

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 153, 154, 209, 338A, 378A, 412A, 440
441, 459

Committee, on this bill and I certainly appreciate the support of Senator Schmit and Senator Schellpeper as co-sponsors of the bill. Again, we are simply clarifying the definition of gross receipts under these statutes and specifically stating that access charges shall not be subject to a sales tax. With that, Mr. Speaker and members, I would move the advancement of LB 209.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the advancement of LB 209 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of 209.

SPEAKER BARRETT: LB 209 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, your Committee on General Affairs, whose Chair is Senator Smith, to whom was referred LB 440, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 154 General File with amendments; LB 441 General File with amendments and LB 153 indefinitely postponed, those signed by Senator Smith as Chair of the committee. (See pages 589-90 of the Legislative Journal.)

I have gubernatorial appointments referring an individual to the Parole Board and to the Game and Parks Commission. That will be referred to Reference Committee.

New A bills, Mr. President. (Read LB 338A, LB 378A and LB 412A by title for the first time. See page 590 of the Legislative Journal.) And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next bill, LB 459.

CLERK: 459, Mr. President, was offered by the Revenue Committee and signed by its members. (Title read.) The bill was introduced on January 13, referred to Revenue, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. To the Chairman of the Revenue Committee, Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. This, Senator

February 16, 1989 LB 318, 440

you would adopt the...and advance, excuse me, LB 318 onto Select File.

SENATOR LABEDZ: Thank you, Senator Conway. We're voting on the advancement of LB 318. All those in favor vote aye, opposed nay. Have you all voted? Will the senators please return to their seats and vote either aye or nay on the advancement of LB 318. We're having a very difficult time this morning. Appreciate it. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays on the advancement of 318, Madam President.

SENATOR LABEDZ: LB 318 is advanced. Mr. Clerk, LB 440.

CLERK: LB 440, Madam President, offered by Senator Hannibal. (Read title.) The bill was introduced on January 13, referred to General Affairs, advanced to General File. I have no amendments to the bill, Madam President.

SENATOR LABEDZ: Senator Hannibal, on the advancement of LB 440.

SENATOR HANNIBAL: Thank you, Madam President and members of the Legislature. LB 440, as described to you, does a very simple thing. It increases the penalty for the manufacturer of false ID from a Class III misdemeanor, for a first offense right now, a Class II misdemeanor, second offense right now, to make it a Class I misdemeanor for first and all subsequent offenses. It's a simple bill. I know we have very few people here. It was not opposed in committee. It came out unanimous in committee. It is trying to get at the problems with under age individuals purchasing liquor, but it's going through the supply side, and that is to try to put a little heavier hammer on those that are making and distributing false ID for a business. I would be happy to respond to any questions or concerns, but I don't see a whole lot of interest, so I'll just move for its advancement.

SENATOR LABEDZ: Senator Hall, on the advancement of LB 440.

SENATOR HALL: Madam Chair, members of the Legislature, I rise in support of Senator Hannibal's bill. It was brought before the General Affairs Committee and I did question the increase in penalty because it is a rather drastic jump. But, as Senator Hannibal pointed out, it deals with those who are manufacturing the identification and not with the young people who are using

them. So it does attempt to get at the source of the problem as opposed to...and the individual who is basically making a fairly good living, as it was pointed out in committee, doing this. I think there was testimony to the effect that one individual was responsible, in Omaha, for nearly 100 of these IDs that had been confiscated over a very short period of time. So, with that, I think that the bill, although it did question the harshness of the penalty when it was explained by Senator Hannibal and by those who supported the measure, it, I think, is very much justified and does get to the root of the problem. With that, I would urge the body to advance LB 440 to E & R Initial.

SENATOR LABEDZ: Thank you, Senator Hall. Senator Bernard-Stevens, on the advancement of LB 440.

SENATOR BERNARD-STEVENS: Senator Hannibal, would you yield to a question?

SENATOR LABEDZ: Senator Hannibal.

SENATOR HANNIBAL: I'll respond.

SENATOR BERNARD-STEVENS: I understood what Senator Hall said. I was just going through LB 440 and trying to find the section that would clarify a question for me. A student or child, under 18 years of age, who decides they are going to try to alter their own license, because they want to get alcohol or possibly even chewing tobacco, or something along that line, just to throw that out. But if I went ahead and falsified my ID myself and tried to do so and was caught, would that person be also guilty then of a Class I misdemeanor?

SENATOR HANNIBAL: No, that person is already, under current law, guilty of a Class III misdemeanor and we are not changing that part.

SENATOR BERNARD-STEVENS: I guess I'm trying to find a section that would clarify that because I read it any person, licensee, violating any of the provisions...let's see if I can find it. Section...I guess on page 3, subsection 3, "any person who knowingly manufactures, creates or alters any form of identification", to me, that would cover some individual, a young person who tried to falsify their own personal ID to try to get into some establishment to get something that was illegal. Is there another section that clarifies that or

eliminates? I just haven't seen it yet.

SENATOR HANNIBAL: If you read on just a little further, along that same sentence, it says, for the purpose of sale or delivery of such form.

SENATOR BERNARD-STEVENS: Okay, so purchase is not included then?

SENATOR HANNIBAL: This is...this is not dealing with purchase of alcohol, this is dealing with sale or delivery of that identification.

SENATOR BERNARD-STEVENS: Okay, thank you, Senator Hannibal. Thank you, Mr. President.

SENATOR LABEDZ: Thank you, Senator. Senator Hannibal, there are no further lights, would you like to close on LB 440.

SENATOR HANNIBAL: Very briefly, Madam Chair. The concerns that were brought up at committee, by Senator Hall and now on the floor by Senator Bernard-Stevens, are very, very accurate concerns and some that I share. I am not interested in passing laws that increase penalties just for the purpose of trying to go out and wave our hand and say we did great things. I'm not interested in passing laws that increase the penalty for certain crimes that really don't have any effect and just become flag waving. I am convinced that this particular change in statute that will increase this penalty will allow and encourage and, as a matter of fact, we have been given assurance that actually it will happen, the law enforcement officials will more aggressively pursue these individuals and try to cut down on the proliferation of false ID that has become, indeed as Senator Hall pointed out, in some cases a very profitable business. We're aimed at that person, that person only. We aren't changing the laws dealing with the relatively...relative innocence of a minor who happens to have one in their possession. That's a different issue, we're not dealing with that. We are trying to go at the person who is actually manufacturing, distributing this for a profit. I would move the advancement of LB 440.

SENATOR LABEDZ: Thank you, Senator Hannibal. Senator Hannibal was closing on the advancement of LB 440. All those in favor of advancement vote aye, opposed nay. Have you all voted? Please

vote. We're having a very difficult time this morning. Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Madam President, on the advancement of LB 440.

SENATOR LABEDZ: LB 440 is advanced. Mr. Clerk, LB 154.

CLERK: LB 154, Madam President, is a bill offered by Senator Pirsch. (Read title.) The bill was introduced on January 5, referred to General Affairs, advanced to General File. I have committee amendments pending by the General Affairs Committee, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Smith, on the committee amendments.

SENATOR SMITH: Thank you, Madam President. I would just give a very brief summary of what the intent of the bill is. LB 154 creates a new class of liquor license for wine only, consumption off premises. And the fee for the license is \$125. It also included language which dealt with near beer, eliminating the exemption. So, that bill is...that part of the bill was also dealt with in another piece of legislation which will follow immediately, LB 441. So the committee amendment simply eliminates the sections dealing with the definition of alcoholic beverages, which means the near beer part of the bill. That is the extent of the committee amendments. We would ask for their adoption.

SENATOR LABEDZ: Thank you, Senator Smith. Is there any discussion on the committee amendments? Evidently not, Senator Smith, would you like to close on the committee amendments? Senator Smith waives closing. All those in favor of the committee amendments to LB 154 vote aye, opposed nay. Have you all voted? We're voting on the committee amendments to LB 154. Record, Mr. Clerk.

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

SENATOR LABEDZ: The committee amendments are adopted. Senator Pirsch, on the advancement of LB 154.

SENATOR PIRSCH: Thank you. Senator Smith did refer to what is

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Select File with E & R amendments, LB 318 Select File with E & R amendments, LB 440 Select File with E & R and LB 154 Select File with E & R. (See pages 794-97 of the Legislative Journal.)

Mr. President, Speaker Barrett has amendments to be printed to LB 408. (See page 797 of the Legislative Journal.)

Mr. President, your Committee on Transportation whose Chair is Senator Lamb to whom was referred LB 227 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with committee amendments attached and LB 713 General File with committee amendments attached. (See page 797 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to Select File, LB 298.

CLERK: Mr. President, LB 298 is on Select File. I have no E & R. I do have an amendment to the bill, Mr. President, from Speaker Barrett. The amendment is found on page 721 of the Journal.

PRESIDENT: Thank you. Speaker Barrett, please. Just a moment, Speaker. (Gavel.) Could we please have it a little quieter so we can hear the speakers. Speaker Barrett.

SPEAKER BARRETT: Thank you, Mr. President and members. The amendment being offered on LB 298 I think addresses a couple of concerns that came up on General File when the bill was discussed for the first time. LB 298, as you recall, is the bill that raises the rates to be paid for publication of legal notices. A couple of major concerns I believe were voiced on the floor when we did debate the bill the first time. One of the questions was whether or not a political subdivision finds that it can't find a newspaper which will publish any notice at the legal rate, and I believe the other concern which was raised involved the question of a public official finding that to publish the type of notice that he or she needs, they would have to pay more than the legal rate. So the amendment which I'm offering offers two new short sections listing three specific situations where the public official could negotiate with a legal newspaper to publish the notice at a rate higher than the legal rate. However, the higher rate does have a cap or a limit. A negotiated rate could never be higher than the newspaper's lowest scheduled rate for classified ads of the type

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LB 154, 318, 440

SPEAKER BARRETT: Senator Lindsay, on the E & R amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 318 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 318 as amended be advanced.

SPEAKER BARRETT: The question is the advancement of LB 318. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 440.

CLERK: LB 440, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 440 be advanced to E & R Final.

SPEAKER BARRETT: The question before the body is the advancement of LB 440. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 154.

CLERK: Mr. President, LB 154, Senator, I have E & R amendments first of all.

SPEAKER BARRETT: On the amendments, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 360 (sic) be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 360 (sic)? Those in favor say aye. Opposed no. Carried. They are adopted. Correction, the E & R amendments to LB 154, please. Those in favor say aye. Opposed no. Carried.

CLERK: Mr. President, I then have an amendment to 154 pending by Senator Hall.

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LB 87, 318, 340, 362, 362A, 390, 440
489, 541, 545A, 563, 587, 605, 661
687, 728, 793, 809
LR 16, 44, 45

SPEAKER BARRETT: With your permission, perhaps the Clerk could read some items in before we take a vote, Senator Goodrich? Thank you.

ASSISTANT CLERK: Mr. President, your Committee on Business and Labor, whose Chairperson is Senator Coordsen, reports LB 541 to General File with amendments; LB 605, indefinitely postponed. Committee on Enrollment and Review reports LB 318 as correctly Engrossed; LB 362, LB 362A, LB 440, LB 489. (See pages 993-97 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 44 and LR 45 for first time. See pages 997-98 of the Legislative Journal.)

I have a notice of committee hearing from the Business and Labor Committee on gubernatorial appointments. Your Committee on Revenue, whose Chairperson is Senator Hall, reports LB 793 to General File; LB 390, indefinitely postponed; LB 563, indefinitely postponed; LB 661, indefinitely postponed; LB 687, indefinitely postponed; LB 728 and LR 16CA, indefinitely postponed. (See page 998 of the Legislative Journal.)

I have amendments to LB 587 from Senator Schmit to be printed; and from Senator Pirsch to LB 87. New A bill, LB 545A, from Senator Baack. (Read by title for the first time. See page 999 of the Legislative Journal.)

Amendments to be printed to LB 340 from Senator Chambers. Unanimous consent request from Senator Pirsch to add her name as a co-sponsor of LB 809, and an announcement from Senator Rod Johnson that the Agriculture Committee will meet in a brief Executive Session under the north balcony, immediately following adjournment today. That's all that I have, Mr. President. (See page 1000 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn offered by Senator Goodrich. Those in favor say aye. Opposed no. Ayes have it, motion carried. We are adjourned until tomorrow morning.

Proofed by:

Marilyn Zank
Marilyn Zank

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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 155, 326, 334, 336, 440, 441, 489
516, 556, 623, 744
LR 58, 59

return to your seats, we will continue with Final Reading, please. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 556, LB 516, LB 489, LB 440, LB 334, LB 326. Okay, Mr. Clerk.

ASSISTANT CLERK: (Read LB 441 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 441 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1205-06 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 4 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 441 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 441 with the emergency clause attached. Mr. Clerk, do you have something for the record?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully reviewed and examined LB 155 and find the same correctly engrossed; LB 336; LB 623, and LB 744, all reported correctly engrossed. (See pages 1206-07 of the Legislative Journal.)

Mr. President, I have a report of registered lobbyists for this past week.

New resolution, Mr. President, LR 58, by Senator Rod Johnson. (Read brief description of LR 58 as found on page 1209 of the Legislative Journal.) That will be laid over. LR 59, by Senator Rod Johnson. (Read brief description of LR 59 as found on page 1209 of the Legislative Journal.) That's all that I have, Mr. President.

I do, excuse me, I do have one other item. Hearing notice, confirmation hearing notice from the Judiciary Committee. (See page 1210 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. I would like to introduce some guests in the north balcony. Senators Barrett, Baack, Elmer, Haberman,

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LB 89, 326, 334, 440, 441, 489, 516
556, 711
LR 60

only one absent, Senator Chambers, at this point. Should we go ahead, or would you prefer to wait? A roll call vote has been requested. Members, please return to your seats for a roll call vote. The question before the body is the adoption of the Chambers amendment to the Schmit amendment to LB 89. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1213 of the Legislative Journal.) 10 ayes, 29 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The motion fails. Anything for the record, Mr. Clerk? The call is raised.

CLERK: Mr. President, new resolution. LR 60, by Rod Johnson, asking the Legislature to declare the week of March 19 through the 25th as Agriculture Week. That will be laid over. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Re. LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441.) Banking Committee reports LB 711 as indefinitely postponed. Government Committee offers a confirmation report, that is signed by Senator Baack as Chair. That's all that I have, Mr. President. (See pages 1213-14 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. The Chair would like to take just a moment to advise the membership that we will be on a full day schedule beginning Monday. This next Monday we will be on the floor all day. The second announcement that I'd like to share with you is the fact that the following Monday, that is specifically March 27th, it is my plan at this moment to convene at one o'clock, Monday afternoon, March 27th. You will have Monday morning off, that's the Monday following Easter. We will convene at one o'clock, Monday afternoon, the 27th of March, and hopefully work a little later that day than we normally would. Anything else, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Senator Robak.

SENATOR ROBAK: Mr. Speaker, I move we adjourn until Monday morning at nine o'clock.

SPEAKER BARRETT: You've heard the motion offered by Senator

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LB 326, 334, 340A, 340, 378A, 408A, 410
412A, 414, 440, 441, 489, 516, 556
574A, 714

SPEAKER BARRETT: Is there any discussion? Seeing none, those in favor of the advancement of LB 714 to Enrollment and Review please vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 714.

SPEAKER BARRETT: LB 714 is advanced. Anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 340A to Select File; LB 378A to Select File; LB 408A, Select File; LB 412A, Select File; LB 574A, Select File; LB 410; LB 414, Select File. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to recess us until one-thirty.

SENATOR SCHELLPEPER: Yes, I will. Mr. Speaker and members, I would move that we recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Motion carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you, sir. For the record, Mr. Clerk.

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication re signing of LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441. See pages 1259-60 of the Legislative Journal.)

Senator Bernard-Stevens has amendments to LB 340 to be printed, Mr. President. (See pages 1260-61 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into the