

January 17, 1989

LB 303A, 309A, 356, 438, 473-495
LR 7

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to suspend that particular rule and refer 303A and 309A to Appropriations Committee.

PRESIDENT: The motion is carried, the rules are suspended, and the bills are referred to the Appropriations Committee. What would you like to do now, Mr. Clerk?

CLERK: Mr. President, Reference Committee will meet in Room 2102 now for referring of bills; Reference Committee in Room 2102 now for referring of bills.

PRESIDENT: The Reference Committee or the Executive Board will adjourn, leave us for a while. We'll stand at ease for a little while until they come back. So, relax.

EASE

CLERK: Mr. President, new bills. (Read LB 473-492 by title for the first time. See pages 245-50 of the Legislative Journal.)

Mr. President, I have a new resolution, LR 7, by Senator Hall. (Read. See pages 250-52 of the Journal.)

Mr. President, Senator Morrissey would like to add his name to LBs 356 and 438. Finally, Mr. President, I have a Reference Report referring LBs 410 through 462. That is all that I have, Mr. President.

PRESIDENT: If I could direct your attention, please, over under the north balcony we have a special guest. Senator Stephanie Johannis, it looks like you. Would you step out so we can see you. Please welcome former Senator Johannis back to the Legislature. Do you have any words of wisdom for us now that you are out? Senator Lynch, you haven't done much today. Would you like to...just a moment. Don't go to work yet. Just a minute. Mr. Clerk.

CLERK: Mr. President, a couple of bills coming in. In addition, I have hearing notices for the Education Committee and one from the Judiciary Committee signed by Senators Withem and Chizek as Chairs.

Mr. President, new bill. (Read LB 493-495 by title for the first time. See pages 254-55 of the Legislative Journal.)

February 22, 1989 LB 64, 339, 357, 361, 371, 416, 444
482, 502, 559, 730, 782
LR 34, 35

LB 416, LB 502, all correctly engrossed, all signed by Senator Lindsay as Chair. (See page 829 of the Legislative Journal.)

Senator Landis has amendments to LB 361; Senator Nelson to LB 357. (See pages 830-31 of the Legislative Journal.)

Mr. President, Senator Warner would like to announce the room changes for hearings scheduled for March 1 and March 3.

Mr. President, the Natural Resources Committee reports LB 339 to General File with amendments, LB 730 to General File with amendments; Urban Affairs Committee reports LB 444 to General File with amendments; Banking reports LB 482 to General File, LB 64 indefinitely postponed, LB 559 indefinitely postponed, LB 782 indefinitely postponed; and General Affairs reports LB 371 to General File with amendments; all signed by their respective Chairs. (See pages 831-34 of the Legislative Journal.)

Mr. President, new resolutions, LR 34 offered by Senator Weihing. (Read brief explanation.) LR 35 by Senator Rogers. (Read brief explanation. See pages 835-36 of the Legislative Journal) Both of those will be laid over, Mr. President.

Mr. President, Senator Schellpeper has amendments to LB 357 to be printed. (See pages 836-39 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Senator Robak, would you like to adjourn us until tomorrow at nine o'clock which is February 23rd.

SENATOR ROBAK: I move that we adjourn until tomorrow, February 23rd, at nine o'clock.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. You are adjourned until tomorrow at nine o'clock.

Proofed by:

Sandy Ryan
Sandy Ryan

the bond. It doesn't go after the car purchaser. That car purchaser is going to be held completely harmless, he's going to have his right to get the title. This would allow the security interest holder to go after the bond. Now we could have done many things, we could have raised the bond from 25,000 to \$50,000, that would put us as the highest bond in the nation. I think Nevada is the only other one that is that high. We didn't want to do that. We kept the bond level at the same amount. With the car prices today the way it is, I don't know Senator Rod Johnson, maybe his cars cost more than \$25,000 and wouldn't be subject to that bond, but for the average, this is going to cover one car, maybe two at the most. This is not going to protect the dealer that has the midnight sale, sells off all those vehicles and runs, it isn't going to protect the security interest and the lienholder in that amount. It will protect him for one or two cars. This provides a priority to that bond. It's primarily designed to carry out the intent when you take a security interest on a title that you're going to have some recourse, if you're going to give the money out, you will be protected. It isn't limited to banks, it's any security titleholder. Oftentimes that may be a father who makes the loan to his son, it can be a variety of those things. It makes no difference. This bill merely gives you the priority to go after that bond and protect those interests and places the lender of money back into a position that they thought they were originally before Dugdale v. First State Bank. Thank you.

SENATOR LANDIS: Thank you, Senator Kristensen. There are no lights on. Would you like to close? Senator Kristensen, would you like to close? Senator Kristensen waives closing. We'll move to a vote on the advancement of LB 603. Those in favor vote aye, those opposed vote no. The Clerk will record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 608.

SENATOR LANDIS: The motion passes, the bill is advanced. Go on to LB 482, introduced by Senator Pirsch. Mr. Clerk.

CLERK: Mr. President, 482 was a bill introduced by Senator Pirsch. (Read title.) The bill was introduced on January 17, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LANDIS: To open, Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Chairman. I have passed around some information about LB 482 and for your perusal. We originally, the intent of this bill is to attract limited partnerships to file their original certificates and organize in Nebraska. The fee presently is \$10, and it is now \$200. Since the mid-1960's the use of limited partnerships has grown very substantially in the United States. Currently billions of dollars are raised each year through the use of limited partnerships. Several Nebraska based firms have raised substantial monies through the sale of limited partnership interests. The America First Company's have, for example, raised over 1 billion in capital for limited partnerships they have sponsored over the past several years. Limited partnerships come in many forms. There are the limited partnerships that are organized by several individuals to engage in an active trade or business. The more recent use of limited partnerships is as an investment vehicle for real estate, oil, gas exploration and production, equipment leasing, research and development and other investment activities. Recently several mutual funds organized as limited partnerships. Due to the tax attributes of limited partnerships, tax shelter programs were frequently organized as limited partnerships. The use of limited partnerships has been severely limited in recent years as a result of changes in the tax laws. Investment oriented limited partnerships may either be public or private. Usually the private partnerships attract wealthy individuals and institutions who can invest an amount, usually in the range of 10,000 to 200,000 over one or more years. Public partnerships attract investors who invest smaller amounts, usually with a minimum investment in the 2 to 5,000 range. Public partnerships may or may not be publicly traded on the stock exchange after they are organized. Generally, public partnerships that are also publicly traded are referred to as master limited partnerships. The organizational structure of limited partnerships has evolved substantially over the past decade. For example, it was less than 10 years ago that the first publicly limited partnership was organized. What we are trying to do is to make these kinds of partnerships available in Nebraska, attracted to Nebraska, and also further our economic development. With that, I move the advancement of LB 482.

SENATOR LANDIS: There are no lights on, Senator Pirsch, would you like to close? Senator Pirsch waives closing. The question is the advancement of LB 482. Those in favor vote aye, those

March 30, 1989

LB 482, 695

opposed vote no. Well, we've been at this now for about a minute and a half. Clerk will record.

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

SENATOR LANDIS: Thank you. The motion carries, the bill is advanced. LB 695 is next, although Senator Hannibal is not present. Senator Lamb, apparently, will be carrying the bill for Senator Hannibal. Mr. Clerk.

ASSISTANT CLERK: LB 695 was introduced by Senator Hannibal. (Read title.) The bill was read for the first time on the 19th of January, was referred to the Transportation Committee. They report the bill back to General File, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. Senator Lamb, to open on Senator Hannibal's LB 695.

SENATOR LAMB: Thank you, Mr. President and members. This is a bill that Senator Hannibal asked me to handle today. It did come through the Transportation Committee. It's a very simple bill that states that the...provides that travel trailers and recreational trailers with a gross loaded weight of 3 to 6500 pounds shall be equipped with brakes upon at least two wheels. Currently the statute provides that travel trailers and recreational vehicles having a gross loaded weight of 2,000 pounds or more shall be equipped with brakes upon each wheel. This is designed primarily for boat trailers. I understand that this brings us in line with other states, that this does not provide a safety hazard, that no one opposed the bill. And I would just ask, Mr. President, that the bill be advanced.

SENATOR LANDIS: Thank you, Senator Lamb. There are no lights on. Would you like to close?

SENATOR LAMB: Waive closing.

SENATOR LANDIS: With a waiving of closing, we'll proceed then to the vote on LB 695 to advance. Those in favor vote aye, those opposed vote no. Please return to your chair and vote either for or against the measure so that we may proceed with the rest of consent calendar. Clerk will record.

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

April 4, 1989

LB 137, 335A, 392, 482, 611, 695, 705

SENATOR HALL: I would move that LB 335A be advanced to E & R for Engrossing.

SPEAKER BARRETT: Shall LB 335A be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 705.

CLERK: Mr. President, may I read some items for the record? I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee.

Enrollment and Review Committee reports LB 482, LB 695, and LB 392 to Select File some having E & R amendments attached. (See pages 1489-90 of the Legislative Journal.)

Mr. President, Senator Bernard-Stevens would like to add his name to LB 137 and to LB 611 as co-introducer.

Mr. President, the next bill is LB 705. The first order of business are adoption of Enrollment and Review...consideration of Enrollment and Review amendments, Mr. President.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 705 be adopted.

SPEAKER BARRETT: You heard the motion to adopt the E & R amendments. Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Moore would move to indefinitely postpone the bill. Senator Lindsay would have the option to lay the bill over, Mr. President.

SPEAKER BARRETT: Senator Lindsay, your wishes.

SENATOR LINDSAY: We will take it up.

SPEAKER BARRETT: Take the bill up, thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker and members, as you all remember, LB 705 is the bill that basically has the state giving a gift of about \$200,000 to Joslyn Art Museum down in Omaha, and I'm going to ask Senator Hall a question as I want to say this I have got

April 7, 1989

LB 401, 482, 608

CLERK: LB 401, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 401 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 608.

CLERK: LB 608, Senator, I have E & R pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 608.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 608, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 482.

CLERK: LB 482, Senator, I have E & R amendments first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 482.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

April 7, 1989

LB 99, 323, 392, 482

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 482, as amended.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 392.

CLERK: LB 392, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 392.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 392, 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 99.

CLERK: LB 99, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 99 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 323.

CLERK: LB 323, Senator, has E & R pending.

PRESIDENT: Senator Lindsay, please.

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

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

biodegradable diapers at the present time and that's the Rocky Mountain Medical Corporation in Colorado. And they go on to say, and you can read it if you would care to, but babies will spend approximately 20,000 hours in diapers and then it goes on to say that a typical baby wears up to 9,000 diapers before he or she is toilet trained. There were more than 3.7 million births last year in the United States and nearly 85 percent of all diapers...diaper changes involved disposable diapers. This means that last year alone more than 20 billion diapers, 20 billion diapers which will not break down for hundreds of years in our landfills, they were dumped into the environment. The Environmental Protection Agency puts disposable diaper waste at some 5 million tons annually. Some cities estimate that disposable diapers alone account for more than 10 percent of landfill use. And the 5 million ton is by weight, so I ask you, what about the volume? That volume is going to be terrific. Also, in another part of your handout, and this was put out by Newsweek in the March 6 issue, 1989, the two biggest producers and manufacturers of diapers are Procter and Gamble, with their Pampers brand, and Kimberly-Clark, with their Huggies. And it goes on to say both of these companies are reportedly perfecting biodegradable models. It is hard to imagine that they could make diapers significantly better than they are today unless they come out in a biodegradable form. We do have some degradable plastic products over on the table just to the right of me under the north balcony, if you would care to look at a disposable diaper or some of the other degradable products, like the gallon milk bottle and some others. And so I believe at this time I would stop and if you have any questions, why I would be real happy to try and answer them for you.

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you for the interruption. New A bill, LB 586A by Senator Kristensen. (Read by title for the first time as found on page 1666 of the Legislative Journal.)

I have Rules hearing scheduled for Thursday, April 20.

LB 392 and LB 482 have been reported correctly engrossed. Those are offered by Enrollment and Review, Chaired by Senator Lindsay. (See page 1667 of the Legislative Journal.)

Senator Labeledz has amendments to LB 769, Senator Smith to

April 19, 1989

LB 324, 381, 392, 482

CLERK: (Read LB 324 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 324 become law? All in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See page 1772 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 324 passes. LB 381.

CLERK: (Read LB 381 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 381 become law? All in favor vote aye, opposed nay. Record.

CLERK: (Read record vote. See pages 1772-73 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 381 passes. LB 392.

CLERK: (Read LB 392 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 392 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1772-74 of the Legislative Journal.) 40 ayes, 2 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 392 passes. LB 482.

CLERK: (Read LB 482 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 482 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

April 19, 1989

LB 89, 135, 206, 324, 381, 392, 482

CLERK: (Read record vote. See pages 1774-75 of the Legislative Journal.) 42 ayes, 1 nays, 2 present nays, 4 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 482 passes. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 482, LB 392, LB 381, LB 324, LB 206 and LB 135. (See page 1775 of the Legislative Journal.) Matters for the record, Mr. Clerk.

CLERK: I have nothing at this time, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to Select File, senator priority bills, LB 89. The call is raised.

CLERK: Mr. President, LB 89 was considered yesterday by the Legislature. At that time there were two amendments by Senator Lynch that were adopted. The first amendment I have to the bill this morning, Mr. President, is by Senator Moore. Senator, I have your amendment AM1130 found on page 1449.

SPEAKER BARRETT: Senator Scott Moore, on your amendment, please.

SENATOR MOORE: Well, it's one of those things where I'm probably going to sit here and talk for a while and tell you a little story about some things we talked about in the interim of last night and today. I think one thing, a few things that are important to point out that some of us, at least, have always had some problems with 89, one, because of the minimum salary language and, two, because of the sustainability of the dollar amount. And I know there were some of us back in January that said \$150 million you can do, maybe you can do 20 or 25 or something like that. And there were some of us that always said, well, it's bad policy to put in statute a minimum salary dollar amount because once you do that you have basically taken the local school board out of setting salary policy and making the State Legislature the state school board, and I think that's bad policy. But as people like myself always made those arguments, you always made it clear that, no, we're not against raising teachers' salaries and, as a matter of fact, I'm speaking for myself now, I am very concerned about beginning teachers' salaries because the fact of the matter is that I only graduated from college a few years ago myself. That is one of those things I sat there in my freshman and sophomore year in

that's who was invited to try to sort out this pile of amendments that we had on the desk and if Senator Lamb would have had his amendment up there, he would have been invited, I'm sure. I don't think there was anyone that was excluded for any particular reason other than the fact that those with amendments was who the Chairman invited in to try to sit down and not spend all day on this issue by running through a lot of amendments what were, in many cases, trying to accomplish some of the same things. With that, I think most people have developed at least, hopefully, a good understanding of what the attempt is. Primarily, again, this amendment it eliminates Phase I. It sets the level at 20 million which I incorporated in my amendment so that we could run them all together. That was not my particular proposal but that was going to follow in another amendment so I simply added it to mine. We changed the factor so that we can get some incentive going early on and we lowered that threshold from, the original bill was 18, down to 16 is when you can start participating. So it's basically fairly simple if you thoroughly understood the original bill. If you didn't have time to process the original bill, well, then this has to be...

SPEAKER BARRETT: One minute.

SENATOR CONWAY: ...incorporated and done that way. So, with that, Mr. Speaker, I urge the body to attach the Conway amendment to LB 89.

SPEAKER BARRETT: Thank you, sir. You have heard the closing and the question is the adoption of the Conway amendment to LB 89. Those in favor of that motion, please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Conway's amendment.

SPEAKER BARRETT: The amendment is adopted. For the record, Mr. Clerk.

CLERK: Mr. President, I have a reference report for gubernatorial appointees referring them to the appropriate Standing Committee for confirmation hearing. (See page 1778 of the Legislative Journal.)

Bills read on Final Reading have been referred to the Governor. (Re: LB 135, LB 206, LB 324, LB 381, LB 392 and LB 482.)

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.