

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

February 8, 1989

LB 47, 75, 186, 357, 358, 359, 474
499, 608, 697

wish for absolute clarity. School officials only recently discovered the potential conflict. They have always believed that 79-548.01 was a specific grant of authority. There have been many projects that Class VI schools have paid for with Construction Sinking Funds after only the vote of the school board to authorize the expenditure. LB 499 simply clarifies that such actions are absolutely legal and appropriate with only a vote of the school board. In addition, the bill repeals some obsolete language contained in Section 79-1103, the opened section, and that is it. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, 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 499.

PRESIDENT: LB 499 is advanced. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, thank you. Mr. President, your Committee on Transportation, whose Chair is Senator Lamb, reports LB 47 to General File, LB 75 General File, LB 608 General File, LB 186 indefinitely postponed, and LB 474 indefinitely postponed, all signed by Senator Lamb as Chair.

Banking Committee reports LB 359 to General File, and LB 358 indefinitely postponed, both signed by Senator Landis as Chair. (See page 464 of the Legislative Journal.)

I have notice of hearing from the Natural Resources Committee signed by Senator Schmit, and a motion from Senator Schmit to withdraw LB 697. Mr. President, that will be laid over pursuant to legislative rules. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 357, please.

CLERK: Mr. President, LB 357 was a bill that was introduced by Senators Nelson, Smith, Schellpeper, Coordsen, and Crosby. (Read title.) The bill was introduced on January 11 of this year, referred to the Education Committee. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the Education Committee.

March 30, 1989

LB 47, 75, 706

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 706.

SPEAKER BARRETT: LB 706 advances. LB 47, Mr. Clerk.

CLERK: Mr. President, LB 47 was a bill that was introduced by Senator Dierks. (Read title.) The bill was introduced on January 5, referred to Transportation, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Dierks.

SENATOR DIERKS: Mr. Speaker and members of the body, LB 47 was suggested...was brought to the body at the suggestion of the Nebraska Motor Vehicle Industry Licensing Board. And, quite simply, it just expands the penalty language for failure to hold proper license as a motor vehicle dealer. Currently, the law does not specifically apply to auction dealers and LB 47 attempts to rectify this. It strikes the word "wholesaler" and inserts the words "auction dealers, motorcycle dealers and motorcycle salespersons". That, in a nutshell, is what LB 47 does and I urge the body to advance it to Select File.

SPEAKER BARRETT: Any discussion? Any questions? If not, the question is, shall the bill be advanced? Those in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 47.

SPEAKER BARRETT: LB 47 advances. LB 75.

CLERK: LB 75 offered by Senator Warner. (Read title.) The bill was introduced on January 5, referred to Transportation Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, this bill, too, is one that deals with proper registration of motor vehicles and particularly been brought up in Lancaster County, I know, from time to time, in which individuals do not

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

Langford, followed by Senator Kristensen.

SENATOR LANGFORD: Mr. President and colleagues, I rise to oppose the Scofield amendment. First, let me explain a little bit about this study business. Just last year a very expensive study was done by the State College Board. This part of the study would not have to be repeated because it was done by an outside of the state very authoritative group. Therefore, the money that is appropriated would certainly cover the study of the university system and the tech colleges. I would like to talk a little bit about my dream of the future of postsecondary education in the State of Nebraska. Kearney State College going into the university system is just a first step. It really is, in my opinion, the thing that we'll start thinking on what we should do with postsecondary education in our state. The tech colleges have sort of been a stepchild up until now that they are an integral important part of the needs of our citizens and I believe totally that they are as important as any other part of the system. My dream is that one day all of postsecondary education will be under one governing body. Governance is the important part of any institution simply because it makes policy and policy is more important than anything else because those subordinates who are under this policy must obey. No matter what they want to do, they must do what governance tells them. This leads to one more thing. Above this great board that is going to govern all of our postsecondary institutions is the Legislature and the executive branch of government, each having a part. Right now the governance from the Legislature is in great jeopardy because of the Attorney General's Opinion and his statements to the newspaper that should this come about he would have to challenge. This is exactly what we, in the Legislature, need. We need the challenge from the Attorney General so that we can actually find out what our position is in the governance of our postsecondary education. I would ask now that you do not vote for Sandy's amendment and that you vote for Senator Withem's amendment. Thank you.

PRESIDENT: Thank you. Mr. Clerk, would you like to put something into the record, please, at this time.

CLERK: Mr. President, I would, thank you. Senator...I have amendments to be printed from Senator Lamb to LB 47, Senator Wesely to LB 706, Senator Lindsay to LB 681 and Senator Hefner to LB 325. (See pages 1566-71 of the Legislative Journal.)

going to get at the constitutional questions that question that plague us that have, obviously, been raised as a result of the Kearney question. And I think the removal of this language then gets us away from just kind of...we'll tend to get drug back and forth into the debate of should we move Kearney into the system or should we not. I heard Senator Nelson kind of standing up and starting to lobby for that. As I said, I'm not sure whether that's a good idea or not, but I think that just the removal of that language takes that lightening rod out of there. And as I now have your amendment in front of me, it makes great, good sense to me to do that because it still says we're going to look at changes needed in the alignment of public, postsecondary educational institutions under the current Governor's structure of recommended modifications and so on. I think that gets us the answers to the question that we have to have, if we're going to address the Kearney question. It gets us answers broad enough probably to enable us to go about some other changes, if we decide that there are other appropriate changes in the system of higher education. I think you do not give yourself enough credit for your brilliance, Senator Withem, and we should support this. Thank you.

PRESIDENT: The question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 12 ayes, 20 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The amendment is not adopted. According to the agenda, as outlined by your Speaker earlier this morning, we're going to jump to Select File and handle these. So, if you'll pay attention as you go along, please, and we'll take care of these at this time. We're going to jump LB 706 and go to LB 47.

CLERK: Senator, I have E & R amendments to LB 47.

PRESIDENT: Senator Lindsay, E & R amendments.

SENATOR LINDSAY: Thank you, Mr. President. I would move the adoption of the E & R amendments to LB 47.

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

April 7, 1989

LB 47, 548, 582, 582A, 790

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 47, as amended, be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 548.

CLERK: Senator, on 548 I have no amendments to the bill.

PRESIDENT: Senator Lindsay, on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 548 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 582.

CLERK: LB 582, Senator, I have no amendments to the bill.

PRESIDENT: Okay, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 582 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 582A.

CLERK: LB 582A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 582A be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 790.

CLERK: LB 790, Senator, I have E & R amendments, first of all.

PRESIDENT: Senator Lindsay, please.

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan
Sandy Ryan

April 17, 1989

LB 47, 66, 395

first. I understand there is an amendment being considered and it will be determined by the time we get to it, by the time we get to the end of Final Reading, whether or not they will attempt to present the motion. So if you'll please take your seats, we'll begin Final Reading. Mr. Clerk, LB 395.

CLERK: (Read LB 395 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 395 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1711-12 of the Legislative Journal.) 33 ayes, 4 nays, 1 present and not voting, 11 excused and not voting, Mr. President.

PRESIDENT: LB 395 passes. LB 47.

CLERK: (Read LB 47 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 47 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1712-13 of the Legislative Journal.) 40 ayes, 0 nays, 9 excused and not voting, Mr. President.

PRESIDENT: LB 47 passes. LB 66 with the emergency clause attached.

CLERK: (Read LB 66 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 66 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1713-14 of the Legislative Journal.) 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 66 passes with the emergency clause attached.

April 17, 1989

LB 47, 66, 372, 395, 401, 506
LR 2

kind of interesting, someone mentioned the Syracuse Tax Study once or twice. No one talks about it anymore, no one talks about it. I opposed the tax study because I said we would not follow it. We have not even looked at the bloomin' thing, and so here today we write new tax policy. We are setting up a whole new system which will come back to haunt us for many years. Ladies and gentlemen, I have the advantage over many of you. I am not going to have to be around here when the chickens come home to roost if you do not adopt this amendment, but the younger members of this body will be here and you will have to answer for the failure if you do not adopt this amendment. I suggest you adopt the amendment.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 506, LB 401, LB 372, LB 66, LB 47, and LB 395. Discussion on the Schmit motion to return the bill, Senator Hall, followed by Senator Rod Johnson.

SENATOR HALL: Thank you, Mr. President and members. I rise in indifference to Senator Schmit's amendment because, as you know, I have not supported LR 2CA and I won't support it should we read it yet today into Final Reading, but those are for other reasons than the amendment that Senator Schmit has before us at this time. The amendment would, basically, become a mini-uniformity clause, if you will, with regards to the valuing of agricultural land. It I don't think is an attempt, the first amendment that we are dealing with by Senator Schmit, in any way to harm LR 2CA, and I think it does exactly what he says, and that is spells out the issue of how the classes of agricultural will be treated. I think it is much more though than just clarifying language. Senator Schmit, would you yield to a question?

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Yes, Mr. President.

SENATOR HALL: Loran, the issue would still be one that the courts would and probably will address sometime in the future and my question is, will, even with your amendment that you have before us right now, will...the sales assessment ratio is still going to be a key factor in that determination with regard to the valuation and the, I guess the, oh, the value that is placed on the land that comparisons are made by the court, would it

April 17, 1989

LB 47, 66, 372, 395, 397, 401, 506
683
LR 2

want to create a situation where we have to come back in and discuss this a third and fourth and fifth time. I am exhausted with the issue. I am trying to do what I think is right, trying to work with the farm groups as best I can to give them what they think is best for agriculture, and if that is wrong, then I will be corrected by this body I am sure many times in the future. So I'd ask the bill be readvanced, Mr. President.

SPEAKER BARRETT: Thank you, sir. We have had a request for a machine vote. The question is the advancement of LR 2 to E & R Engrossing. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 36 ayes, 2 nays, Mr. President, on the motion to readvance LR 2.

SPEAKER BARRETT: LR 2 is readvanced. For the record, Mr. Clerk.

CLERK: Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 395, LB 47, LB 66, LB 372, LB 401, LB 506.)

Senator Schmit has amendments to be printed to LB 683 and LB 397. (See pages 1720-21 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Two reminders, the blood pressure checks and the cholesterol checks are still proceeding in Room 2102 and will be held up until one o'clock today. So those of you that would like to take advantage of it, please do so between now and one o'clock. Also be reminded that we will start with 761 at one-thirty following our recess. Senator Wehrbein, would you care to recess us, please?

SENATOR WEHRBEIN: Yes, Mr. Speaker, I'd move that we adjourn...or adjourn recess until one-thirty.

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

RECESS

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.