

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

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LB 132, 147, 224, 265, 267, 397, 619
623

the bill on to Select File.

SPEAKER BARRETT: Thank you.

SENATOR KRISTENSEN: I think the Chambers amendment is a reasonable compromise, and it gets to the point of what we wanted to do, and I would call the question.

SPEAKER BARRETT: Thank you. That won't be necessary. Senator Chambers. No closing, thank you. The question is the adoption of the Chambers amendment to LB 267. Those in favor please vote aye, opposed nay. Voting on the Chambers amendment to LB 267. Have you all voted? Record, please.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of Senator Chambers' amendment.

SPEAKER BARRETT: The amendment is adopted. Anything further?

CLERK: Nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Abboud. No closing. No lights on. Is there any discussion on the advancement of the bill? Seeing none, those in favor of advancing 267 to E & R Initial please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 267.

SPEAKER BARRETT: LB 267 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, your Committee on Judiciary, whose Chair is Senator Chizek, to whom was referred LB 147 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 224 General File, LB 265 General File, LB 397 General File. Those are signed by Senator Chizek as Chair. Natural Resources Committee whose Chair is Senator Schmit reports LB 132 to General File, LB 619 General File, LB 623 General File. Those are signed by Senator Schmit as Chair.

I have a confirmation report from Senator Schmit as Chair of the Natural Resources Committee; and a notice of hearing from the Revenue Committee signed by Senator Hall. That is all that I

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opposed nay. Voting on the advancement of the bill. Please vote, if you'd care to vote. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker, and I will accept call in votes. Senator Dierks and I will accept call in votes.

SPEAKER BARRETT: Shall the house go under call? Those in favor vote aye, opposed nay. Record.

ASSISTANT CLERK: 8 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats. Those outside the Chamber please return. The house is under call. Call in votes will be accepted. The question is the advancement of LB 397. Record your presence, please. Members outside the Chamber, please return. Record your presence. Senator Lynch, Senator Rod Johnson, Senator Peterson, Senator Beck. Senator Schellpeper, the house is under call. Senator Rod Johnson, please, the house is under call. Senator Haberman. Senator Beyer, please, the house is under call. Call in votes are being accepted on the advancement of the bill.

ASSISTANT CLERK: Senator Smith voting yes...changing from no to yes. Senator McFarland voting yes. Senator Landis voting yes. Senator Lindsay voting yes. Senator Lamb voting yes. Senator Rod Johnson voting yes.

SPEAKER BARRETT: Record, please.

ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 397 is advanced. The call is raised. Pass over LB 132 at this point and proceed to LB 619. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 619 was introduced by the Natural Resources Committee. (Read title.) The bill was read for the first time on January 19, was referred to the Natural Resources Committee. They report the bill back to General File without committee amendments, Mr. President.

SPEAKER BARRETT: Thank you. Senator Lamb, will you handle the

bill, please?

SENATOR LAMB: Yes, Mr. President, members. This is a bill that was introduced by the Natural Resources Committee. As you will note, there were no negative votes when the bill came out of committee and there were no opponents to the bill at the public hearing. The bill provides amendments to the Nebraska Chemigation Act. As you probably know natural resources districts are required to inspect persons who are believed by the district to be chemigating without a required permit. And prior to inspection the district must give notice of intent to inspect and make a reasonable effort to obtain consent for the inspection. In emergency situations inspections may occur without a warrant. This really closes a little bit of a loophole in the Chemigation Act that we have passed previously, and I might add has been pretty well accepted statewide as protection to our water supply. This merely gives the natural resources district additional authority to go onto the land and inspect the systems. I would ask that the bill be advanced.

SPEAKER BARRETT: Thank you. Is there discussion on the advancement of the bill? If not, those in favor of the advancement of LB 619 please vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 619 is advanced. LB 623, Mr. Clerk.

ASSISTANT CLERK: LB 623 was also introduced by the Natural Resources Committee. (Read title.) The bill was read for the first time on January 19, was referred to the Natural Resources. That committee reports the bill back to General File without committee amendments, Mr. President.

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Mr. President, members, this is another bill, as explained by the Clerk, that was introduced by the Natural Resources Committee. There were no opponents at the public hearing. The bill advanced from the committee without negative votes. It does amend the state revolving loan fund legislation which was enacted last session. Under that legislation municipalities became eligible for loans from the Nebraska

March 1, 1989

LB 143, 144, 155, 157, 265, 360, 360A
397, 595, 616, 619, 623, 680
LR 38

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. As our Chaplain of the day, today we have Reverend Tom Stebbins of the Christ Community Church in Omaha, which is in Senator Pirsch's District. Would you please rise for the invocation.

REVEREND TOM STEBBINS: (Prayer offered.)

PRESIDENT: Thank you, Reverend Stebbins, for your thoughtful prayer this morning, appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Any corrections to the Journal today?

CLERK: Mr. President, I do. Oh, no corrections, no, sir. I am sorry. I have no corrections this morning, Mr. President.

PRESIDENT: Well, very good. Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do. Mr. President, your Committee on Enrollment and Review reports they have carefully examined and reviewed LB 157 and recommend that same be placed on Select File with E & R amendments; LB 360, LB 360A, LB 265, LB 397, LB 619, LB 623, LB 155, all of those on Select File, some have E & R amendments attached. Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 143 to General File, LB 144 indefinitely postponed, LB 680 indefinitely postponed, those signed by Senator Withem. Mr. President, Natural Resources Committee, whose Chair is Senator Schmit, reports LB 616 to General File with committee amendments attached. (See pages 916-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 38 by Senator Lindsay and Senator Hartnett. (Read brief explanation. See pages 918-19 of the Legislative Journal.) That will be laid over.

Mr. President, an Attorney General's Opinion addressed to Senator Lynch regarding LB 595. (See pages 919-21 of the Legislative Journal.) An announcement, Mr. President, Senator Hall has selected LB 262 as his priority bill for this

March 14, 1989

LB 157, 265, 619

nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Kristensen's amendment.

PRESIDENT: The Kristensen amendment is adopted.

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 157 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 265.

CLERK: Senator, on 265 I have E & R amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 265 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 265 as amended be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 619.

CLERK: 619, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 619 be advanced to E & R.

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

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LB 155, 619, 623

Opposed nay. It is advanced. LB 623.

CLERK: On 623, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 623 be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 155.

CLERK: Mr. President, on 155 I have E & R amendments first of all, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that the E & R amendments to LB 155 be adopted.

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

CLERK: Mr. President, Senator Carson Rogers would move to amend the bill. (Rogers amendment appears on page 1142 of the Legislative Journal.)

PRESIDENT: Senator Carson Rogers, please.

SENATOR ROGERS: Mr. President and members, when this bill went up to bill drafters again, we want to add one word, "tint" in the bill. It's on page 5, line 11, if you've got the bill in front of you and it simply inserts, after comma insert "tint", so that the sunscreening is very well explained. If there is any questions, I will answer them.

PRESIDENT: Okay, thank you. The question is the adoption of the Rogers amendment. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Rogers amendment is adopted.

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

March 16, 1989

LB 41, 49, 72, 89, 152, 157, 265
285, 287, 357, 357A, 373, 421, 431
431A, 480, 501, 513, 613, 619, 637
649, 758, 767, 776, 803

Retirement Systems report LB 41 to General File with amendments. That is signed by Senator Haberman. And LB 287 to General File with amendments, signed by Senator Haberman. Banking Committee reports LB 758 to General File with amendments; LB 776, General File with amendments; LB 480, indefinitely postponed; LB 613, indefinitely postponed, and LB 803 indefinitely postponed, those signed by Senator Landis as Chair. Transportation reports LB 72 to General File with amendments; LB 373, General File with amendments; LB 501, General File with amendments; LB 152, indefinitely postponed; LB 513, indefinitely postponed; LB 649, indefinitely postponed, those signed by Senator Lamb as Chair. Select File, E & R reports LB 49 and LB 431 to Select File and LB 431A to Select File. Enrollment and Review reports LB 157 correctly engrossed, LB 265, LB 357, LB 357A and LB 619 all correctly engrossed. General Affairs Committee reports LB 767 to General File with amendments. That is signed by Senator Smith. A series of amendments to be printed, Senator Lamb to LB 285, Senator Withem to LB 637, and Senator Smith to LB 421. (See pages 1182-93 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: May I please introduce some guests of Senator Schmit, please, in the...I don't know which balcony they are in. There are 41 seventh graders and their teacher from Aquinas School in David City. Are you folks in either balcony? Would you please rise and be recognized? Thank you for visiting us today. Senator Smith, did you wish to speak on Section 10 of the amendment? Senator Lynch, did you wish to speak on that?

SENATOR LYNCH: Only to save time, mention again, as Senator Warner and I discussed earlier, our agreement on this portion of the Scott Moore amendment, so we would ask for your support for this amendment.

PRESIDENT: Senator Moore, did you wish to close on the Section 10 portion of your amendment?

SENATOR MOORE: No, just ask that it be adopted.

PRESIDENT: All right, the question is the adoption of the second half of the Moore amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Moore's second amendment to the bill.

March 23, 1989

LB 265, 619

March 21st, we had the confirmation hearing on the aforementioned people. They are well qualified for their position. This is the Boiler Safety Code Advisory Board, and all of the four people that we are going to confirm this morning are very knowledgeable in that field, and I think will be a good addition to this board. With that, I would move the confirmation of the appointments to the Boiler Safety Code Advisory Board.

SPEAKER BARRETT: Any discussion? If not, the question is the adoption of the confirmation report rendered by Senator Coordsen. Those in favor vote aye, opposed nay. Record.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SPEAKER BARRETT: The report is adopted. Before proceeding to Final Reading, the Chair wants to make a very special announcement this morning. Our Sergeant-at-Arms, Sally Gordon, appearing at the front of the Chamber at this time will be celebrating her birthday on Easter Sunday. I hesitate to mention it but I am going to publicly, this will be Sally's 80th birthday Sunday. Senator Schimek, excuse me, would you lead us in Happy Birthday, Sally.

SENATOR SCHIMEK: I would be honored but I want Sally to know in advance it is not the quality of the voices, it is the gusto with which we sing this that you should listen to. (Members sang Happy Birthday.)

SPEAKER BARRETT: Thank you, Senator Schimek. To our seats for Final Reading, please. Mr. Clerk, proceed with the reading of LB 265.

CLERK: (Read LB 265 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 265 pass? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote. See pages 1306-07 of the Legislative Journal.) 38 ayes, 0 nays, 11 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 265 passes. LB 619.

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LB 154, 155, 619, 623

CLERK: (Read LB 619 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 619 pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See page 1307 of the Legislative Journal.) 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 619 passes. LB 155.

CLERK: (Read LB 155 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 155 become law? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See page 1308 of the Legislative Journal.) 40 ayes, 2 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 155 passes. LB 623.

ASSISTANT CLERK: (Read LB 623 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 623 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Read record vote. See page 1309 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 623 passes. LB 154.

ASSISTANT CLERK: (Read LB 154 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 154 become law? All in favor vote aye, opposed nay. Have you all voted?

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LB 154, 155, 254, 265, 281, 421, 619
623

propose to sign and I do sign, LB 154, LB 623, LB 155, LB 619, LB 265, LB 254, and LB 421. The call is raised. Mr. Clerk, the first bill.

CLERK: Mr. President, LB 281 is on Select File. I have no E & R amendments. I do have an amendment to the bill by Senator Chambers. Senator Chambers amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chambers, on your amendment.

SENATOR CHAMBERS: Mr. Chairman, let me look at this, because my amendment may have already been adopted.

SPEAKER BARRETT: Fine.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am on the bill now. I was thinking of a different bill. The amendment says that the provisions of this bill shall apply prospectively or from the date that the bill takes effect, and in order that there will be no confusion, nothing unfair to anybody, we are setting up a new system. We are loosening certain legal requirements so that when that is done I think those kind of activities ought to...the bill should apply only after the bill takes effect. So that is what the amendment would do. It doesn't change anything in the bill, which I don't like. I don't like the bill. But if you are going to have a bill like this, where you can have a noncertified document used in this state for the purpose of depriving an individual of a right or a privilege, then the least you can do is say that it will apply only to things that occur after the date that the bill is passed.

SPEAKER BARRETT: Thank you. Discussion. Senator Lamb, followed by Senator Lindsay.

SENATOR LAMB: Yes, Mr. President and members, you will remember that there was extended discussion about this bill previously. This has to do with points taken off your license from other states, and this bill allows the Department of Motor Vehicles to certify that in fact you have been convicted in another state, and that the record is true and correct. We have gotten an Attorney General's Opinion on the bill in regard to whether it violates the rules of evidence. The Attorney General's Opinion has been positive. He says the bill is okay, and in regard to

March 23, 1989

LB 154, 155, 250, 254, 265, 272, 281
421, 503A, 619, 623, 683

SPEAKER BARRETT: Thank you. Anyone else? A record vote has been requested. All in favor of the advancement of the bill please vote aye, opposed nay. Shall LB 281 be advanced, that is the question? Have you all voted? Have those who care to vote voted? Record, please.

CLERK: (Read record vote. See pages 1314-15 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on the advancement of LB 281.

SPEAKER BARRETT: The bill is advanced. Anything for the record?

CLERK: Yes, Mr. President, I do. I have amendments to be printed to LB 272 by Senator Landis; and LB 683 by Senator Wehrbein. I have a new A bill, LB 503A by Senator Goodrich. (Read for the first time by title. See pages 1315-16 of the Legislative Journal.)

Mr. President, I have a lobby report for this past week; a confirmation report by the Judiciary Committee. It is signed by Senator Chizek. Notice of hearing by the Rules Committee for Thursday, April 6.

And, finally, Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, LB 421. See page 1317 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Labedz has a very special guest under the south balcony, a friend of hers, Tom Kelly, who is a student at Westside Middle School. Tom, would you stand up and take a bow. We're glad to have you with us. Also observed under the south balcony is a former member of this body, Senator George Syas of Omaha. Senator Syas. Nice to have you back, George. LB 250, Mr. Clerk.

CLERK: Mr. President, Senator, I have E & R amendments on LB 250, first of all.

SPEAKER BARRETT: Senator Lindsay.

CLERK: E & R amendments, Senator.

March 27, 1989

LB 147, 154, 155, 254, 265, 340A, 421
619, 623, 683, 781

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, Senator Schmit would move to amend the bill.

SPEAKER BARRETT: Senator Schmit. Senator Schmit, on your amendment. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Chambers, this would be your closing.

SENATOR CHAMBERS: I am not going to close. I will just move to advance LB 340A to E & R Engrossing.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please signify by saying aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, anything to read in?

CLERK: I do, Mr. President, thank you. A communication from the Governor to the Clerk. (Read. Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, and LB 421. See page 1350 of the Legislative Journal.)

Mr. President, Senator Wehrbein has amendments to be printed to LB 683; Senator Smith to LB 781. (See page 1351 of the Legislative Journal.) That is all that I have. Mr. President.

SPEAKER BARRETT: Thank you. To the next bill, Mr. Clerk. LB 147.

CLERK: Mr. President, the next bill is LB 147. I have no E & R to the bill, Mr. President. I do have an amendment pending, however, from Senator Ashford. Senator, this is AM0891. (See pages 1351-52 of the Legislative Journal.)

SPEAKER BARRETT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. This amendment concerns the addition to the separate juvenile court bench in Douglas County of a third juvenile court judge. If I might give a brief history, there are two separate juvenile courts, three, actually, separate juvenile courts in the State