

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

January 26, 1989

LB 43, 45, 113, 133, 134, 168, 169
171, 172, 255, 257, 277, 295

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber, the opening of the 15th day in this, the First Session of the Ninety-first Legislature. For our opening prayer the Chaplain of the day, the Reverend David Quam, Central Alliance Church in Lincoln. Pastor Quam, please.

REVEREND DAVID QUAM: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Quam, hope you can come back again. Roll call.

CLERK: Twenty-nine members present this morning, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 134 and recommend the same be placed on Select File; LB 255, LB 257, LB 295, LB 133, and LB 277, those on Select File, some of which have E & R amendments attached. (See page 449 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 45 and find the same correctly engrossed; LB 168 and LB 169, also correctly engrossed.

Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, to whom was referred LB 43 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 113, LB 171, LB 172, all advanced to General File, all signed by Senator Schmit as Chair.

Mr. President, a hearing notice from the Natural Resources Committee for Thursday, February 2. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To item number five on the agenda,

PRESIDENT: LB 114 is advanced. May I introduce some guests, please, of Senator Owen Elmer and Speaker Barrett. Under the south balcony, we have Larry Reynolds of Lexington, Nebraska and Doyle Lavine and Kay Lavine of Bertrand. Would you folks please stand and be recognized. Thank you for visiting us today. Move on to LB 43.

CLERK: LB 43, Mr. President, was a bill offered by Senator Bernard-Stevens. (Read title.) The bill was introduced on January 5, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, and members of the body, LB 43 simply increases the amount of liquidated damages for unlawfully killing, destroying, taking or possessing certain animals, fowl, birds or fish, such as follows, and you can read in through the text if you want. In essence, what we have we divided it into categories. Big game fees would go from 300 to 600. That would be, for example, elk, deer, antelope, swan, big horn sheep. Medium game fees from 25 to \$50 on the fine would be examples, turkey, goose, on conservation animals. And then we have the final category which is the statute already, birds and fish from \$5 to \$20. This fee is more than doubled because it was too low for replacement costs originally. Members of the body, these fees, in essence, are the first to change in fees we've had on liquidated damages of these...of this wildlife since 1929. Nothing has really changed since 1929. They were, in many cases, undervalued at this time. There are certain states, for example, Kansas, surrounding us, Missouri and Wyoming, who do not have a set value for game as we do in Nebraska. Other states surrounding us, for example, would be Iowa, South Dakota and Colorado. They all have civil penalty laws similar to Nebraska's statute 37-614 which is our liquidated damage law. What these fees would do would put us in line, number one, with those states surrounding us. And, number two...in fact, it will put us almost right in the middle of those states surrounding us; and number two, it would increase the deterrent at this point for poachers or poaching that is going on within the state. At the present time, the fees now are not a deterrent whatsoever and thus we feel it will be helpful for the wild game animals in this particular area. And, with that, Mr. President, that was the opening comments I have. I would

yield to any questions. Otherwise, I would ask that the bill be advanced for E & R Initial.

PRESIDENT: Thank you. Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members, I sat on the Natural Resources Committee and during the testimony it was brought out that in many areas of the state, mine included, the population of deer almost outnumber the population of people. And in some areas they have become a nuisance. So I questioned the Game and Parks during the hearing as to the areas where overpopulation of one of these big game animals becomes a problem and they said they have in place a procedure whereby farmers or ranchers that are aggrieved with overpopulation of these animals can come to the department or the Game and Parks Commission and...the Game and Parks, and ask for a permit to take care of some of these problems. And Game and Parks does cooperate and, in some instances, it does allow the reduction of numbers of deer and those kind of things that would allow them to take care of those problems without having to pay these liquidated damages, but they do have to get the permission first. I wanted to put those...make these comments for the record and for your information. Thank you.

PRESIDENT: Thank you, Senator Elmer. Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. President and members, I would like to ask Senator Bernard-Stevens a question. I noticed you exempted or took out whooping crane. Is there a further explanation of that, other than I...that evidently comes under federal law or...?

SENATOR BERNARD-STEVENS: Well, I thought we might make it the state bird, as a possibility, I don't know. I'm sorry, Senator Nelson, I just couldn't resist. This bill came from the Game and Parks and my understanding is that is not...has not and is not a problem in the State of Nebraska and they also felt it was not...did not fit the categories as the bill had. That's the best answer I can give you at this particular point.

SENATOR WEHRBEIN: I assume it's still protected and if there were some questions being raised.

SENATOR BERNARD-STEVENS: Now I remember the exact answer I should give you, even before I went to the aide to ask. That's

protected under federal statute so it's not needed in this particular matter. In fact, the federal statutes and penalties are much more strict and severe than we would have at the state level.

SENATOR WEHRBEIN: Okay, thank you.

PRESIDENT: Senator Bernard-Stevens, would you like to close on the motion to advance.

SENATOR BERNARD-STEVENS: I would waive closing at this time and just move that we advance the bill to E & R Initial.

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

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 43.

PRESIDENT: LB 43 advances. May I interrupt a moment to introduce some guests of Senator Doug Kristensen, please. Under the north balcony, we have from Kearney County, Wilbur Nelson and Dudley Wells. Would you please welcome them to the Legislature. Thank you, men, for visiting us today. Move on to LB 113.

CLERK: Mr. President, LB 113 offered by Senator Schellpeper. (Read title.) The bill was introduced on January 5, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. President, and members, this seems to be the morning for public power bills. This bill was...allow public power districts to invest in satellite television systems. I passed out a sheet a little bit ago and if you will just look at that sheet, you can...that explains it much better than what I could. You can see there is no opposition with the industry. There was no opposition at the hearing. Right now, in 1987, this body allowed the public power districts to sell or lease satellite television descramblers or programmers in the areas not served by cable television. This bill is just necessary to obtain statutory authority for public

February 1, 1989

LB 13, 18, 19-32, 43, 80, 82, 106
113, 114, 166, 171, 172, 194, 200
238, 254, 353

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning Reverend David Lux of the St. Paul Methodist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND LUX: (Prayer offered.)

PRESIDENT: Roll call, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 254 and recommend that same be placed on Select File; LB 114, Select File; LB 43, Select File; LB 113, Select File; LB 171, Select File with amendments; LB 172, Select File with amendments; LB 80, Select File; LB 82, Select File; LB 200, Select File; LB 106, Select File with amendments; LB 194, Select File with amendments; LB 353, Select File, those all signed by Senator Lindsay as Chair. (Journal shows LB 166, Select File with amendments. See pages 527-28 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 238 to General File with committee amendments attached, signed by Senator Coordsen. (See page 529 of the Journal.)

Mr. President, communication regarding the signing of LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, LB 28, LB 29, LB 30, LB 31, and LB 32. The bills were signed on January 27 and delivered to the Secretary of State.

Mr. President, an Attorney General's Opinion addressed to Senator Hall. I have a hearing notice from the Natural Resources Committee that is signed by Senator Schmit.

Mr. President, a series of reports. Report from the Department

February 7, 1989

LB 43, 113, 171, 172

Pursuant to the comments made earlier this morning, I would like to proceed to Select File and begin with LB 43 and consider those bills following LB 43. There are 11 total. Mr. Clerk.

CLERK: Senator Lindsay, I have no amendments to LB 43.

SPEAKER BARRETT: E & R Chairman, John Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 43 be advanced to E & R Final.

SPEAKER BARRETT: The question is the advancement of LB 43. Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 113.

CLERK: I have no amendments to 113, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 113 be advanced.

SPEAKER BARRETT: Shall LB 113 be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. LB 171.

CLERK: I have E & R, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 171 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to LB 171 be adopted? All in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 171, as amended, be advanced.

SPEAKER BARRETT: Shall 171, as amended, be advanced? Those in favor say aye. Opposed no. Carried, it is advanced. LB 172.

February 8, 1989

LB 43, 80, 82, 92, 92A, 106, 113
116, 158A, 165, 166, 171, 172, 175A
177A, 177, 194, 200, 208, 238, 261A
267, 277A, 284A, 296, 312A, 312, 321
322, 353, 357, 369, 458, 459

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

February 13, 1989

LB 43, 195, 198, 209, 342
LR 25, 29

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Reverend Duane Voorman of the Trinity Lutheran Church of Lincoln. Would you please rise for the invocation.

REVEREND VOORMAN: (Prayer offered.)

PRESIDENT: Thank you, Reverend Voorman. We appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 195 and find the same correctly engrossed, LB 198 correctly engrossed, LB 209, LB 342, all correctly engrossed, that is signed by Senator Lindsay as Chair. (See pages 705-06 of the Legislative Journal.)

I have a report, Mr. President, from the...revenue distribution from the Highway User Fund from the Department of Roads. That will be filed by statute. That will be on file in my office, Mr. President. And last, Mr. President, LR 25 and LR 29 are ready for your signature. That is all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign, LR 25 and LR 29. We are about ready to begin on Final Reading, so if you will take your seats please, we will begin here in a moment. Final Reading on LB 43, Mr. Clerk.

CLERK: (Read LB 43 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 43 pass? All those in favor vote aye, opposed nay. Have you all voted?

February 13, 1989 LB 43, 80, 82, 106

Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 706-07 of the Legislative Journal.) 31 ayes, 0 nays, 2 present and not voting, 16 excused and not voting, Mr. President.

PRESIDENT: LB 43 passes. LB 80, please.

CLERK: (Read LB 80 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 80 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 707-08 of the Legislative Journal.) 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President.

PRESIDENT: LB 80 passes. LB 82 with the emergency clause attached.

CLERK: (Read LB 82 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 82 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 708 of the Legislative Journal.) 34 ayes, 0 nays, 1 present and not voting, 14 excused and not voting, Mr. President.

PRESIDENT: LB 82 passes with the emergency clause attached. LB 106.

CLERK: (Read LB 106 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 106 pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 709 of the Legislative Journal.) 34 ayes, 0 nays, 1 present and not voting, 14 excused

February 13, 1989

LB 43, 48, 80, 82, 106, 113, 166
171, 172, 194, 200, 296, 321, 322
353

PRESIDENT: LB 321 passes. LB 322.

ASSISTANT CLERK: (Read LB 322 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 322 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 717 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

PRESIDENT: LB 322 passes. LB 353.

ASSISTANT CLERK: (Read LB 353 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 353 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 718 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 353 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 43, LB 80, LB 82 with the emergency clause, LB 106, LB 113, LB 166 with the emergency clause, LB 171, LB 172, LB 194 with the emergency clause, LB 200, LB 296, LB 321, LB 322, and LB 353. We will move on to Select File, LB 48.

CLERK: Mr. President, LB 48 is on Select File. The body considered it briefly on Friday. At that time, Mr. President, Senator Bernard-Stevens had offered an amendment to the bill. The amendment is found on page 697 of the Journal.

PRESIDENT: Senator Bernard-Stevens, do you want to recall for us what your amendment is, please?

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. Briefly recall the amendment, and I'll be up front with the body. I'm having a little trouble, in my own mind,

February 13, 1989

LB 43, 80, 82, 106, 113, 158A, 166
171, 172, 194, 197, 200, 260, 263
296, 321, 322, 332, 340, 353, 433
481, 717, 729, 731, 772, 773, 804
LR 15

SPEAKER BARRETT: Shall LB 263 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. For the record, Mr. Clerk, on the President's desk.

CLERK: Mr. President, your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 260, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 332, General File with amendments; LB 729, General File with amendments; LB 197, indefinitely postponed; LB 433, indefinitely postponed; LB 481, indefinitely postponed; LB 717, indefinitely postponed; LB 731, indefinitely postponed; LB 804, indefinitely postponed; and LR 15CA, indefinitely postponed. Those signed by Senator Hall as Chair. (See pages 724-26 of the Legislative Journal.)

Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 772 and LB 773 as indefinitely postponed, both signed by Senator Hartnett. Your Enrolling Clerk did present to the Governor, as of ten forty-five, bills read on Final Reading, Mr. President. (Re. LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322, and LB 353.)

Senator Warner has amendments to be printed to LB 340; and Senator Labedz to LB 158A. Mr. President, that's all that I have. (See pages 727-28 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, sir. Senator Robak, please.

SENATOR ROBAK: Mr. President, I move we adjourn until tomorrow at nine o'clock.

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

Proofed by:

Sandy Ryan
Sandy Ryan

February 21, 1989 LB 43, 75, 80, 82, 106, 113, 166
171, 172, 194, 196, 200, 296, 321
322, 353, 546, 635, 639, 752

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day, Dr. Al Norden who is pastor emeritus of the University Lutheran Chapel at Lincoln. He has served there for 30 years. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Thank you, Dr. Norden. We appreciate your coming and doing this for us. Roll call, please. Record, Mr. Clerk, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. Re: LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322 and LB 353, signed by Governor. See page 793 of the Legislative Journal.)

Mr. President, your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 546 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 639 General File, LB 76 General File with amendments, LB 196 indefinitely postponed, LB 635 indefinitely postponed, LB 752 indefinitely postponed, those signed by Senator Baack as Chair of the committee. (See page 793 of the Legislative Journal.)

Received a report from the Department of Roads, quarterly report from the State Highway Commission, and a report from the Equal Opportunity Commission, Mr. President. Those will be on file in my office. And that is all that I have, Mr. President.