

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 7, 1989

LB 262, 285, 505, 594, 609, 653
LR 50

LB 262 by Senators Conway, Baack and Bernard-Stevens. Banking Committee reports LB 505 to General File with amendments, signed by Senator Landis as Chair. Transportation reports LB 285 to General File with amendments, and LB 653 to General File with amendments, those signed by Senator Lamb. (Journal shows LB 653 reported by Revenue Committee. See pages 1015-16 of the Legislative Journal.)

New resolution, LR 50. (Read brief explanation. See pages 1017-18 of the Legislative Journal.)

Mr. President, Senator Elmer would like to withdraw LB 609. That will be laid over. And Senator Smith would like to add her name to LB 594 as co-introducer, Mr. President. That is all that I have.

PRESIDENT: Senator Schimek, would you like to adjourn us until tomorrow at nine o'clock, please.

SENATOR SCHIMEK: Mr. President, I so move that we adjourn until tomorrow morning at nine o'clock, March 8.

PRESIDENT: You have heard the motion. All in favor say aye. Anybody say aye. Opposed no. We are adjourned until tomorrow.

Proofed by:

Arleen McCrory
Arleen McCrory

March 21, 1989

LB 49, 371, 396, 512, 526, 547, 594
627, 712

SPEAKER BARRETT: A record vote has been requested.

CLERK: (Record vote read. See pages 1262-63 of the Legislative Journal.) 12 ayes, 21 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, if I may read some items for the record.

SPEAKER BARRETT: Proceed.

CLERK: Judiciary Committee reports LB 627 to General File, LB 594 to General File with amendments, LB 396 indefinitely postponed, LB 512, LB 526, LB 547, LB 712 all indefinitely postponed, those signed by Senator Chizek as Chair. (See page 1263 of the Legislative Journal.)

Senator Dierks has amendments to be printed to LB 49, Mr. President. (See pages 1263-64 of the Legislative Journal.)

Mr. President, Senator Hall would move to amend LB 371. (Hall amendment appears on page 1264 of the Legislative Journal.)

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. The third amendment here I would like to ask the body to refer to page 3 of the bill, Section 4, line 7 through 11. I'll just read it to you. It's very short. Agreement shall mean any agreement between a wholesaler and a supplier, whether oral or written, by which a wholesaler is granted the right to purchase and sell a brand or brand of beers sold by a supplier. What my amendment would do is rewrite that five lines so that an agreement shall mean any written agreement between a wholesaler and a supplier by which a wholesaler is granted the right to purchase and sell a brand or brand of beers. All it does is strike the language that refers to an oral agreement. I don't understand why it is there. I don't think it should be there. I think at least the agreement should be required to be in writing not only for the manufacturer's benefit, but for the retailer's benefit and I think that an explanation as to why we allow for an oral agreement, we just allowed for a separate group of arbitration

February 16, 1990 LB 159, 163, 594, 656, 854, 989, 1018
1020, 1072, 1073, 1099, 1146, 1153, 1179
1221, 1222

problem. Thank you.

SENATOR LABEDZ: Thank you, Senator Wehrbein. Senator Schmit. Senator Schmit, on the Hefner amendment. Mr. Clerk, do we have anything for the record before we adjourn?

CLERK: Madam President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis, to whom was referred LB 1072 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 1073, General File, with amendments; LB 1153, General File with amendments. (See pages 851-52 of the Legislative Journal.)

Madam President, a couple of announcements. The Revenue Committee will meet in Executive Session; Revenue Committee, Executive Session in Room 1520 upon adjournment; Revenue upon adjournment in Room 1520.

Mr. President, a series of priority bill designations. Senator Wesely has selected LB 989; Senator Lamb, LB 1020 as one of the Transportation Committee priorities; Senator Lynch, LB 1146; Senator Nelson, LB 656; Senator Abboud, LB 1018; Senator Lowell Johnson, LB 594; Senator Hannibal, LB 1221; Senator Schmit, LB 854 as his personal priority, and LB 1099 and LB 1179 as committee priorities.

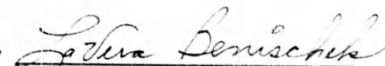
Mr. President, Senator Beyer would like to add his name to LB 159, an amendment; and Senator Beck to LB 1222. That's all that I have, Madam President.

SENATOR LABEDZ: Thank you, Mr. Clerk. Senator Langford, you have a motion up at the desk to adjourn. Would you like to make that motion, please.

SENATOR LANGFORD: Madam President, I move we adjourn until Tuesday, February the 20th at 9:00 a.m.

SENATOR LABEDZ: Thank you, Senator. We are...all those in favor say aye. Opposed. We are adjourned.

Proofed by


LaVera Benischek

February 27, 1990 LB 594, 1153A
 LR 261

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by our own Harland Johnson. Mr. Johnson.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland, very much. Roll call.

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

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

ASSISTANT CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Messages, reports or announcements?

ASSISTANT CLERK: Two items, Mr. President. New A bill, LB 1153A by Senator Barrett. (Read by title for the first time. See pages 992-93 of the Legislative Journal.)

New resolution, LR 261 by Senator Barrett. (Read brief description of LR 261. See page 993 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Dierks would like to recognize Dr. Jeff Gotschall of Lincoln who is serving as doctor of the day today on behalf of the Nebraska Academy of Family Physicians. Please welcome Dr. Gotschall. Thank you, sir. We're happy to have you. General File, 1990 senator priority bills, Mr. Clerk, LB 571. Correction, LB 594.

ASSISTANT CLERK: LB 594 was introduced by Senators Lowell Johnson, Pirsch, Ashford and Abboud. (Read title.) The bill was read for the first time on January 18th of last year, was referred to Judiciary Committee and Judiciary Committee reports the bill to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Senator McFarland, would you handle the committee amendments, please.

SENATOR MCFARLAND: Thank you. Good morning, Mr. Speaker, fellow senators, the committee amendments to this bill basically

strike the bill itself and repeal provisions related to the liability of persons associated with nonprofit sports programs. As you may recall, we passed LB 123 previously that dealt with trying to exempt persons affiliated with sports programs, particularly nonprofit sports programs, from liability for any negligent or willful misconduct and any liability therefrom. That bill apparently created a lot of confusion and created a lot of administrative problems for persons organizing nonprofit sports leagues, such as the Babe Ruth Baseball Program and the Little League Programs and so on. So this bill was brought by Senator Johnson to try and clarify some of the language in that particular legislation and try to bring some kind of semblance of organization and understanding to it. My understanding is during the course of a hearing before the Judiciary Committee it was just decided that it would be better to repeal the whole issue because it had created so much confusion and concern and misunderstanding that it wasn't worth keeping. So, as a result, the committee amendments were adopted, as I understand it, with the consent of the bill's sponsors. And, of course, Senator Abboud, as one of the sponsors, is a member of our Judiciary Committee, as is Senator Pirsch also a member of our Judiciary Committee, and my understanding is that Senator Ashford also is a sponsor and Senator Johnson, who is the chief sponsor, are in agreement that the committee amendments should be adopted and just correct the confusion and repeal the particular legislation. So, with that, I would urge the adoption of the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the committee amendments. Senator Lowell Johnson, please.

SENATOR L. JOHNSON: Mr. Speaker and members of the Legislature, I think Senator McFarland has portrayed the intent of the bill. The previous law is ambiguous language and the cumbersome requirements for collecting and storing the release forms has caused several businesses in my own district, who, prior to the passage of LB 123, annually sponsored nonprofit sports, to withdraw their support for fear that the law subjected them to additional liability. At this point, I would like to direct your attention to the two handouts which I had the Pages distribute this morning. These two letters, one from Dan Carman, President of the Fremont YMCA, the other by David Simmons, Vice President of the Fremont National Bank, provide excellent cases in point of how the sports liability law is having an unintended negative impact on nonprofit sports in

Nebraska. Mr. Carman states that the Y knows of at least seven sponsors who withdrew their support because each was fearful of the potential liability associated with this law requirement of collecting and retaining the hold harmless statements. Mr. Carman also pointed out the extra costs associated with complying with the provisions of the law. There is the additional cost involved, of course, in gathering and filing the waivers as well as the costs associated with storing the forms for several years. Mr. Simmons, in his letter, provides further confirmation of the real problems encountered. He states, in no uncertain terms, that until the current sports liability statute is changed, his bank will not sponsor any nonprofit sports activities. As you can see from these letters, there has been a real and present negative impact on Nebraska nonprofit sports programs directly related to the passage of LB 123...or 132 two years ago. It has been shown that the present law has caused businesses which willingly donate money and equipment for the benefit of nonprofit sports to incur additional costs in complying with the law's requirements, as well as subjecting them to additional potential liability. It was my intention, when I introduced LB 594, to make some technical corrections to the law which would, hopefully, alleviate the fears in the business community and thus allow them to continue supporting nonprofit sports. The Judiciary Committee amendment effectively repeals the sports liability statute. In this case, I would support the committee amendment so that Nebraska can once again have a strong and thriving nonprofit sports program. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Senator Ashford, would you care to discuss the committee amendments?

SENATOR ASHFORD: Yeah. Thank you, Mr. President, and members, just briefly. Senator Johnson has given a good summary of what has occurred on this bill. When it was originally passed into the law the intention was to ease some of the stress of liability lawsuits that were being brought or potentially being brought against Little League coaches. And the way the bill is drafted, as Senator Johnson rightly says, there is a potential of creating a new cause of action or a secondary cause of action against sponsors who contribute to Little League sports inasmuch as the failure to obtain the necessary waiver form would potentially, under a fairly...under a fair reading of the law could potentially be turned into a cause of action for failure to get the form against the sponsor. And though that was not

the original intent of the bill as it was introduced by Senator Pirsch and myself three years ago, apparently that's the way it has been interpreted by some though not by any court of law. I still believe that the intent of the bill was correct and at some point maybe Senator Pirsch and I can take a look at this again. But I appreciate Senator Johnson dealing firmly with the problem and I concur, as Senator McFarland said, that we go ahead and advance this repealer of the bill and look at it again possibly next year. Thank you.

SPEAKER BARRETT: Thank you. Senator Pirsch, on the committee amendments.

SENATOR PIRSCH: Thank you. I guess I will have to speak up on this. I think this is a shame that we are completely repealing this, quite frankly. If you will recall, 123 had a tortured existence and Senator Chambers insisted that we put the notice provision in which has caused a great deal of consternation and expense and concern. So, with that, I guess we'll go back to square one or square zero and try to deal with this perhaps at a later time. Thank you.

SPEAKER BARRETT: Further discussion on the amendment. Senator McFarland, would you care to close.

SENATOR MCFARLAND: Thank you, Mr. Speaker. I think it was nicely discussed. I appreciated the comments of my fellow senators on the issue. They explained it much better and more thoroughly than I could. I thank them for their comments and I urge you to adopt the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the committee amendments to LB 594. All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER BARRETT: The committee amendments are adopted. To the bill, as amended. Senator Johnson, would you care to address the bill?

SENATOR L. JOHNSON: Mr. Speaker and members of the Legislature, I think with the discussion that has taken place prior to this point, I would merely move for the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion on the advancement of 594. Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker. Senator Johnson, could I ask a question, please.

SPEAKER BARRETT: Senator Johnson, would you respond?

SENATOR L. JOHNSON: Yes.

SENATOR SMITH: Senator Johnson, I remember now with the committee amendment which appears to totally undo what we have been trying to do and bringing us back to where we were before we dealt with 123, is that where we are now in time?

SENATOR L. JOHNSON: That's correct.

SENATOR SMITH: So we're back about three years or something like that. Now, how will we deal with the problems that were brought to us at that time? Or will we have to start all over again next year in trying to look at that whole area?

SENATOR L. JOHNSON: I think Senator McFarland indicated that and Senator Pirsch also in her remarks said that we're back to square one and would have to deal with it again.

SENATOR SMITH: Okay. So I just want to make it very clear as far as I concerned because I...I signed on this bill with you because of the concern that was expressed by people in my district and when we worked on the bill, on LB 123, that was I thought trying to respond to a problem. All right, so I can get back to my people and tell them we're going to be working on this issue again then probably next year.

SENATOR L. JOHNSON: Very likely, yes.

SENATOR SMITH: Thank you very much.

SENATOR L. JOHNSON: Thank you.

SPEAKER BARRETT: Any other discussion? There are no other lights on, Senator Johnson, anything further? Thank you. The question before the house is the advancement of LB 594 to E & R Initial. All in favor vote aye, opposed nay. Have you all

voted? Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 594.

SPEAKER BARRETT: LB 594 is advanced. LB 656.

CLERK: Mr. President, 656 was a bill originally introduced by Senator Arlene Nelson.

SENATOR ASHFORD: I just have a quick point of personal privilege if I could, Mr. President.

SPEAKER BARRETT: State your point, Senator Ashford.

SENATOR ASHFORD: Well, I just would like to, before we go any further, to congratulate my car mate, Senator Chizek, on the birth of a new granddaughter, eight pounds, one ounce, to Mary and Tony. So, with that, congratulations.

SPEAKER BARRETT: Thank you, Senator Ashford. Congratulations, Senator Chizek. Point well taken. Mr. Clerk.

CLERK: LB 656, Mr. President. (Read title.) The bill was introduced on January 19 last year, Mr. President; at that time, referred to the Banking Committee. The bill was advanced to General File. I have committee amendments pending by the Banking, Commerce and Insurance Committee.

SPEAKER BARRETT: The Chair recognizes Senator Landis on the committee amendments.

SENATOR LANDIS: Thank you, Mr. Speaker, and members of the Legislature, what's going to happen this morning is I am going to offer the committee amendments. Senator Nelson has some amendments to the committee amendments that she has worked on over the summer with the Attorney General's Office. If they are adopted, then I believe there will be a motion then to adopt the committee amendments as amended. That's what I would anticipate happening today. LB 656 was brought to us by Senator Nelson to respond to a growing body of evidence that there are abuses in the campground membership program that's held in different parts of the state for different other campgrounds. We had a number of interested parties before us at the committee hearing, including Senator Nelson, including the Protection Division of

March 1, 1990

LB 369, 369A, 571, 594, 656, 980
LR 264

CLERK: I have nothing further on the bill, Mr. President.

SENATOR HANNIBAL: On the advancement of the bill, Senator Lamb.

SENATOR LAMB: Well, Mr. President, I would only say that I think this bill is in great shape now. There are only eight bills in it. Originally there were going to be 10, but two of them advanced on consent calendar, so I would ask that the bill be advanced.

SENATOR HANNIBAL: There are no other lights on, Senator Lamb. Would you care to close? Senator Lamb waives closing. The issue before you is the advancement of LB 369. All those in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 571 and recommend that same be placed on Select File, LB 594 Select File, LB 656 Select File, with E & R attached. (See pages 1112-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 264 introduced by Senators Schmit, Landis and Wesely. (Read brief description. See page 1118 of the Legislative Journal.) That will be laid over.

Senator Lamb has amendments to LB 980 to be printed. (See page 1119 of the Legislative Journal.)

Mr. President, a new A bill, LB 369A offered by Senator Beyer. (Read by title for the first time. See page 1118 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Weihing, for what purpose do you rise?

SENATOR WEIHING: Mr. President and members of the Legislature, I move that we adjourn until Friday, March 2, tomorrow morning, at 9:00 a.m.

SENATOR HANNIBAL: Thank you. You've heard the motion. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by: Debbie Smith
Debbie Smith

10230

March 5, 1990

LB 260, 260A, 594

CLERK: LB 260, Senator, I have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 260.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments to 260, 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 260 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 260, please say aye. Opposed no. Carried. The bill is advanced. LB 260A, Mr. Clerk.

CLERK: LB 260A, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 260A.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the E & R amendments, say aye. Opposed no. Carried. They are adopted.

CLERK: Nothing further on that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 260A as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Shall LB 260A be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 571 is removed at this point in time. The last bill is LB 594, Mr. Clerk.

March 5, 1990

LB 260, 594, 923, 953A, 955, 1059, 1080
1094, 1222, 1238

CLERK: I have E & R, Senator, to 594.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 594.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 594 be adopted? All in favor say aye. Opposed no. The ayes have it. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 594 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 594 as amended, please say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President. I have amendments to LB 1238 by Senator Dierks; Senator Landis has amendments to LB 953A; Senator Withem, amendments to LB 1059; Senator Conway, LB 1094; Senator Coordsen to LB 1080; Senator Byars to LB 1222. (See pages 1161-67 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing, signed by Senator Baack. The Appropriations Committee reports LB 955 to General File, that is signed by Senator Warner as Chair of the committee. And Senator Abboud would like to add his name to LB 260 as co-introducer, Mr. President. And, Mr. President, a motion to reconsider adoption of the Wesely amendment, AM2825, to LB 923. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, I would move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

March 19, 1990

LB 542, 594, 953

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 542 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1411 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 542 passes. LB 594, please.

CLERK: (Read LB 594 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 594 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1412 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 594 passes. LB 953, please.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman would move to return LB 953 to Select File for specific amendment. The amendment may be found on page 1303 of the Journal.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President, and members of the body, this amendment can be referred to a "gilch" amendment. Now that is not as bad as a "gretch" amendment or a "grooch" amendment. This amendment is a technical change, when the language was removed which allowed for early retirement, the old language should have been replaced. It was not replaced. We are putting back in for retirement on or after 55th birthday of the member, the percentage will 3 percent, and the old language is needed in there for clarification. I ask for you to return the bill to Select File for this amendment.

PRESIDENT: Is there any further discussion? Senator Nelson, please.

March 19, 1990

LB 348, 542, 594, 965, 1032, 1064, 1094
1146, 1236

PRESIDENT: Senator Wesely, what do you say?

SENATOR WESELY: Yeah, lay it over.

PRESIDENT: Lay it over? It is laid over. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. Anything for the record at this time, Mr. Clerk? Then we'll move on to LB 1146.

CLERK: Mr. President, on 1146 the Enrollment and Review amendments have been adopted. There was an amendment by Senator Landis to the bill that was adopted and an amendment to the bill by Senator Schmit that was adopted. I have pending, Mr. President, a motion to indefinitely postpone that was offered by Senator Landis. Senator Schmit agreed to lay the bill over at that time.

PRESIDENT: Senator Landis, do you wish to have that withdrawn?

SENATOR LANDIS: (Microphone not activated) having it withdrawn.

PRESIDENT: Thank you. I learned something today. It is withdrawn.

CLERK: Mr. President, the next motion I have to the bill is by Senator Chambers.

PRESIDENT: Is Senator Chambers about? Not behind the glass? Senator Chambers wishes to withdraw that. That's the sign. Thank you. It is withdrawn.

CLERK: Mr. President, Senator Wesely and Senator Schmit would move to amend the bill. Senator, I've got 3043 in front of me. (The Wesely amendment appears on pages 1428-30 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to handle that?

SENATOR WESELY: Yeah.

PRESIDENT: All right. Please.

SENATOR WESELY: Thank you. Mr. President and members, I

March 19, 1990

LB 348, 542, 594, 965, 1032, 1090A, 1094
1236

CLERK: Just one item, Mr. President, and that is bills read on Final Reading this morning have been presented to the Governor, for her review. (Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236, LB 1094. See page 1435 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, I believe we left of with LB 1090A, is that correct?

CLERK: Mr. President, it is and on LB 1090A the first order of business is consideration of an amendment to the bill by Senator Bernard-Stevens. (Bernard Stevens amendment is found on page 1435-36 of the Legislative Journal.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you. Members of the body, if you'll remember, on 1090 there were a few things added on and it increased the A bill slightly from about 5,000 to 390 some thousand, so a group of people obviously got together on the A bill, understanding that the bill may, in fact, be a little heavy on the bill itself and also realizing that there were things in 1090 that were very much needed particularly in regards to human relations and how we certify the teachers that are coming in to Nebraska from other states. So we did not want to jeopardize the bill. So, in essence, this amendment does two things. Number one, it sets the amendment up so that if for some reason the Governor does not like a single, a particular part of it, she would be able to use her line-item powers and line-item things back to or from whatever number she thought reasonable. It would then, thus, there is a possibility that the funding could be taken out in the areas she felt was not acceptable but it would not affect the statute of 1090. The second part of the amendment deals with the section that I had instituted which was LB 1195 and, in essence, what we agreed to do was to maintain the two sides but fund one of them. The funding would be decided by the educational consortium and it would change the A bill from what we had of a hundred some thousand dollars down to \$61,000, and that is simply the extent of the amendment. At this point I would urge the body to adopt the amendment.

SPEAKER BARRETT: Thank you. Any discussion on the amendment? Seeing none, those in favor of the adoption of the

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LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.