

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.)

March 14, 1989

LB 107, 174, 192, 259, 274, 281, 370
486, 487, 488, 575, 738, 741
LR 27

PRESIDENT NICHOL PRESIDING

PRESIDENT: ...Legislative Chamber. We have with us today, as our chaplain of the day, Reverend Gordon Patterson of the Calvery United Methodist Church in Lincoln. Would you please stand for the invocation.

REVEREND PATTERSON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Patterson. We appreciate your message this morning. Please come back and visit us again. Roll call, please.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, reports LB 107 to General File; LB 486, General File; LB 487, General File; LB 488, General File; LB 741, General File; LB 259, General File with amendments; LB 575, General File with amendments; LB 174, indefinitely postponed; LB 192, indefinitely postponed; LB 274, indefinitely postponed; LB 370, indefinitely postponed; and LB 738, indefinitely postponed. All of those signed by Senator Withem as Chair. (See pages 1111-16 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 281. That's all that I have, Mr. President. (See pages 1116-19 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the legislative resolutions, LR 27, by Senator Warner.

CLERK: Mr. President, LR 27 was originally introduced by Senators Warner, Scofield and Hartnett. It asks the Legislature to strongly support the removal of Federal Transportation Trust Funds from the federal budget and urges the Nebraska congressional delegation to work towards such removal. The

March 30, 1989

LB 487A, 488

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

SENATOR LANDIS: The bill is advanced. We'll move on to LB 488, introduced by the Education Committee. Mr. Clerk.

ASSISTANT CLERK: LB 488 was introduced by the Education Committee. (Title read.) The bill was read for the first time on January 17. It was referred to the Education Committee. The Education Committee did report the bill to General File, Mr. President.

SENATOR LANDIS: Thank you. Mr. Chairman Withem, on LB 488.

SENATOR WITHEM: Yes, Senator Landis, members, LB 488 is a bill that amends the Private Vocational Education Authorization Act. Currently, private vocational schools, they've been sometimes referred to as proprietary schools, schools like Lincoln School of Business I guess is an example, some of the various private vocational schools, Universal Technical Institute up in Omaha comes to mind, are currently regulated by the State Department of Education. Last year they put together a task force consisting of the regulators and those schools that are regulated to suggest some changes in the Vocational Education Authorization Act and, again, these are primarily technical types of changes that are being made to bring the act up to date, using the term, they prefer the term the state of art, term of art right now I guess is postsecondary career schools as opposed to private vocational schools. This bill clarifies that private colleges and universities offering baccalaureate level degrees are exempt from the act. That wasn't necessarily clear before. This eliminates the restriction on establishing rules more stringent than those specified in the act. The department can make more stringent rules if it so desires. Senator Baack may help himself to one of my French fries if he desires. Specifies that the accreditation by a number of listed accrediting agencies which will be accepted as meeting the minimum standards. Changes the provisions governing branch facilities, renames what branch facilities are and it goes on, eliminates grandfather clause, an obsolete grandfather clause. Basically it's a good bill. The relationship between these private vocational schools and the department and our public schools sometimes gets a little bit strained, but this bill is one that I think will improve that relationship. It's a bill

March 30, 1989

LB 228, 488, 488A

that has widespread support and I'd urge you to accept it.

SENATOR LANDIS: Thank you, Senator Withem. There are no lights on. Closing? Closing? That doesn't look like a closing to me. All right, we'll proceed on in that case with a vote on LB 488. Those in favor vote aye, those opposed vote no. The Clerk will record.

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

SENATOR LANDIS: It's advanced. Let's go on to A bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 488A was introduced by Senator Withem. (Title read.)

SENATOR LANDIS: Senator Withem.

SENATOR WITHEM: Yeah, with the change in the statute, the rules will have to be rewritten and published. We're appropriating \$10,000 for this year, 5,000 for next year to complete the republishing of the rules and regulations. Would urge the acceptance of the A bill.

SENATOR LANDIS: Thank you, Senator Withem. There is no lights. A closing? No closing. The question is the advancement of LB 488A. Those in favor vote aye, those opposed vote no. The Clerk will record.

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

SENATOR LANDIS: The bill is advanced. The next bill on your list, 741 has been pulled from the list, and the Chair has not been apprised about the fate of LB 228. Is a member prepared to take that on behalf of Senator McFarland? Well, in that case, let's have the reading of the record on LB 228, Mr. Clerk. Senator Withem will be taking care of this bill for Senator McFarland.

ASSISTANT CLERK: Mr. President, LB 228 was introduced by Senator McFarland. (Title read.) The bill was read for the first time on January 9. It was referred to the Education Committee. That committee reports the bill to General File.

April 5, 1989

LB 157, 397, 486, 488, 506

SPEAKER BARRETT PRESIDING

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

SENATOR LOWELL JOHNSON PRESIDING

SENATOR L. JOHNSON: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR L. JOHNSON: Any messages, reports or announcements?

CLERK: Mr. President, Senator Withem has amendments to be printed to LB 506, to LB 488 and LB 486. (See pages 1502-07 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Chambers regarding LB 397. (See pages 1507-10 of the Legislative Journal.)

Mr. President, I have a series of audit reports as filed with my office by the state auditor. Those reports will be on file in my office. That is all that I have, Mr. President.

PRESIDENT NICHOL PRESIDING

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'd return to your seats, please, we'll begin Final Reading. Read LB 157.

CLERK: (Read LB 157 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 157 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1510-11 of the Legislative Journal.) 35 ayes, 0 nays, 1 present and not voting, 13 excused and not voting, Mr. President.

PRESIDENT: LB 157 passes. May I reintroduce to, introduce to you again some gentlemen from Austria that were introduced to you a few days ago, Dr. Erwin Proell who is the Deputy Governor of lower Austria. Would you please stand, Governor. And

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228
228A, 247, 323, 324, 371, 381, 423
486, 487, 487A, 488, 488A, 508, 509
566, 592, 605, 627, 643, 669, 714
722, 756, 781, 793
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

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

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment to the bill.

PRESIDENT: The Withem amendment is adopted.

CLERK: I have nothing further, Mr. President.

PRESIDENT: Senator Lindsay or Senator Withem. Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 486 as amended be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 488.

CLERK: Mr. President, the first order of business on 488 are Enrollment and Review amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 488.

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

CLERK: Mr. President, I now have an amendment to the bill from you, Senator Withem. Again, Senator, this is printed last year. It's a little longer.

PRESIDENT: Did you want the Clerk to refresh your memory?

CLERK: I think we just delivered a copy, Mr. President.

PRESIDENT: Okay.

SENATOR WITHEM: Okay, yeah, the bill, 488, deals with the regulation of private vocational schools. We're changing the terms in the bill from, we now call them private vocational schools. They prefer the term Private Postsecondary Career School Act. The bill deals with, the amendment deals with those types of career schools, like H & R Block is probably the best example that have a number of different facilities across the

state. This amendment would make sure that each, that when we go through the approval process of giving approval, accreditation for H & R Block to offer programs in the state that they would not have to come in for each individual office and seek separate approval for that particular, for each particular office. They could just get approval to operate their program in the state. That's what this amendment does.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Withem's amendment to the bill.

PRESIDENT: The Withem amendment is adopted. Senator Withem, on the advancement of the bill.

SENATOR WITHEM: Yeah, I'd simply move that this bill be advanced to E & R for engrossing. It is a fairly technical update of the current statutes which regulate private vocational schools in the state. These are the ones that are, you know, you maybe heard the term trade schools associated with them; proprietary school. Those individuals that offer training in a particular career to individuals who pay to attend classes, spend a lot of...there was a task force that spent a lot of time updating these statutes. They are fairly technical in nature. If you have any questions about any we could probably get you answers to those, but it's a fairly noncontroversial bill.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. We'll go to LB 488A.

CLERK: I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Withem.

SENATOR WITHEM: Move this bill be advanced.

PRESIDENT: ...advancement of 488A, the appropriation bill following 488.

SENATOR WITHEM: I'd move that the bill be advanced.

January 19, 1990

LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

March 29, 1990

LB 313A, 488, 488A, 503

CLERK: (Read record vote. See page 1705 of the Legislative Journal.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 313A passes. Senator Johnson is announcing the presence of some elementary students from Hampton, Nebraska, 63 of them in our south balcony with their teacher. Would you folks stand and be recognized by your Legislature. Thank you. We are glad to have you with us. Mr. Clerk, LB 488.

CLERK: (Read LB 488 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 488 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1706 of the Legislative Journal.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 488 passes. LB 488A.

CLERK: (Read LB 488A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 488A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See page 1707 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 488A passes. LB 503.

CLERK: (Read LB 503 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 503 pass? All in favor vote aye, opposed nay. Have you all voted? Please record. Please record.

March 29, 1990

LB 272A, 313, 313A, 488, 488A, 503, 503A
567, 567A, 662

sign and I do sign, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, and LB 503A. LB 567, Mr. Clerk.

ASSISTANT CLERK: (Read LB 567 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 567 become law? Those in favor vote aye, opposed nay. Have you all voted? Senator Withem.

SENATOR WITHEM: I would ask for everybody to check in and a roll call vote.

SPEAKER BARRETT: Thank you. Will members please record your presence. A roll call vote has been requested. Senator Hefner, Senator Lowell Johnson, Senator Byars. Senator Morrissey, would you check in, please. Senator Goodrich. A roll call vote has been requested and the question is, shall LB 567 pass?

CLERK: (Roll call vote taken. See page 1711-12 of the Legislative Journal.) 27 ayes, 20 nays, 2 excused and not voting, Mr. President, on adoption of or final passage of LB 567.

SPEAKER BARRETT: LB 567 passes. The A bill.

CLERK: (Read LB 567A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 567A pass? All in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1712-13 of the Legislative Journal.) 27 ayes, 20 nays, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 567A passes. LB 662.

CLERK: Mr. President, I have a motion on the desk. Senator Nelson would move to return the bill for a specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Nelson.

SENATOR NELSON: Mr. Speaker, and members of the body, I am not sure that all of you are aware or not, I had asked for an

March 29, 1990

LB 163, 163A, 164, 164A, 187, 187A, 259
259A, 260, 260A, 272A, 313, 313A, 338
488, 488A, 503, 503A, 520, 520A, 536
567, 567A, 662, 898, 899, 1031, 1125
1126, 1170, 1220

morning visiting in the south balcony. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 520, LB 520A, LB 567, and LB 567A. Senator Lynch, please check in. Senator Byars. Senator Schimek, please. Senator Labedz. Members will return to your seats for a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1713-14 of the Legislative Journal.) 14 ayes, 33 nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: Motion fails. Mr. Clerk, have you a priority motion?

CLERK: I do, Mr. President. May I read some items?

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, amendments to be printed to LB 338 by the Health and Human Services Committee. (See pages 1714-17 of the Legislative Journal.)

Messages that bills read on Final Reading this morning have been presented to the Governor. (Re: LB 1031, LB 1125, LB 1170, LB 536, LB 1220, LB 1126, LB 898, LB 899, LB 163, LB 163A, LB 164, LB 164A, LB 187, LB 187A, LB 259, LB 259A, LB 260, LB 260A, LB 272A, LB 313, LB 313A, LB 488, LB 488A, LB 503, LB 503A. See page 1714 of the Legislative Journal.)

And LB 272A has been reported correctly enrolled, Mr. President. That is all that I have.

SPEAKER BARRETT: To the motion.

CLERK: Mr. President, the first motion, Senator Hall would move to recess until one-thirty, Mr. President.

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

RECESS

April 4, 1990

LB 260, 260A, 313, 313A, 488, 488A, 520
567, 567A, 663, 663A, 854, 899, 1124
1125, 1141
LR 239

SENATOR BERNARD-STEVENS: It'd be a fascinating turn of events to have that happen. But the bottom line is all of this debate is about a bill that's unconstitutional. Bottom line is in some cases in western Nebraska, by the way the bill is, it may not be possible to get the kind of counseling that they need in order to get the permit signed on the informed consent. Bottom line is some people in western Nebraska who don't have a counselor or someone that fits the definition that's in LB 84 (sic), which I'll again bet that 90 percent of the people in this body still have no clue of what that definition is, nor care, that a lot of people in the rural part of our state have to go elsewhere to find somebody who fits the qualifications that are in the bill. I took the time to call counselors throughout western Nebraska and ask if they felt they qualified under the bill. They stated, the way the bill is written, probably not.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: But if we'd a been allowed to make some (inaudible).. improve that situation. Thank you.

SPEAKER BARRETT: Thank you. Senator... excuse me, Mr. Clerk, you have a motion on the desk?

CLERK: Mr. President, Senator Chambers, I understand you want to offer a motion to adjourn until nine o'clock tomorrow morning, Thursday, April 5.

SPEAKER BARRETT: Have you anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. I have your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LR 239CA and find the same correctly engrossed, LB 1141 and LB 1124. (See pages 1902-04 of the Legislative Journal.)

Mr. President, I also have three communications from the Governor regarding signed bills addressed to the Clerk: Engrossed LB 663, LB 663A, received in my office March 30 and signed by me on April 4. (See pages 1905-06 of the Legislative Journal.) A second communication: Engrossed LB 1125, LB 899, LB 260, LB 260A, LB 313, LB 313A, LB 488, LB 488A, LB 520, LB 567, LB 567A, received in my office on March 29 and signed by me on April 4 and delivered to the Secretary of State, Sincerely, Kay Orr, Governor. (See Page 1905 of the Legislative