

February 9, 1989

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?

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LB 311, 431, 431A

SENATOR WESELY: Certainly, thank you. Mr. President, members, again we are continuing to work with different economic development interests around the state. They have expressed a great deal of desire to proceed with this legislation. And we hope to come back with even more ideas for you on Select File on how to improve the bill. I ask for the advancement of the legislation.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 431.

PRESIDENT: LB 431 is advanced. LB 431A.

CLERK: LB 431A, offered by Senator Wesely. (Read.)

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Just again it would reduce the money now earmarked for the telecommunications division of 125,000 and put it into this program. I move for the advancement of the bill.

PRESIDENT: Okay. The question is the adoption of LB 431A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 431A.

PRESIDENT: The bill is advanced. LB 311.

CLERK: Mr. President, 311 was a bill introduced by Senators Landis, Weihsing and Schimek. (Read.) The bill was introduced on January 10, referred to Banking, advanced to General File. I do have committee amendments pending by the Banking, Commerce and Insurance Committee, Mr. President.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker. Let me open my book here and take a look at those amendments. Mr. Speaker, members

March 16, 1989

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.

April 3, 1990

LB 431A  
LR 417

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. A machine vote has been requested on the motion to recess. All in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 18 ayes, 9 nays, Mr. President, on the motion to recess.

SPEAKER BARRETT: Thank you. We are recessed.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Mr. Clerk, please.

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

PRESIDENT: Do you have something to read in, Mr. Clerk, please?

CLERK: Mr. President, new resolution, LR 417, by Senator Baack. (Read brief description of LR 417. See page 1822 of the Legislative Journal.) That will be laid over.

Senator Wesely has amendments to LB 431A to be printed. (See pages 1823-25 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Speaker Barrett, please, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President and members, the item on the agenda, item six, the motion to suspend rules to permit Final Reading of the bills without further amendment, motion or debate comes as no surprise to any of you. And it was deliberately put on the agenda yesterday so that there would be no surprise, no secrecy. It's not a devious measure in any way to do anything other than to accomplish the purpose of keeping bills moving in the legislative process. What I am attempting to do here is to provide an option for members of the Legislature. I want to see an alternative out there so that we can perhaps dislodge the logjam which we find ourselves in. As I indicated this morning during the debate on the other motions

April 4, 1990

LB 247, 431A  
LR 239

SPEAKER BARRETT: I move we recess...move we recess until 1:30.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until 1:30. Thank you.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Mr. Clerk, please.

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

PRESIDENT: At the introducer's request, we are going to skip LB 431A and begin with LR 239CA. Where were we, Mr. Clerk?

CLERK: Mr. President, on 239CA, the resolution has been considered. Certain amendments have been offered and adopted. There was a motion to pass it over yesterday, Mr. President. I now have pending a priority motion from Senator Withem to bracket LR 239 until Monday, April 9, 1990.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, and members of the body, this is a motion that is more to get a sense of the body and what the direction the body would like to go with this particular piece of legislation this year. I think it is important that we do that. Last year, as a Legislature, we passed LB 247. It did two things. Number one, the most obvious, most apparent thing that we did is we passed a bill to put Kearney from the state college system into the university system. That matter is still pending before the Supreme Court. We may have a ruling on that I suppose as early as this Friday, perhaps sometime after this Friday. The other thing we did is as a Legislature we said, collectively, we are frustrated with the way higher education is currently being governed and the lack of coordination therein. We want somebody from outside the state to come forward, take a look at our entire system, make some recommendations to us. We hired Widmayer and Associates. They came into our state, spent the summer, the fall, on into the winter. They crafted a recommendation to us that the

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LB 431A, 431, 1141A

a motion to challenge. Senator Smith.

SENATOR SMITH: Mr. Speaker, I guess maybe I would like to have clarification. It is my understanding that this morning there was a bill, LB 431A, that was sitting there, was not used because of what we've done prior to that in LB 431 and that bill was pulled from the agenda without any discussion on the floor. Now I guess I'm trying to figure out how it is that we get down and quite honestly I'm being selfish. I have a bill coming up here that's going to impact the economy of the State of Nebraska and my district that we've been waiting for and working on forever and ever. And now we're down to LB 1141A, how is it that that one is still there? Is that still there and it's going to be used for the purposes of gutting and I guess I'd like to have clarification how it is that that one stays there and the other one was pulled?

SPEAKER BARRETT: Are you asking a question?

SENATOR SMITH: I guess I'm asking that to you. I don't know who else to ask it to.

SPEAKER BARRETT: Senator Smith, I believe the question before the body is the overruling of the Chair.

SENATOR SMITH: I can't ask for clarification?

SPEAKER BARRETT: That is the question before the House right now.

SENATOR SMITH: All right then...

SPEAKER BARRETT: Is the Chair to be overruled or is it not? Any other conversation is extraneous.

SENATOR SMITH: How do I get an answer to that question?

SPEAKER BARRETT: We haven't gotten to LB 1141A, Senator Smith.

SENATOR SMITH: I'll put my light back on. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, from the conversations I've had with some of the principals, including the sponsor of the bill,

I believe I'm correct it should be pulled like every other one has been pulled, like LB 431A had been pulled this morning. Senator Hall said he's going to draft a resolution to try to get some kind of intent before whoever would need it. I don't know what the impact of that will be because I haven't seen a situation confronting us like the one where the Banking Director has made the kind of determination she has made. She is an administrator, has decided to construe a law in a certain way. If there is no effective challenge, then what she says is the way it's going to be done. The means of making that challenge is up to those who will be harmed by it. The Legislature has to consider what it's going to do in the face of that challenge. But I'll tell you this--the rules have been played with and Senator Labedz says that she doesn't think that a bracket motion can be amended. I know that a lot of things have been done with the rules; but if that cannot be done, then her motion to suspend the rules is out of order because I say it is and a few of us feel that way. And we'll just have a shouting match and there won't be anybody recognized and allowed to say and do anything. Now they've been able to bulldoze and bully and if that's the way they like to do it, we can all do it. They're not the only ones. And if that's the way it's to be, fine. But Senator Warner can control this whole thing by simply moving to withdraw his bill, which under the rules he has the right to do. He has no co-sponsors. What the Chair could have done was to pull the A bill when there's no need for it as he did with LB 431. This abortion thing has not only tainted this session, it has corrupted it. There is so much fanaticism, outright zealotry that is being orchestrated outside this state that the Legislature no longer belongs to the legislators. There are others outside this state setting the agenda. And there are people on this floor getting their marching orders. And they're going to try their best as little tin soldiers to do what they've been dictated to, and I'm going to fight it every step of the way. They're willing to do this, to hold the session their way and I'm willing to do everything within my power to stop them. The motion before us is one to overrule the agenda. I don't even know that the motion is for to... I don't know what the agenda is being overruled for. But as far as LB 1141A, the agenda doesn't have to be overruled or dealt with in any way for the Speaker to pull it or for Senator Warner to make a motion to withdraw it. So, in a sense, we're expressing what we feel, we're getting things on the record, but our wheels are spinning. It's clear that those in Washington, D.C., who call themselves pro life have said to Hades with the depositors. That's what it