

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

February 1, 1989.      LB 61, 90, 114, 183, 263, 264, 327  
349, 389, 408, 412, 612, 744  
LR 21, 22

Education gives notice of change of hearing location regarding LB 89 as well as notice of hearing. I also have notice of hearings from the Government, Military and Veterans Affairs Committee. That is signed by Senator Baack as Chair.

Your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 263 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. LB 327 General File with amendments, LB 408 General File with amendments, LB 389 indefinitely postponed. Those are signed by Senator Baack. (See pages 536-37 of the Legislative Journal.)

Education Committee whose Chair is Senator Withem reports LB 744 to General File, LB 183 General File with amendments, LB 264 indefinitely postponed, LB 612 indefinitely postponed. Those are signed by Senator Withem as Chair. (See pages 537-42 of the Legislative Journal.)

Business and Labor Committee whose Chair is Senator Coordsen reports LB 412 to General File with amendments. It is signed by Senator Coordsen as Chair. (See page 542 of the Legislative Journal.)

Banking Committee whose Chair is Senator Landis reports LB 61 to General File and LB 349 to General File with amendments. Those are signed by Senator Landis as Chair of the Banking Committee. (See page 542 of the Legislative Journal.)

Mr. President, in addition to those items, resolutions, LR 21 by Senators Beyer, Goodrich, and Senator Abboud asking the Legislature to express its sympathy to the family of Opal Peterson. That will be laid over, Mr. President. (See page 543 of the Legislative Journal.) LR 22 by Senator Dierks asking the Legislature to recognize July 1, 1989 as Centennial Day for the Village of Elgin. (See page 544 of the Legislative Journal.)

Mr. President, Senator Lynch would move that LB 90 be placed on General File notwithstanding the actions of the Natural Resources Committee, Mr. President. That will be laid over. (See page 543 of the Legislative Journal.)

I have amendments to be printed from Senator Schellpeper to LB 114. (See page 543 of the Legislative Journal.) That is all that I have at this time, Mr. President.

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LB 61, 412

you extend this problem out just a little bit further, if an employer of tipped employees has a base wage rate of \$3.00 an hour, then their employees must receive at least \$3.01 an hour or the employer must make up the difference. What LB 412 will do then is to redefine. We will strike the word "primarily" from the tipped section of statute and add the words "that the sum of the wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section, which means that all employees in the State of Nebraska, tipped or nontipped, will be guaranteed a minimum wage rate of \$3.35 an hour rather than the rather awkward situation that exists today. Thank you.

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

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

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

SENATOR COORDSEN: In the process...thank you, Mr. President. In the process of explaining amendment which would add the emergency clause to the bill because of the nature of the problem that exists, I covered the bill, I think, rather thoroughly so I would merely advance the bill at this point in time.

PRESIDENT: Very good. 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 412.

PRESIDENT: LB 412 is advanced. LB 61.

CLERK: LB 61, Mr. President, was a bill that was introduced by Senator Haberman. (Read title.) The bill was introduced on January 5, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Haberman, please.

SENATOR HABERMAN: Mr. President and members of the body, this legislation was brought to me by the Insurance Department. It has three sections to it, as you will notice on the committee statement, and it states that a foreign insurer admitted to do business in Nebraska may become a domestic insurer by complying with requirements for organization and licensing for domestic insurers and by designating its principal place of business in this state. The second part of the legislation is a domestic insurer may, upon approval of the Director of Insurance, transfer its domicile to another state in which it is admitted to do business and cease to be a domestic insurer and be admitted to this state if qualified as a foreign insurer. The third part of the bill, it provides that if a domestic insurer transfers its domicile to another state, items which the Director allows, which he allows, such as certificate of authority, agents' appointments, licenses and rates which are in existence at the time of transfer, shall continue in effect if such insurer remains qualified to do business in this state. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker, and members of the Legislature, let me tell you why LB 61 is in here, because it does exactly what Senator Haberman described and there is a good reason to do this. Every now and then an insurance company will decide to change its domicile from one state to another. It can be a Nebraska company that's decide to domicile someplace else, a company that's decided to change its domicile from another state to come into Nebraska, or it can be a company doing business in Nebraska but that is domiciled in New Jersey and decides to move it to New Mexico. Any of those three circumstances can occur. We now license their agents, we review their policies, we approve those and the like. Currently, we do not have a mechanism on our book to simply make that transfer easily on our books without making the company jump through a hoop a second time. Let's say you have now a New Jersey company, you're doing business in Nebraska, you submitted your rates, you submitted your policy forms, they meet Nebraska rules and you are now a domiciled company but doing business as a foreign company in Nebraska and you're down on our books in that way. If you move your domicile from New Jersey to New Mexico

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LB 61, 125, 231A, 240, 349, 360A, 421  
431A, 494, 733, 790

and we don't have a system in our law to recognize that difference, when you make your change you resubmit your forms, your policies and your agents. Now, what are we going to do? We're going to approve them all, aren't we? But we're going to take them out and look at them and stamp them with another rubber stamp. It's unnecessary. So long as these items were approved by the department when they were initially brought to the state, they stay in effect while the transfer is made. If the provision is not here, unfortunately, that change of domicile will occasion a new filing of all of the forms we already have approved, totally unnecessary, therefore, the reason for this bill. It's standard practice elsewhere. I urge its adoption and advancement and applaud Senator Haberman for bringing this measure.

PRESIDENT: Thank you. Senator Haberman, did you wish to close? Okay, 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 61.

PRESIDENT: LB 61 advances to E & R Initial. LB 349.

CLERK: Mr. President, before that, if I may, items for the record. Mr. President, new bills. (Read title for the first time to LB 431A, LB 231A, LB 360A and 520A. See page 675 of the Legislative Journal.)

Urban Affairs Committee reports LB 240 to General File; LB 790 to General File; LB 125 indefinitely postponed; LB 494 indefinitely postponed. Those are signed by Senator Hartnett as Chair.

Senator Wesely has amendments to LB 733 to be printed; Senator Smith to LB 421. (See page 676 of the Legislative Journal.)

Mr. President, the next bill, LB 349, was a bill that was introduced by Senator Conway. (Read title.) The bill was introduced on January 11, referred to the Banking Committee, advanced to General File. I have committee amendments pending by the Banking Committee, Mr. President.

PRESIDENT: Senator Landis, are you going to handle those?

February 10, 1989      LB 61, 176, 327, 349, 408, 412  
LR 25

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. It is always good to have one of our own members be our chaplain of the day and this morning we have Senator Scott Moore with us. Would you please rise for the invocation.

SENATOR MOORE: (Prayer offered.)

PRESIDENT: Thank you, Senator Scott Moore, very fine. Roll call, please.

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

PRESIDENT: Thank you. Did you make any mistakes in the Journal?

CLERK: We did not make any mistakes in the Journal, Mr. President.

PRESIDENT: Very good. How about any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 327 and recommend that same be placed on Select File; LB 408, LB 412, LB 61, LB 349 and LB 176. (See pages 684-85 of the Legislative Journal.)

Mr. President, Senator Baack has designated LB 183 as his priority bill, and I have a series of gubernatorial appointments from the Governor. Those will be sent to Reference Committee for referral to the appropriate Standing Committee. That is all that I have, Mr. President.

PRESIDENT: Thank you, sir. We'll move to number 5, LR 25, Mr. Clerk.

CLERK: Mr. President, LR 25 was introduced by the Appropriations Committee and signed by its members. It is found on page 607 of the Journal. (Read resolution.)

PRESIDENT: The Chair recognizes Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. President, members of the Legislature, as been read to you, the resolution, LR 25, has been brought to you by the Appropriations Committee and I have

February 21, 1989      LB 61, 312A, 327, 412

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 327.

CLERK: 327, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R  
amendments to LB 327 be adopted.

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

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

PRESIDENT: LB 3 ..advancement.

SENATOR LINDSAY: Mr. President, I move that LB 327 as amended  
be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 412.

CLERK: 412, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 412 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 61.

CLERK: LB 61, Senator, I do have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R  
amendments to LB 61 be adopted.

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

CLERK: Nothing further on LB 61, Senator.

PRESIDENT: Senator Lindsay.

February 21, 1989      LB 61, 176, 349

SENATOR LINDSAY: Mr. President, I move that LB 61 as amended be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. The bill is advanced. LB 349.

CLERK: 349, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 349 be adopted.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 349 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 176.

CLERK: 176, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 176 be adopted.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 176 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.



answered. I don't think we will until we get to talk with a lot of people out there who have concerns with this concept. I am talking now about Class II and III schools. I am talking about even some of the Class VI schools, and as long as we have that problem, I think we need to take it easy, tread water, so to speak, do an interim study, and I believe this bracket motion provides for that concept. Thank you.

PRESIDENT: Thank you. The question is, shall the bill be bracketed until January 15, 1990? All those...Senator Dierks.

SENATOR DIERKS: I would like to ask for a call of the house and we had better have a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please return to your seats. Those not in the Chamber, please return to the Chamber and record your presence. We have a call of the house and a roll call vote. Please look up to see if your light is illuminated. We will have the roll call vote in regular order. We are looking for Senator Chambers, Senator Coordsen, Senator Langford, Senator Warner, Senator Scofield, Senator Pirsch. Senator Warner, would you turn on, please. Thank you. We are looking for Senator Pirsch and Senator Chambers. Okay, we are all here and the question is, shall the bill be bracketed? And we have a roll call vote in the regular order. Will you please hold the conversation down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See page 828 of the Legislative Journal.) 12 ayes, 32 nays, Mr. President, on the motion to bracket.

PRESIDENT: The motion fails. The call is raised. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Yes, Mr. President, I do. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 61 and find the same correctly engrossed; LB 176, LB 312A, LB 327, LB 349, LB 412,

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LB 48, 61, 176

PRESIDENT: LB 48 passes. LB 61.

CLERK: (Read LB 61 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 61 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 944 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 61 passes. LB 176.

CLERK: Mr. President, I have a motion on the desk. Senator McFarland would move to return LB 176 for an amendment.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. I put in this motion for purposes of clarifying the intent of the amendment that was added to the bill. This is a bill that I introduced at the request of the Nebraska Equal Opportunity Commission to clarify some language concerning the definition of disability. The Nebraska Chamber of Commerce and Industry suggested an amendment to the bill that was adopted by the Labor Committee and is included in the bill at this time. That amendment, I'll just read it to you, said disability shall not include an addiction to alcohol, controlled substance or gambling which is currently being practiced by the employee, and then it goes on, for purposes of this subdivision does not reasonably preclude shall mean that an employer shall not be subject to more than a de minimis expense. There have been...a few senators have asked me, well what is meant by that amendment as far as a de minimis expense? I'll read you intent language that was provided and that I have drafted and prepared. It says when a person who meets the other criteria of disability under the statute has filed the complaint with the Equal Opportunity Commission, it is the intent of this bill that the commission will look at the expense or accommodation or adjustment that would be needed that would not reasonably preclude the specific person from doing his or her job. Determining de minimus expense would be done on a case-by-case basis. It is not the intent to increase barriers

March 2, 1989

LB 48, 49, 61, 176, 226, 298, 327  
349, 391, 398, 408, 416, 458, 459  
502

2 present and not voting, 4 excused and not voting,  
Mr. President.

PRESIDENT: LB 502 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416 and LB 502. May I introduce some guests, please, of Senator Hefner. Under the south balcony we have Mr. and Mrs. Darrell Henry of Coleridge, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us today. Mr. Clerk, something for the record?

CLERK: Mr. President, your Committee on Education reports LB 226 to General File with amendments, signed by Senator Withem. Agriculture Committee reports LB 49 to General File with committee amendments, signed by Senator Johnson as Chair. That's all that I have, Mr. President. (See page 950 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to Select File. LB 408.

CLERK: Mr. President, the first bill on Select File, LB 408. The first order of business are E & R amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Mr. President, I move we adopt the E & R amendments to LB 408.

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

CLERK: Mr. President, the first amendment I have to the bill is by Senator Barrett. Senator, I have AM306, it's on page 692 of the Journal.

PRESIDENT: Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President and members. Yes, this little amendment is on page 306 or rather 692 in the Journal. It affects only the exchange program, Mr. President. The original bill put a limitation on which would have prevented an exchange student from attending a high school within 150 miles of his own school. We heard from a superintendent in Columbus who said we may have some students who would like to go

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LB 48, 61, 161, 176, 298, 327, 334  
349, 354, 354A, 391, 398, 416, 458  
459, 502, 542

adopted...or, excuse me, as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354.

CLERK: LB 354, Senator, no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. LB 354A.

CLERK: On 354A, Senator, I have no amendments to the bill.

PRESIDENT: You've heard the motion...Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 354A be  
advanced.

PRESIDENT: You've heard the motion. All in favor say aye.  
Opposed nay. It is advanced. Mr. Speaker, did you wish to say  
something about the time of the meeting tomorrow morning before  
we adjourn?

SPEAKER BARRETT: Thank you, Mr. President, just a reminder that  
we will convene at eight o'clock tomorrow morning for the  
purpose of reading, I believe it is LB 92, the big bill. Thank  
you. Eight o'clock, tomorrow morning.

PRESIDENT: Okay, Mr. Clerk, do you have something for the  
record?

CLERK: Mr. President, I do. Senator Rod Johnson would move  
that LB 161 be placed on General File pursuant to Rule 3,  
Section 19, and that will be laid over.

Your Enrolling Clerk has presented to the Governor as of  
eleven-o-five this morning bills read on Final Reading this  
morning. (Re: LB 391, LB 398, LB 458, LB 459, LB 48, LB 61,  
LB 176, LB 298, LB 327, LB 349, LB 416, LB 502. See page 956 of  
the Legislative Journal.)

Banking Committee reports LB 542 to General File with amendments

March 7, 1989

LB 48, 61, 92, 92A, 147, 147A, 154  
176, 298, 327, 349, 360, 360A, 391  
398, 416, 441, 458, 459, 502

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Reverend Steve Janovec of the People's City Mission in Lincoln. Would you please rise for the convocation.

REVEREND JANOVEC: (Prayer offered.)

PRESIDENT: Thank you, Reverend Janovec. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal this morning?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 147 and recommend that same be placed on Select File; LB 147A, Select File.

Mr. President, Enrollment and Review reports LB 154, LB 360, LB 360A and LB 441 as correctly engrossed, both those items signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 1003-04 of the Legislative Journal.)

Mr. President, communications from the Governor. (Read communications regarding signing of LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416, LB 502, LB 92 and LB 92A. See page 1004 of the Legislative Journal.)

Mr. President, an appointment letter from the Governor appointing Ms. Kathy Campbell to the Child Abuse Prevention Fund Board. That will be referred to Reference. (See page 1005 of the Legislative Journal.)

I have a report from the Job Training area for the Department of Labor, Mr. President. That will be on file in my office. (See page 1005 of the Legislative Journal.)