

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

March 30, 1989

LB 108, 285A, 431, 465, 484, 552, 553
554, 565, 579, 581, 526, 637, 699
707, 719, 769, 806
LR 66

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

SPEAKER BARRETT: The Withem amendment is adopted. Back to the bill as amended. Senator Baack, anything further?

SENATOR BAACK: No, Mr. Speaker, I would simply urge the body to advance this bill. I...I agree with Senator Withem, it's not something that I...that I particularly like, not being able to prohibit the payment of petition circulators but I think it's something that we have to deal with in our law right now. So I would just urge advancement of the bill.

SPEAKER BARRETT: Any discussion? Shall LB 637 be advanced? Those in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 1 nay, Mr. President, on the advancement of LB 637.

SPEAKER BARRETT: LB 637 is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, thank you, yes. Your Committee on Judiciary whose Chair is Senator Chizek, to whom was referred LB 465 instructs me to report the bill back with the recommendation it be advanced to General File; LB 552, General File; LB 554, General File; LB 565, General File; LB 579, General File; LB 719, General File with amendments; LB 769, General File with amendments; LB 108, indefinitely postponed, as is LB 484, LB 553, LB 626, LB 699, LB 806, all those indefinitely postponed. (See pages 1404-05 of the Legislative Journal.)

Revenue Committee reports LB 707 to General File with amendments and LB 581, General File with amendments. Those are signed by Senator Hall as Chair. New resolution, LR 66 by Senator Rogers. (Read summary of resolution.) That will be laid over. Lobby report for this week, Mr. President. Amendments to be printed, Senator Lamb to LB 285A, Senator Wehrbein to LB 431. And, Mr. President, I have motions from Senator Warner, as Chair of the Appropriations Committee, regarding introduction of a new bill and a rules suspension accompanying that. Both of those will be laid over. That's all that I have, Mr. President. (See pages 1406-10 of the Legislative Journal.)

Legislative Journal.) That will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Byars, Dennis Byars, would you care to recess the body until one-thirty.

SENATOR BYARS: Yes. I would move that we be recessed until one-thirty this afternoon.

SPEAKER BARRETT: Any discussion? If not, those in favor of the motion to recess please say aye. Opposed no. Ayes have it, motion carried, (gavel) we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

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

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: We will proceed then to consent calendar. Again, as you know, if debate extends beyond 15 minutes on any one single bill and the introducer is not closing, that bill will be removed from consent calendar. There is one bill that has been removed from the calendar, LB 860. That will not be discussed today due to signatures from three members. Mr. Clerk, proceed to LB 579.

CLERK: Mr. President, 579 was introduced by the Judiciary Committee, signed by its members. (Read title.) The bill was introduced on January 18, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you, sir. Senator McFarland, will you be handling the bill?

SENATOR MCFARLAND: Yes, I will, Mr. Speaker.

SPEAKER BARRETT: Proceed.

SENATOR MCFARLAND: This is a bill that was heard in Judiciary. I'll just read briefly the summary or the purpose. It says that LB 579 amends the wrongful death statute settlement notice requirements to allow the judiciary to waive normal notice procedures with the permission of the court. It also allows the court to combine the settlement and distribution hearings. It was supported by the legal counsel for the Judiciary Committee. It was brought to us and also supported by the trial attorneys. There was no one opposed or testifying in a neutral capacity. It did advance from our committee on a 6-0 vote. I would urge you to pass it.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 579 to E & R Initial please vote aye, opposed nay. Shall LB 579 be advanced? That is the question. Have you all voted? Please record.

CLERK: 25 ayes, 0 nays on the advancement of 579.

SPEAKER BARRETT: LB 579 advances. We'll skip over 834 at the request of the introducer until he arrives. LB 915, Mr. Clerk. Let's move on, Mr. Clerk, to LB 994.

CLERK: Mr. President, 994 was a bill introduced by Senator Schellpeper, Dierks, Coordsen. (Read title.) The bill was introduced on January 4, referred to Health and Human Services Committee, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Senator Schellpeper, please.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker and members, if you will recall I had a rural health bill last year. We were attempting to set up a separate office last year, a separate commission and that bill was vetoed because of the structure of it. So we came back this year. We made this commission now part of the Rural Health Manpower Commission, so we're not setting up any new commission. All we're doing is just using the present commission that we have in structure right now and it will be the Rural Health Commission part of it. We need this bill in order so that some of the rural health clinics can get some federal money and also to help the rural towns and the rural areas to attract doctors and health clinics. It's a bill that I think has unanimous consent from the rural area because

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

February 28, 1990 LB 579, 994
LR 261

wish to close with regards to the resolution?

SPEAKER BARRETT: Thank you, Mr. President. Only to suggest again that I would hope the body passes the resolution and that a copy of the resolution be presented to Dr. Varner. Thank you.

SENATOR WEIHING: We are now ready to vote upon the resolution. Those of you who wish to vote for the resolution, aye, and those against it, nay. Have you all voted? Have you all voted, those of you who wish to vote? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 261.

SENATOR WEIHING: We will now move to item 6, Select File.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Mr. Clerk, Select File, consent calendar bills, LB 579.

CLERK: LB 579, Senator Lindsay, I have E & R amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move adoption of the E & R amendments to LB 579.

SPEAKER BARRETT: Any discussion? If not, those in favor of their adoption please say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 579 as amended be advanced to E & R for engrossing.

SPEAKER BARRETT: The question is, shall 579 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 994.

CLERK: LB 994, Senator, I have Enrollment and Review amendments pending.

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

March 7, 1990

LB 579, 830
LR 267, 268

session and capable of transacting business, I propose to sign and I do sign LR 267 and LR 268. Mr. Clerk, LB 579.

ASSISTANT CLERK: (Read LB 579 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 579 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See pages 1207-08 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 579 passes. LB 830.

CLERK: Mr. President, I have a motion on the desk. Senator Wesely would move to return LB 830 to Select File for a specific amendment, the amendment being to strike the enacting clause.

SPEAKER BARRETT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, and members, I apologize to Senator Peterson. I haven't had a chance to run back on the Final Reading, having looked at some of these bills as they come up. The question...I have some questions of Senator Peterson. I was just trying to review this bill when it was on consent and it kind of moved before I really had a chance to look at it again off of Select File. And all I would like to know is, in looking at this, it says that from now on if you have excess land, state land, and it's not anticipated to be used for maybe two years or less, that instead of having the Legislature handle a bill to allow that land to be sold or leased, or whatever, it could all be handled now administratively by the Department of Administrative Services. And I guess I'm wondering, Senator Peterson, why we want to change that. Why does the Legislature not need to be involved in that? And is that the way we now handle buildings? I just am curious about the reasoning and I would like to hear from you what (interruption).

SPEAKER BARRETT: Senator Peterson.

SENATOR PETERSON: Senator Wesely, it's my understanding that...I guess you're referring to the fact that when we want to

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LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 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 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 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 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

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LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

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

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even