

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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577, 640, 695
LR 37

General File with amendments, LB 577 General File with amendments, those signed by Senator Landis as Chair. (See pages 848-49 of the Legislative Journal.)

Government, Military and Veterans Affairs reports LB 545 to General File with amendments, LB 640 General File with amendments, those signed by Senator Baack as Chair. Transportation Committee reports LB 129 to General File, LB 695 to General File, those signed by Senator Lamb as Chair. (See pages 853-55 of the Legislative Journal.)

Mr. President, I have a report and a motion by the Appropriations Committee regarding the Nebraska Energy Settlement Fund. That report is filed pursuant to statute.

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 10:00 a.m. (Re: LB 342, LB 114, LB 221.)

A new A bill, LB 183A by Senator Baack. (Read for the first time by title.) A new resolution, LR 37 by Senator Korshoj. (Read brief explanation.) That will be laid over, Mr. President. (See pages 857-58 of the Legislative Journal.) That is all that I have at this time, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceed to General File, LB 357.

CLERK: LB 357, Mr. President, introduced by Senators Nelson, Smith, Schellpeper, Coordsen. (Read title.) The bill was introduced on January 11, referred to the Education Committee. The bill was advanced to General File, Mr. President. The Legislature on February 8 considered the bill. At that time committee amendments were adopted. There was an amendment to the bill by Senator Nelson. That was adopted. Mr. President, Senator Withem then bracketed the motion until February 22. I do have amendments pending, Mr. President.

SPEAKER BARRETT: Senator Nelson, I wonder if perhaps we could go to you first for a very short refresher on the bill to bring us up to speed. Would you do that, please?

SENATOR NELSON: Thank you. I would be pleased to do so. As it was noted, LB 357 was bracketed when it was brought to us about a week ago, and we finally, I guess, got to it today. There were two main concerns. Actually, first, I will start and tell

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LB 361, 361A, 640

amendment and I would urge its adoption.

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

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment as offered by Senator Landis.

PRESIDENT: The Landis amendment is adopted. Do you have anything further on it, Mr. Clerk?

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

PRESIDENT: Okay, we're back to the bill. Senator Landis.

SENATOR LANDIS: Move to advance LB 361.

PRESIDENT: No other lights on. The question is the advancement of the bill. You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 361A. Senator Landis.

CLERK: Mr. President, 361A, I have no amendments to the bill.

PRESIDENT: Senator Rod Johnson, would you make the motion, please?

SENATOR R. JOHNSON: Is this to advance or E & R?

CLERK: Advance, Senator.

PRESIDENT: Advance it.

SENATOR R. JOHNSON: Mr. President, I would move that we would advance the bill, LB 361A.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. We'll move on to General File, LB 640. Do you have anything for the record, Mr. Clerk, at this time?

CLERK: Not at this time, Mr. President.

PRESIDENT: All right, LB 360 (sic).

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LB 640

CLERK: Mr. President, LB...

PRESIDENT: Excuse me, LB 640.

CLERK: Mr. President, LB 640 is offered by the Government Committee and signed by its members. (Title read.) The bill was introduced on January 19 of this year. It was referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was considered, Mr. President. It was ultimately sent to the floor. There are committee amendments as offered by the Government, Military and Veterans Affairs Committee, Mr. President.

PRESIDENT: Senator Rod Johnson. Senator Baack, do you want to take it?

SENATOR BAACK: Yeah, I'm out of breath, excuse me. Yes, Mr. President and members, LB 640 is a bill that comes out of the Government Committee. It has been a bill that the Government Committee has worked on for a couple of years. We actually had LB 1167 on General File last year but we never had time to consider it. Got to catch my breath. I ran all the way up here. Okay, I will just go through the quick committee amendments here, and then if we could adopt the committee amendments, then I'll go into an explanation of the bill. The committee amendments do five different things. First of all, the committee amendments, in the existing language in the law, it says that the filing clerks, the local filing clerks will have petition papers on hand, keep these on hand. When someone wants to file a recall petition, they simply go to the local clerk and then they will issue these papers out. In practice, this is not what is being done. In all actuality the local clerk will have to send to the Secretary of State, the Secretary of State will send the proper forms to the filing clerk and then those forms will be issued, and that's what this puts into place and it puts it into place that the Secretary of State will be the one that will issue the petition papers. The advantage of this system is the fact that we have a better knowledge then of what recalls are going on around the state. If just the local filing clerks issue these papers, all we have is newspaper reports or whatever to tell us what recalls are going on. If we have the Secretary of State issuing these papers, then we have much better knowledge of how many recalls and what the recalls, where the recalls are located across the State of Nebraska. Secondly, the...one of the things that the committee discussed

at length was whether or not the county attorney should be subject to recall and there was sentiment in the committee that the county attorney maybe should be one office that is not subject to recall just because of their position because they are allowed...because they have to prosecute or not prosecute cases and these kind of decisions that they make, make them susceptible to recall. But the committee decided rather than doing that we would simply put in there that we...in the bill itself we have a statement of reasons for recall. And now for the county attorney, we state that one of the reasons for recall cannot be a decision of a county attorney to prosecute or not prosecute in a specific case. That cannot be a stated reason for recall. They are still subject to recall, but they cannot state the reason as being whether or not they prosecuted a case. The third thing that we do is that there will be on each petition paper, there will be a warning to petition signers and this warning will contain all of the rules and regulations that deal with the recall petitions. It will also indicate what penalties are there for violations of the provisions for recall. The fourth thing is that it specifically prohibits people who are not registered voters from circulating recall petitions. The way the law is right now you do not even have to be a registered voter to circulate a recall petition. We're going to make it so that it is in line with the other initiative and referendum petition laws, you have to be a registered voter to circulate those. The last thing that the committee amendments do is they...in the bill itself we created a scheme of multiple elections in case that more than a majority of some board or council or something was subject to recall and more than a majority were being recalled, and then we set up a scheme of multiple elections at the hearing. It came out that this would be an awfully costly kind of procedure for a local district, so instead we substituted and went back to the procedure that is used now where the Secretary of State will, as expeditiously as possible, call for a special election in the case that a majority of a council or a board is recalled.

PRESIDENT: Senator Baack, may I interrupt you a moment?

SENATOR BAACK: Sure.

PRESIDENT: (Gavel.) Could we please have the level of noise down. It's getting awfully difficult to hear. Thank you, Senator.

SENATOR BAACK: Sure. Thank you, Mr. President. I think that that pretty well explains what the committee amendments do. If we go ahead and adopt these committee amendments, then I will go through the bill section by section and explain exactly what the bill does. I don't think that it's...this is not a bill to make the recall process necessarily more difficult. I think it is a bill that makes the recall process much more meaningful and that's the goal of the committee, to try and make it more meaningful, not necessarily to limit the process, but just to make it be a very meaningful process which I think it should be. Rather than being used as a harassment tool, which it has been done in the past, we want to make it a very meaningful process if we can. With that, I would be glad to answer any questions on the committee amendments. If there are none, I would just urge you to adopt the committee amendments and then I will go ahead and explain the bill. Thank you.

PRESIDENT: Thank you. The question is the adoption of the committee amendments. All those in favor vote aye, opposed nay. Please vote. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. May I introduce some guests, please, in the north balcony. Senator Morrissey has 21 students and their teacher from the elementary school in Pawnee City. Would you folks please stand and be recognized. Thank you for visiting us. We also have guests in the north balcony of Senator Coordsen and Senator Byars. We have 8 children and 4 adults from a home school in Jefferson, Saline and Gage Counties with their leader. Would you folks please stand and be recognized. And thank you for visiting us today. Now we're back on the bill. Do you have anything further on it, Mr. Clerk? Okay, Senator Baack, would you explain the bill, please.

SENATOR BAACK: Certainly. Mr. President and members, as I stated when I first started on the committee amendments, the Government Committee has been looking at this issue for a couple of years. I think it came to the forefront at the end of 1986 and with the recall of Mayor Boyle in Omaha and then that was followed in 1987 by a rash of recalls across the State of Nebraska. There was kind of an uproar among public officials saying that we need to take a look at this process and we need

to deal with this process because we're having a difficult time getting good quality people to run for office because of the recall tool that is out there that people are using as a harassment for public officials. So the Government Committee in 1987 did an interim study on the issue of recall and they held hearings in Omaha, Lincoln and Hastings, and one of the things that came out of this hearing is in the first part of the bill and that is one of the major changes that the bill makes, and that is that if you're going to have a recall petition, you're going to circulate a recall petition, you are going to have to state the reason why you're circulating a recall and why you are subjecting this public official to recall. We, the committee looked at a number of ways of doing that. There are some other states that we looked at. The State of Washington has one that is very, very strict. In the State of Washington you have to state the reasons, you have to show that there was either a misfeasance of malfeasance in office or some violation of their office oath if you are going to recall them. Also in the State of Washington the recall process is one where the judicial system gets involved to determine whether or not the reasons are valid. The committee decided to go with a measure that is not quite as strict as this and it simply calls for a general statement of reasons. It does not involve the judiciary in the State of Nebraska in this process. What it says is that you will state a reason and the reasons...and it does say that the reason cannot be just a decision that...a policy decision or something that an official has made in public office. It has to be more than that. The statement of reasons, of course, is one that whether or not it accomplishes a whole lot is debatable because it is a general statement of reasons. There is no process set up to determine whether the reasons are valid, but at least a public official that is being subject to recall would at least be able to visualize and be able to see on the petition at least a stated reason as to the recall. There have been a couple of recalls in the State of Nebraska where the...

PRESIDENT: (Gavel.) Would you please hold it down so we can hear the speaker. Thank you, Senator Baack.

SENATOR BAACK: Thank you, Mr. President. There have been a couple of recalls in the State of Nebraska where when the people who were sponsoring a recall effort were asked why they were recalling the person they said we're not going to tell you, that's nobody business why we're recalling them. That was the statement they made to the press. I think that that shows that

that sort of thing is frivolous at that point and I think we need to make this process be one that is a meaningful process, not something that is just going to be harassment of the public official. So that is one of the major changes we make as we do say that you have to have a stated reason for the recall. Second, a second change that we make is that an instruction to petition circulators would be printed on all of the petitions so that circulators know exactly all of the rules that govern petition circulating and recall cases. I think this would just have to be stated on the petition form itself. Another change that we make, this deals with the prohibition of the payment of petition circulators. We've also got a bill on Select File that does that now, and if we can keep that bill moving on Select File, this section will be irrelevant but it also contains the language that repeals our prohibition against payment of circulators because that is unconstitutional. The next thing that the bill does is dealing with a majority of the board, again, if a majority of the board is subject...is recalled and it sets up the process whereby the Secretary of State will expeditiously call for a special election to elect enough members so that the board can continue to operate because there is no process in the system right now. The Secretary of State has done this in the past but just on his own volition he has done this. It hasn't been spelled out in statute, the process. Another change that we would make that when there is going to be a recall election, it would be stated on the ballot what a vote for and what a vote against the recall means because there has been some confusion among voters. They don't know if they are voting for the recall or for the person or against the recall or against the person, so this would be clearly spelled out as instructions to the voter on the ballot so that they would understand exactly what they were voting for in the case of a recall. The next thing that is added is that the bill would prohibit a recall of a person in his first six months of office. We presently have a prohibition against the last six months in office. The committee felt like we need to have one in the first six months of office because there have been a couple of recalls in this state where a person who has lost an election turns around immediately and files for the recall of the person that beat him in the election. I think that that person needs to have an opportunity to show that they are capable of doing the job, capable of handling a job at least six months in the job before they can be subject to a recall. And the final thing that the bill does is it adds penalties for the violations of the recall laws. We've had all these laws in place all these

years. There has never been any penalties spelled out. All the penalties are varying degrees of misdemeanors for the different violations of violating the recall laws. They are misdemeanors, but in the past, we've had the laws on the books but it didn't say what the penalty was if you violated them. This does put into place what the violations are for the...if you do violate the recall laws. With that, I would be glad to try and answer any questions if there are any. I have an article here for anyone who is interested in the recall process and there is an article that I have here that was written by Elizabeth Mack and it was published in the Nebraska Law Review in 1988. It is a very good article that talks about recall, talks a little bit about the recall frenzy in Nebraska, what has precipitated the recall frenzy and it's got some good things in it. If anyone wants a copy of that, if they would just contact me, I would be glad to get them a copy of that. With that, I would ask that if anyone has any questions I'll be glad to try and answer them. If not, I would just urge the advancement of the bill. Thank you.

PRESIDENT: Thank you. Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. President, members, I would have a few questions to ask of Senator Baack, Senator. First off, I'm looking through this quickly, is there any change in percentage required on the petitions? Is that adjusted...

SENATOR BAACK: No, there is no change in the percentage. The percentage stays exactly the same.

SENATOR WESELY: So really it's more of a procedural, functional change that you're looking at.

SENATOR BAACK: That's correct.

SENATOR WESELY: In one of the provisions in the bill, talking about the Governor making appointments reminded me of a case in Senator Owen Elmer's district, McCook, I believe it was. Had an REA. They recalled members of the board, several members of the board, they were recalled. The board then was to replace those members, but what they did was they reappointed the very same members. Now I think we took care of that a while back, but I want to be sure that we took care of that. Was that taken care of several years ago?

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LB 640

SENATOR BAACK: Yes, yes, we did. Cynthia, the legal counsel, said, yes, we did take care of that.

SENATOR WESELY: Okay, I just want to be sure. I thought we had passed a bill.

SENATOR BAACK: I was thinking we had, too, but I wasn't sure.

SENATOR WESELY: Yeah. You remember that? That was quite an interesting deal.

SENATOR BAACK: Yeah, I do remember that.

SENATOR WESELY: The voice of the people being listened... The other thing though is, you know, we had the discussion this morning, Thomas Jefferson talked about shaking up government and the desire to have a little revolution every once in a while and obviously recall is as close as we come to that in Nebraska. But the question I have is, I think we're one of the few states with recall provisions, or it is not necessarily a universally applied option for our citizens. Do you know how many states have recall at all? Maybe it's initiative and referendum I'm thinking of, but I don't know that...

SENATOR BAACK: You are correct. I know that all states do not have it and it is in varying stages that states do have it and people talk about the right of recall, you know, you've heard that, well, we have a right to recall. It's not on the level of a constitutional right because there is no mention of recall in the U.S. Constitution so there is no federal recall, and in Nebraska, it's not in the Constitution, it's a statutory right.

SENATOR WESELY: Is that right? There is no state constitutional...

SENATOR BAACK: It's statute. The legislature set up the process, the Legislature has the ability to change that process.

SENATOR WESELY: That's interesting. Well, I was just curious though if you did have any information about how many states did have recall and...

SENATOR BAACK: Cynthia said that 35 have local recall, 15 have state kinds of recall. Most of them that do have recall are on the local level which is...

SENATOR WESELY: What we have.

SENATOR BAACK: ...the same as in Nebraska.

SENATOR WESELY: I see. Okay. Well, I appreciate that. Let me just summarize, I, personally, have supported I think the recall provisions, initiative referendum provisions of our statutes and Constitution have been in place because of a long populace tradition in this state, giving power back to the people to allow them to express themselves in ways that many states don't provide for. Nebraska is pretty unique in some of that regard. At the same time I think we did see a spate of recalls that were quite out of hand in many cases and a desire to deal with this, I'm very pleased, was followed up on by Senator Baack and the Government Committee. I know Senator Rupp initiated some of this and certainly it sounds to me like we're not making it impossible to recall individuals, we're making it more sensible to recall people is what I am interpreting this as. Not only the ironic thing that we've had the discussion by the person representing former President Jefferson, but it's also interesting that yesterday Mike Boyle who was recalled was just nominated as a lead candidate for mayor again and you find the recall issue coming up quite a bit lately and it's a very interesting situation to be in to have seen this in action. But I think definitely we saw too much recall, too much division and maybe we're getting back to a little more sensibility here and I really appreciate the work of Senator Baack and the committee to try and correct these errors in the statutes.

PRESIDENT: Thank you. Senator Baack, would you like to close on the advancement of the bill, please.

SENATOR BAACK: Just briefly, Mr. President, I think that Senator Wesely has said it very well. We are not trying to make this process impossible. We're just trying to make it one that is much more meaningful and I think it's going to help the state from the standpoint that people who are interested in serving in public office will at least have a few safeguards built in to the recall process so that it's not simply used as a harassment tool against these people. I don't think that's what it is meant for. I think it's meant to deal with people who really do have some misconduct in office. I think that's what recall is in place for, not to be used as a harassment tool. I think we take some steps in that direction by dealing with it in this

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LB 46, 145, 157, 231, 231A, 237, 247
325, 379, 397, 414, 418, 640, 651
LR 73

way. I think if we still see a lot of recalls going on in this state, still seeing it being used as a harassment tool, we'll come back in and try and make it even more meaningful with maybe some stricter restrictions onto what the reasons can be for recall, but right now I think we've just got a very general statement of reasons. We've got something here that would be a very meaningful process. With that, I would just urge you to advance the bill. Thank you.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 640.

PRESIDENT: LB 640 advances. LB 651.

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

PRESIDENT: Yeah, please.

CLERK: Mr. President, new resolution, LR 73, by Senator Abboud. (Read brief description. See pages 1521-22 of the Legislative Journal.) That will be laid over.

I have a request...or bills read on Final Reading this afternoon have been presented to the Governor. (Re: LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1522 of the Legislative Journal.)

Senator Chambers has amendments to LB 397, Senator Hall to LB 414, Senator Withem to LB 247. (See pages 1522-29 of the Legislative Journal.)

And Senator Schimek would like to add her name to LB 325 as co-introducer. (See page 1529 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, the next bill, LB 651 is on General File. It is a bill originally introduced by Senator Hall. (Title read.) The bill was introduced on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Education Committee, Mr. President.

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LB 84, 319, 541, 611, 630, 640, 646
651, 653, 653A, 705, 710, 762, 811
812

now and Select File. I will try and answer your questions, but now I just ask that we advance the bill.

SPEAKER BARRETT: The question is the advancement of LB 611 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 36 ayes, 1 nay, Mr. President, on the advancement of LB 611.

SPEAKER BARRETT: LB 611 is advanced. Anything to read in, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 319 to Select File with E & Rs, LB 640, LB 651, LB 541, LB 653, LB 653A, LB 630, LB 811, LB 812, LB 710, and, LB 646, all to Select File, some have E & R amendments attached. (See pages 1615-22 of the Legislative Journal.)


Senator Conway has amendments to LB 84 to be printed; Senator Hall to LB 762. Senator Abboud would like to add his name to LB 705 as co-introducer. (See pages 1622-28 of the Legislative Journal.) Mr. President, that is all that I have.

SPEAKER BARRETT: Thank you, and the Chair would like to remind members of the briefing on the pharmacy school to be held at this hour in Room 1019. Senator Chizek, please.

SENATOR CHIZEK: Mr. Speaker, I would make a motion we adjourn until April 11th at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed nay. The ayes have it. Motion carried. We are adjourned. (Gavel.)

Proofed by:


LaVera Benischek

May 3, 1989

LB 303, 639, 640, 767, 813, 814
LR 105, 106

Senator McFarland. We're voting on the adoption of the Chambers amendment. Call in votes were authorized. Senator Labedz, would you check in please. Senator Warner, record your presence, please. Thank you.

CLERK: Senator Hefner voting no.

PRESIDENT: We're looking for Senator Nelson and Senator Ashford.

CLERK: Senator Lowell Johnson voting no. Senator Weihing voting yes.

PRESIDENT: Okay, a roll call vote has been requested. Are we all here, Mr. Clerk?

CLERK: No, sir.

PRESIDENT: Who are we looking for now?

CLERK: Senator Ashford.

PRESIDENT: Senator Ashford. Is that the only one? Okay. Shall we wait for Senator Ashford, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. A roll call vote has been requested. Please return to your seats so we may begin. (Gavel.) Mr. Clerk.

CLERK: (Read roll call vote. See pages 2053-54 of the Legislative Journal.) 22 ayes, 8 nays, Mr. President.

PRESIDENT: The motion fails. Do you have anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, a resolution by Senator Baack. (Read brief explanations of LR 105 and LR 106. See pages 2054-55 of the Legislative Journal.)

Senator Baack has amendments to LB 639, to LB 640; Senator Schmit to LB 814; Senator Baack to LB 303; Senator Hefner to LB 767. (See pages 2055-64 of the Legislative Journal.)

Mr. President, Senator Landis would like to have an Executive Session of the Banking Committee today at two o'clock in the Senate Lounge, Banking Committee in the Senate Lounge at two

call vote, Senator Hall? Roll call vote on the adoption of Senator Lindsay's amendment. Please return to your seat so that the Clerk may call the roll. Mr. Clerk.

CLERK: (Roll call vote read. See pages 2315-16 of the Legislative Journal.) 18 ayes, 13 nays, Mr. President, on the amendment.

PRESIDENT: The motion fails. The call is raised. Do you have anything else on it, Mr. Clerk?

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

PRESIDENT: Senator Moore.

SENATOR MOORE: I move that we advance LB 444.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 640.

CLERK: Mr. President, the first item on LB 640 are Enrollment and Review amendments.

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we adopt the E & R amendments to LB 640.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. They are adopted. Anything further on it?

CLERK: Mr. President, Senator Baack would move to amend the bill. (The Baack amendment appears on page 2057 of the Legislative Journal.)

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and members, the amendment that I offer does two things. One thing it...one of the things it does it adds the emergency clause to the bill because that's needed to get some of these things in place before any recalls might take place in the state. The other is that it puts a provision into the election statutes that would allow the Secretary of State a method of selecting...of holding a special election for county hospital boards and for technical community college boards in case there is...is...it happens that the board

May 11, 1989

LB 137, 182A, 301, 302, 444, 541, 630
640

goes below a quorum, because right now there is no provision in our statutes for the...for the Secretary of State to hold special elections for those two entities. There are provisions for providing for all other entities but those two don't have any. The specific example happened in Ord recently where they...their hospital board fell below a quorum. They...there was a real process in trying to determine how they were going to get back to a quorum. Because they were under a quorum, they couldn't appoint other members. This provides a procedure for doing that. That's what the amendment does. Thank you.

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

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

PRESIDENT: The Baack amendment is adopted. Anything further on the bill?

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

PRESIDENT: Senator Moore.

SENATOR MOORE: I move we advance LB 640 to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 653.

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

PRESIDENT: Yes, you may.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 182A and find the same correctly engrossed; LB 301, correctly engrossed; LB 302, correctly engrossed; LB 541 and LB 630, correctly engrossed. (See page 2317 of the Legislative Journal.)

Mr. President, Senator Hartnett would like to add his name to LB 444 as co-introducer, and Senator Haberman to LB 137.

May 15, 1989

LB 95, 258, 280, 289A, 444, 640, 761
762, 767, 767A, 780

I have a Reference Report referring gubernatorial appointees. Enrollment and Review reports LB 95, LB 280, LB 444, LB 640, LB 762, LB 767, LB 767A, LB 780, all are reported correctly engrossed. Enrollment and Review further reports LB 258 and LB 289A to Select File, Mr. President. (See pages 2364-69 of the Legislative Journal.)

The next amendment, Mr. President, is by Senator Kristensen. Senator, I have amendment number 1723, AM1723, Senator.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. President. Mr. Clerk, is that the one that is printed on page 2149?

CLERK: Yes, sir.

SENATOR KRISTENSEN: Thank you. Mr. President and members of the body, I almost shudder to say this but I think this might be one of the amendments to this bill that shouldn't receive a whole lot of controversy. What it is, and it deals with two things in specifics, most of you have probably been contacted by constituents of Senator Morrissey, myself, or Senator Dierks. You have probably seen people with their frustration levels at their highest, not only on the floor, but in the halls, and certainly within the communities that have been picked as potential host sites for this facility. One of the common themes, at least when I go out and do town hall meetings in those areas, is that there is a lot of tensions, a lot of scared people, a lot of people that have some grave concerns about the future of not only just their own personal lives and their farms and their communities but what is perceived about these farms and communities, and about what sort of image and cloud is going to be cast over them in the future, if they are selected, or the fact that they are just under consideration. I had several people come to me, and in particular a couple of ministers who are doing a lot of good work in that area in terms of counseling, and they have received a rash of people searching for some answers and some consoling, and, if for nothing else, just how to cope with this anxiety. The way we cope in here is we call the question, we take our votes, they are either up or they are down, and we can go on with the issues because we know

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LB 209, 319, 323, 336, 354, 354A, 360
360A, 378, 378A, 388, 408, 408A, 412
412A, 423, 438, 438A, 444, 449, 449A
541, 569, 569A, 574, 575A, 575, 630
640
LR 219

While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 219. Mr. Clerk, where did we leave off?

CLERK: Mr. President, before we commence Final once again, I have an explanation of vote from Senator Conway. (Re. LB 209. See page 2648 of the Legislative Journal.)

Acknowledgement from your Enrolling Clerk, that bills read on Final Reading have been presented to the Governor. (Re. LB 209, LB 319, LB 323, LB 354, LB 354A, LB 360, LB 360A, LB 378, LB 378A, LB 388, LB 408, LB 408A, LB 412, LB 412A, LB 423, LB 336, LB 438, LB 438A, LB 444, LB 449, LB 449A, LB 541, LB 569, LB 569A, LB 574, LB 575A, and LB 575.)

Mr. President, the first bill on Final is LB 630, this afternoon.

PRESIDENT: If you'll take your seats, please, we'll begin Final Reading. (Gavel.) If you'll take your seats, please, we'll start Final Reading on LB 630, please. LB 630, Mr. Clerk.

CLERK: (Read LB 630 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 630 pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2648-49 in the Legislative Journal.) 41 ayes, 1 nay, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 630 passes. LB 640 with the emergency clause attached.

CLERK: (Read LB 640 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 640 pass with the emergency clause attached? All those in favor vote aye, opposed nay, and I am reminded again for the second time today that some of you are not remaining in your seats while Final Reading is being read. Have you all voted? Record, Mr. Clerk, please.

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LB 640, 653, 653A, 683

CLERK: (Read record vote as it appears on pages 2649-50 of the Legislative Journal.) 40 ayes, 3 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 640 passes with the emergency clause attached. LB 653 with the emergency clause attached.

CLERK: (Read LB 653 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 653 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2650-51 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 653 passes with the emergency clause attached. LB 653A.

CLERK: (Read LB 653A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 653A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2652 of the Legislative Journal.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 653A passes. LB 683 with the emergency clause attached.

CLERK: Mr. President, I have a motion on the desk. Senator Warner would move to return the bill for a specific amendment. That amendment being to strike the enacting clause.

PRESIDENT: Senator Warner please.

SENATOR WARNER: Mr. President and members of the Legislature, it is my intent to withdraw this amendment after I allow Senator Landis an opportunity to respond, if he chooses to do so. I don't intend to make an extended debate. I would argue, as I

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LB 84, 630, 640, 653, 653A, 683, 683A
705, 710, 739

we continue to raise those monies so we can operate state government at a healthy level. Even though we have expended additional dollars this year and, as many would like to say, gone hog wild, I don't believe we have. I think what the Legislature has done is prudently address each and every issue, whether it be the budget or capital construction, and made decisions and made decisions based on information that they had. And I think we made good decisions. I don't agree with them all. Many of you don't agree with certain decisions that we made. The fact of the matter is that we deliberated and debated those as a body. A majority of the body felt that those expenditures needed to be made. We made them. Now what we need to do is protect the base that brought us the ability to make those expenditures, protect that base, not just for today but on into the future. I would urge you very strongly to return LB 739 to strike the enacting clause because it is not a bill that I think at this point in time we need to pass. Should the revenues continue to flow in as they have in the past in some of our one-time expenditures, as in LB 84, and the capital construction budget go away, revenues continue to come in...

SPEAKER BARRETT: Time.

SENATOR HALL: ...maybe we need to address the issue of reducing that income tax bracket. But, at the least, if this should fail, I have an amendment up to strike Section 2 which would be the two credits which break new ground, as I said before, dealing with the issue of loss of the base and that I would hope at least the body would address. But today, at this moment, I would urge you to return this bill to Select File so the issue of 739 can basically go away and we can pay for the, I think, good public policy that we advanced over the last week. I would urge the return of the bill.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 630, LB 640, LB 653, LB 653A, LB 683 and LB 683A, LB 705 and LB 710. Discussion on the motion to return the bill to Select File offered by Senators McFarland and Hall. Senator Abboud, followed by Senators Wesely, Lamb, Nelson and Hefner.

SENATOR ABBOUD: Mr. President, colleagues, I oppose any attempts to return this bill because I feel that any amendments that are attached to this bill at this late a date in the