

your presence, please. Thank you. Senator Labedz, would you record your presence, please. Senator Robak, record your presence, please. Senator Bernard-Stevens. Senator Chambers, would you record your presence, please. Thanks. We're looking for Senator Lynch, Senator Owen Elmer, Senator Peterson, Senator Pirsch. Senator Kristensen, record your presence, please. Thank you. Okay, we're looking for Senator Bernard-Stevens is all. Senator McFarland, shall we go ahead with your roll call vote?

SENATOR MCFARLAND: That would be fine.

PRESIDENT: All right. The question is the advancement of the bill. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 297 of the Legislative Journal.) 21 ayes, 25 nays, Mr. President, on the advancement.

PRESIDENT: LB 180 fails to advance. Mr. Clerk, do you have anything for the record, please?

CLERK: Yes, Mr. President, I do.

PRESIDENT: The call is raised.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 600-647. See pages 298-308 of the Legislative Journal.)

Mr. President, in addition to those items, I have hearing notice from the Natural Resources Committee, signed by Senator Schmit. Notice of hearing from the Revenue Committee. That is signed by Senator Hall. Notice of hearing from the Government Committee. That's signed by Senator Baack.

Mr. President, that's all that I have at this time.

PRESIDENT: We will progress on to LB 190.

CLERK: Mr. President, LB 190 was a bill that was introduced Senator Withem. (Read title.) The bill was introduced on January 9, referred to Education, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: (Gavel.) Senator Withem, just a moment, maybe we

February 8, 1989

LB 47, 75, 186, 357, 358, 359, 474
499, 608, 697

wish for absolute clarity. School officials only recently discovered the potential conflict. They have always believed that 79-548.01 was a specific grant of authority. There have been many projects that Class VI schools have paid for with Construction Sinking Funds after only the vote of the school board to authorize the expenditure. LB 499 simply clarifies that such actions are absolutely legal and appropriate with only a vote of the school board. In addition, the bill repeals some obsolete language contained in Section 79-1103, the opened section, and that is it. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 499.

PRESIDENT: LB 499 is advanced. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, thank you. Mr. President, your Committee on Transportation, whose Chair is Senator Lamb, reports LB 47 to General File, LB 75 General File, LB 608 General File, LB 186 indefinitely postponed, and LB 474 indefinitely postponed, all signed by Senator Lamb as Chair.

Banking Committee reports LB 359 to General File, and LB 358 indefinitely postponed, both signed by Senator Landis as Chair. (See page 464 of the Legislative Journal.)

I have notice of hearing from the Natural Resources Committee signed by Senator Schmit, and a motion from Senator Schmit to withdraw LB 697. Mr. President, that will be laid over pursuant to legislative rules. That is all that I have, Mr. President.

PRESIDENT: Thank you. We will move on to LB 357, please.

CLERK: Mr. President, LB 357 was a bill that was introduced by Senators Nelson, Smith, Schellpeper, Coordsen, and Crosby. (Read title.) The bill was introduced on January 11 of this year, referred to the Education Committee. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the Education Committee.

March 30, 1989

LB 401, 603

SENATOR LANDIS: Thank you, Senator Chizek. There are no lights on. Senator Chizek, would you like to close? He'll waive closing. We'll move then to vote on the advancement of LB 401. Those in favor vote aye, those opposed vote no. Clerk will record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 401.

SENATOR LANDIS: The bill is advanced. We'll move now to LB 608. Principal introducer is Senator Kristensen. Mr. Clerk.

CLERK: Mr. President, 608, offered by Senator Kristensen. (Read title.) The bill was introduced January 19, referred to Transportation, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR LANDIS: Senator Kristensen, to open.

SENATOR KRISTENSEN: Thank you, Mr. Chair, members. I'm here to talk about LB 608 this morning. This amends Section 60-1419. Currently this section provides motor vehicle dealers to provide a bond in the amount of \$25,000. The reason that this bill is important is because of a Supreme Court case that happened not long ago, called Dugdale v. First State Bank. That was a case where someone had went into a local dealer, had purchased an automobile, at which time the dealer didn't remand the proceeds back to the bank who was holding the title and the security interest. And the car purchaser says, my goodness, how come I don't get my title, the bank says, well, you're not going to get your title because I didn't get paid for this car. This matter went to the Supreme Court. Usually under our law, the financier of automobile inventories has always been protected because he had his name as a lien on the title, and he would get his proceeds back when he was paid. He'd release his lien and the title would go over to the person who purchased the car. That didn't happen in this case, and in fact it went to the Supreme Court, and the Nebraska Supreme Court said, well, car buyer, you bought this in the ordinary course of business. You had some expectation that you were going to get good title, you paid for the car, and the real problem was the car dealer himself who didn't bother to pay the bank. We're not going to penalize you, car buyer, for this situation. What this bill does is it comes back and allows the bank, or any security holder, to go after

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

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

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

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

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

SENATOR LANDIS: To open, Senator Pirsch.

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87
220, 240, 262, 348, 372, 399, 401
431, 438, 438A, 546, 548, 569, 569A
582, 582A, 592, 606, 608, 628, 637
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 7, 1989

LB 401, 482, 608

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

PRESIDENT: Senator Lindsay.

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

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

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

PRESIDENT: Senator Lindsay, please.

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

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay, please.

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

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

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

PRESIDENT: Senator Lindsay.

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

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361
361A, 372, 401, 429, 506, 546, 548
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan
Sandy Ryan

April 18, 1989

LB 582, 582A, 608, 637

those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 1741-42 of the Legislative Journal.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 582 passes. LB 582A.

CLERK: (Read LB 582A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 582A pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1742 of the Legislative Journal.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 582A passes. LB 608.

CLERK: (Read LB 608 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 608 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 1743 of the Legislative Journal.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 608 passes. LB 637, please.

CLERK: (Read LB 637 on Final Reading.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 637 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 1744 of the Legislative

April 18, 1989

LB 99, 546, 548, 582A, 582, 608, 637
761, 777, 790

Nebraska Public Power and Irrigation District and the Nebraska Public Power District is opening an exhibit in our Rotunda at this point. The exhibit is open to the public. Everyone is invited to attend. And, finally, an announcement of considerable concern, or it should be, to this entire body, the final score in last night's practice game or preseason basketball game, staff-66, senators-47. The good news is that there were no fatalities. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 790, LB 777, LB 637, LB 608, LB 582A, LB 582, LB 548, LB 546, and LB 99. Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: Personal privilege.

SPEAKER BARRETT: State your point.

SENATOR DIERKS: Well, I just wanted to assure the senators that the reason for the good news was that the team physician was absent last night.

SPEAKER BARRETT: The team physician was absent last evening? Thank you, sir. That's for the good of the order. Mr. Clerk, proceed to General File, special order, LB 761.

CLERK: Mr. President, 761 was the bill introduced by the Natural Resources Committee. (Read title.) The bill was discussed yesterday, Mr. President. At that time, the committee amendments were adopted along with a series of amendments to those committee amendments. Mr. President, the first item I have on the bill this morning is an amendment by Senator Dierks. Senator Dierks' amendment is on page 1694 of the Journal.

SPEAKER BARRETT: Senator Dierks, please.

SENATOR DIERKS: Mr. Speaker and members of the body, we discussed this amendment a little bit yesterday so you have an idea of what we're talking about. This amendment requires voter approval by citizens of a county prior to the issuance of a license to site a facility. It seems a little bit strange to me that I have to stand here to justify this requirement, this requirement of local election, for specific reasons which I think are obvious, they're obviously consistent with Nebraska's traditional philosophy of local control, sovereignty of our citizens. More specifically, I believe the state made a pledge

April 18, 1989

LB 99, 240, 279, 361, 361A, 546, 548
582, 582A, 608, 637, 761, 777, 790

Record, Mr. Clerk. Senator Chambers.

SENATOR CHAMBERS: I want a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under...okay, we are under call, Senator Chambers, but we will check in. Yes, all right. Please record your presence. Senator Lynch, would you record your presence, please. Senator Hefner, would you push...pardon me. Record your presence, please. Yes, we are, but we're checking in. Please. Senator Wesely, we're looking for and Senator Schmit. Did you ask for a roll call vote, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1749 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have anything else on the bill?

CLERK: Nothing.

PRESIDENT: Do you have anything for the record, Mr. Clerk:

CLERK: I do, Mr. President. Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790 and LB 99.)

I have a motion to be printed by Senator Landis. (See page 1750 of the Legislative Journal. Re. LB 361 and LB 361A.)

PRESIDENT: The call is raised.

CLERK: Transportation Committee gives notice of confirmation hearing.

Amendments to be printed to LB 279 by Senator Chizek, and Senator Hall to LB 240. (See pages 1750-53 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: May I introduce some guests, please. In the north balcony Senator Byars has 80 fourth graders from Anderson Grove

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.