

January 18, 1989

LB 53, 57, 123, 537-597
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

CLERK: Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Mr. Clerk, do you have some more bills to introduce?

ASSISTANT CLERK: Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

SENATOR HEFNER: Do you want to read the bills into the record?

CLERK: Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

SPEAKER BARRETT: The amendment is adopted. To the bill, Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I have already explained the bill. I will say it once again; it increases the Cash Fund for the Game and Parks at the various parks across the state from \$1,000 to \$5,000 and it's necessary because of the increased use of the state park system, particularly those around Omaha. And I move the advancement of the bill.

SPEAKER BARRETT: Thank you. Is there discussion on the motion to advance LB 185? If not, the question is then before the body the advancement of LB 185 to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of 185.

SPEAKER BARRETT: LB 185 is advanced. Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: A point of personal privilege, sir.

SPEAKER BARRETT: State your point.

SENATOR DIERKS: I would just like to invite the body to come to Elgin for their centennial. I didn't do that in the resolution this morning. You're all invited up there and I'm not sure what day the parade is but the festivities are between the 28th of June and the 2nd of July. And there will be a parade and I will see to it that there is a car for you if you would like to ride in that parade. I'm not sure of the day of the parade. I suspect it's on Saturday, the 1st of July, but I don't know that, but we'll get that information to you. Thank you.

SPEAKER BARRETT: Thank you. And it occurs to the Chair that perhaps that announcement could have been made in the form of an amendment to your resolution. Thank you, Senator Dierks. Mr. Clerk, anything for the record?

CLERK: Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, reports LB 443 to General File; LB 556, General File with amendments. Those are both signed by Senator Chizek. Urban Affairs, whose Chair is Senator Hartnett, reports

February 15, 1989 LB 39, 48, 187A. 238, 344, 556, 763
LR 31

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 187A.

PRESIDENT: LB 187A advances. May I please introduce the doctor of the day. We have Dr. Richard Hanisch of St. Paul, Nebraska. I believe this is in Senator Rogers district. Dr. Hanisch, would you stand up so we may see you, please. He must be out taking care of somebody. Thank you. Mr. Clerk, something for the record, please.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, reports LB 39 to General File with committee amendments attached. (See page 750 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 238 correctly engrossed, and LB 344 correctly engrossed.

A new resolution, LR 31 by Senator Schimek and other members. (Read brief explanation. See pages 751-52 of the Legislative Journal.) That will be laid over.

An Attorney General Opinion to Senator Wesely regarding LB 48, and an Opinion to Senator Morrissey with respect to the Low-level Radioactive Waste Compact Commission, LB 763. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 556.

CLERK: Mr. President, LB 556 was a bill that was introduced by Senator Abboud. (Read title.) It was introduced on January 18, referred to the Judiciary Committee, advanced to General File. I do have Judiciary Committee amendments pending, Mr. President. (See page 562 of the Legislative Journal.)

PRESIDENT: Senator Chizek, please.

SENATOR CHIZEK: Well, Mr. President and colleagues, the committee amendment is on page 562 of the Journal. The committee amended it to ensure that the language that governs

bond exemptions in 556 is consistent with that for all other political subdivisions. It just simply makes it uniform. With that I would urge the body's adoption of the amendment.

PRESIDENT: Any further discussion? The question is the acceptance of the committee amendments. All those in favor vote aye, opposed nay. Please vote if you care to. We are voting on the committee amendments. Record, Mr. Clerk, please.

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

PRESIDENT: The committee amendments are adopted. Senator Abboud, on the advancement of the bill.

SENATOR ABBODD: Mr. President and colleagues, this bill was brought in on behalf of the Nebraska County Officials Association. What the bill does is it provides doing away with the supersedeas bond, and a supersedeas bond is used on an appeal from a county or district court level. Currently, under Nebraska law, the following entities are currently exempted from posting a supersedeas bond: The State of Nebraska, cities of the primary class, metropolitan utilities districts, cities of the metropolitan class, cities of the first class. Counties are one of the few political subdivisions which are required by statute to post or provide a supersedeas cash bond in any type of equity action in which they become involved. The counties are also required to post a supersedeas bond when petitioning to set aside a judgment at the Supreme Court. So those are probably the only three instances, an appeal from the county, appeal from district court to Supreme Court, and a motion to set aside a judgment after the Supreme Court. I handed out a sheet of paper that shows the statutes dealing with different entities. A lot of these laws were provided for...the nonrequirement of the supersedeas bond was done quite awhile ago with a lot of these subdivisions. For the metropolitan area, it was done in '61; MUD in '65; it goes down the list there, you can see down at the bottom when this was taken care of. There wasn't any opposition to the bill. I think it is good bill. I don't think there is any fear that a county would not pay if a judgment against it did occur after they lost an appeal. I urge the adoption of the bill. Thank you.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed

may. I need a little help, please. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill.

PRESIDENT: LB 556 is advanced. LB 421.

CLERK: LB 421, Mr. President, was offered by Senator Smith. (Read title.) The bill was introduced on January 13, referred to the Urban Affairs Committee. Mr. President, the bill was advanced to General File. I do have committee amendments pending by the Urban Affairs Committee.

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President and members of the body, the committee amendments become the bill. And I think what it does and I think Senator Smith will probably speak to it, but what it does it does not change the law of what a first class city can annex. They do provide an additional notice to affected people of a proposed annexation and provides for a public hearing and additional information on how city services will be extended to the annexed area. The amendment would require the council to adopt a resolution indicating its attempt to annex and, at the same time, would adopt a plan for providing city service to the annexed area. The plan is to have a certain basic information on the cost and the timetable for providing the services. It must be specific enough to provide a reasonable person with full and complete understanding of the city's intention. Within 60 days of passing the resolution by the city council, the council must hold a public hearing on the annexation to provide the public with a chance to respond to the proposal. Notice of the hearing is to be given in the original resolution and is also supported to be printed in the city's official newspaper at least 10 days before the hearing. The second section of the amendment changes the old language to more modern usage. "Service" is substituted for "benefits". And, with that, I would like...unless Senator Smith would like to talk about the amendments, and so forth, that is the committee amendment. That is the essence of the bill.

PRESIDENT: Any further discussion on the committee amendments? Mr. Clerk, you have an amendment to the committee amendments?

CLERK: Mr. President, Senator Smith, you had an amendment

February 16, 1989 LB 183, 187, 187A, 214, 214A, 332, 421
433, 516, 556
LR 30

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this, the one-third mark, the 30th day in the life of the first session of the ninety-first Legislature. Our Chaplain this morning, Harland Johnson. Please rise for the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland. Roll call.

CLERK: There is a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, reports, or messages?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 187 and recommend that same be placed on Select File; LB 187A, LB 556, LB 421, LB 516, LB 214 and LB 214A, all on Select File, some having E & R amendments attached. (See pages 765-66 of the Legislative Journal.)

Mr. President, LR 30 is ready for your signature.

I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 183. (See pages 766-68 of the Legislative Journal.)

I have amendments to be printed by Senator Haberman to LB 187; Senator Kristensen to LB 332 and, Mr. President, a motion from Senator Wesely to place LB 433 on General File notwithstanding the committee action. That will be laid over. And that is all that I have, Mr. President. (See pages 768-69 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 30. (See page 769 of the Legislative Journal.)

Members will please return to their seats in anticipation of Final Reading. As a matter of interest, LB 198 will not be read

March 2, 1989

LB 187A, 421, 556

strike "\$647,943" and insert "\$579,046"; and on line 15 strike "\$10,784,250" and put in \$10,940,650". This is from the fiscal office. I apologize, Mr. Chairman and members, for the confusion. Offer that and ask for your support for that fiscal note amendment.

PRESIDENT: Any further discussion? If not, we're voting on the adoption of the Lynch amendment as lately described. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Lynch's amendment.

PRESIDENT: Okay, the Lynch amendment is adopted. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: Okay, on the advancement of the bill, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 187A as amended be advanced to E & R Engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 556.

CLERK: Mr. President, 556, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 556 be advanced to E & R for engrossing.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 421.

CLERK: Mr. President, on 421, the first...I have E & R amendments, first of all, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 421 be adopted.

March 6, 1989

LB 187, 187A, 214, 214A, 224, 320, 326
334, 354, 354A, 421, 516, 556, 638

PRESIDENT: The motion fails. Mr. Clerk, do you want to read in some things before we proceed?

ASSISTANT CLERK: Yes, Mr. President. I have priority bill designations from Transportation Committee and Senator Carson Rogers. Government Committee reports LB 638 to General File with committee amendments. Committee on Enrollment and Review reports the following bills correctly engrossed--LB 187, LB 187A, LB 214,...

PRESIDENT: The call is raised.

ASSISTANT CLERK: ...LB 214A, LB 320, LB 326, LB 334, LB 354, LB 354A, LB 421, LB 516, and LB 556. That is all that I have, Mr. President. (See pages 988-91 of the Legislative Journal.)

PRESIDENT: We're back on the advancement of the bill. Senator McFarland, on the advancement of the bill, followed by Senator Chambers and Senator Hefner.

SENATOR MCFARLAND: Yes, I'd like to address some of the concerns that Senator Chambers has raised because he's really overstated, he's misled and he had not apparently read the bill in detail, as he tries to convey to us. Let's just look at one thing. He's alleging that this is going to be a state enforcement procedure, an...

PRESIDENT: The call is raised.

SENATOR MCFARLAND: ...agent for the NCAA. And all it is to do is to protect eligibility of college athletes for the institutions. Well the fact of the matter is that in the part dealing with the noneligible student athlete we say that they cannot be contacted either, unless the sports agent registers with the Secretary of State. Earlier Senator Chambers said, well why should they have to be concerned, if they don't have eligibility, why should they have to be concerned about whether the sports agent registers with the Secretary of State. The reason is we're concerned about all athletes, eligible, noneligible, high school athletes, athletes who may be in professional school or graduate school or whatever. The goal of the bill is to protect athletes from being exploited by sports agents. If you read that particular provision that talks about noneligible student athletes they can be contacted, it's on page 4, they can be contacted if the sports agent is registered.

March 17, 1989

LB 154, 489, 516, 556

ASSISTANT CLERK: (Record vote read. See pages 1202-03 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 489 passes. LB 516E.

ASSISTANT CLERK: (Read LB 516E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 516 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1203-04 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 516E passes. LB 556.

ASSISTANT CLERK: (Read LB 556 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 556 become law? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 1204 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 556 passes. Before proceeding to LB 154 on Final Reading, the Chair is pleased to advise the body that the corned beef sandwiches which are now being passed out are courtesy of Senator Hall, who apparently purloined them from Clancy's on his way to the Chambers this morning. This is anticipation of Senator "O'Beyer's" corned beef and cabbage today on adjournment, Senator "O'Beyer's" lunch and with the help of his leprechauns at the law center. Corned beef, courtesy of Senator Hall. The next bill, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Smith would move to return LB 154 to Select File for a specific amendment. The amendment is found on page 1100.

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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

March 21, 1989

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