and they, too, see that there's some sense to the language. I offer the amendment; urge it's adoption.

SPEAKER BARRETT: Shall the bill be returned? Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, no nays, Mr. President, on adoption of the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Landis, on the amendment, anything further?

SENATOR LANDIS: I urge the adoption of the amendment.

SPEAKER BARRETT: Discussion? Seeing none, those in favor of the adoption of the amendment vote aye, opposed nay. Record.

CLERK: 26 ayes, no nays, Mr. President, on the motion to adopt the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Landis.

SENATOR LANDIS: I move to readvance the bill.

SPEAKER BARRETT: Shall the bill be readvanced? All in favor say aye. Opposed no. Carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, Senator Lamb would move to return LB 487 to Select File for a specific amendment. The amendment is on page 1569 of the Journal.

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LB 175, 228, 312, 312A, 319, 323, 336
340A, 357, 423, 744, 761, 813, 814
815

PRESIDENT: We're still on the machine. Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Do have another one, please?

CLERK: Mr. President, may I read some items for the record?

PRESIDENT: Yes, please.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 319 and find the same correctly engrossed, LB 175, LB 228, LB 312, LB 312A, LB 323, LB 336, LB 340A, LB 423 and LB 744, all reported correctly engrossed.

I have amendments by Senator Warner to LB 813, Senator Schimek to LB 814, Senator Nelson to LB 357, Senator Smith to LB 815, Senator Warner to LB 814 and LB 813. That's all that I have, Mr. President. (See pages 2379-87 of the Legislative Journal.)

PRESIDENT: Okay, another amendment, please.

CLERK: Mr. President, Senator Scofield would move to amend the bill. (The Scofield amendment appears on pages 2387-88 of the Legislative Journal.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, and members, I think this is a non...one of those rare noncontroversial amendments on this issue. You have a handout that's been circulated a little bit earlier. The purpose of this amendment is to put us...to slightly change our definition of low-level radioactive waste so that it conforms with what the current federal language is. Currently, our definition in the State of Nebraska we define low-level waste primarily by what it is not and the particular amendment that is being offered here would...if you will take a look at the handout, if you can find that under your materials there, under the Low-Level Radioactive Waste Policy Amendments Act of 1985 it specifically spells out

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.