

January 19, 1989

LB 53, 57, 662-682

SPEAKER BARRETT: Thank you. Discussion on the advancement of the bill? Anything further, Senator Weihsing, there are no lights on?

SENATOR WEIHSING: Nothing further, thank you.

SPEAKER BARRETT: Thank you. The question is then the advancement of LB 53 to E & R. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 53.

SPEAKER BARRETT: LB 53 is advanced. Anything for the record, Mr. Clerk?

CLERK: Mr. President, new bills. (Read LBs 662-682 by title for the first time. See pages 313-17 of the Legislative Journal.)

SPEAKER BARRETT: The Chair also reminds members of the body of the Lied Center tour today. Transportation is available at the south door of the Capitol, south door, Lied Center tour. Returning to General File, Mr. Clerk, LB 57.

CLERK: Mr. President, LB 57 was a bill introduced by Senator Coordsen. (Title read.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body, this bill last year existed in the form of a friendly amendment to a bill that later came up on consent calendar, and I subsequently withdrew the bill and introduced it this year as a...or withdrew the amendment and introduced it as a separate bill. What this bill does in the use of wheel tax funds in a city, if we remove from statute the words "or for related equipment purchases as a use of the wheel tax funds", words that were put into by the...put in statute by the bill last year. To the best of my knowledge there are four cities in the State of Nebraska that currently levy a wheel tax, none of which use those funds for purchasing of equipment up to this time. It was

March 13, 1989

LB 49, 85, 137, 146, 178, 179, 215  
293, 345, 377, 387, 424, 434, 463  
515, 555, 617, 669, 685, 710, 799  
LR 27, 28

Without any further discussion, I believe we should just go ahead and try to advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? If not, the question is the advancement of LB 49 to E & R Initial. All in favor vote aye, opposed nay. Shall LB 49 be advanced? That is the question. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 49.

SPEAKER BARRETT: LB 49 is advanced. The Chair is pleased to announce that Senator Moore has some eighth graders from Emmanuel Lutheran in York. I believe there are 12 of them in the north balcony, with their teacher. Would you folks please stand and be recognized. Thank you for being with us. Also, Senator Sharon Beck has a special visitor from District 8 this morning, Dr. Paul Paulman, who is here today as doctor of the day. Please welcome Dr. Paulman. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Retirement Systems reports LB 137 to General File with amendments. That is signed by Senator Haberman. (See pages 1076-77 of the Legislative Journal.)

Transportation Committee reports LB 424 to General File with amendments; LB 799, General File with amendments; LB 146, indefinitely postponed; LB 434, indefinitely postponed; LB 515, indefinitely postponed; LR 27, advanced to the floor, and LR 28, advanced to the floor, all of those reports signed by Senator Lamb as Chair of Transportation. (See pages 1077-80 of the Legislative Journal.)

Natural Resources Committee reports LB 617 to General File; LB 710 to General File; LB 293 to General File with amendments. Those are signed by Senator Schmit as Chair. (Journal page 1080 shows LB 293 as indefinitely postponed and LB 387 as indefinitely postponed.)

Judiciary Committee reports LB 215 to General File; LB 377, General File; LB 669, General File; LB 555, General File with amendments; LB 685, General File with amendments; LB 85, indefinitely postponed; LB 178, indefinitely postponed; LB 179, indefinitely postponed; LB 345, indefinitely postponed; LB 463,

March 30, 1989

LB 206, 669

Secretary of State to set various fees for collection agencies not to exceed certain specified amounts. Currently, a flat fee is set in statute for the various types of the licenses. The current fees and revenue and the proposed maximum fees and maximum revenue are detailed and outlined in the fiscal note attached to the bill in your bill book. Please note that while the bill allows these maximum fees, the actual fees will be set by the Secretary of State and may be lower than these amounts since the bill also specifies that the fees charged shall not exceed the amounts actually necessary to sustain the administration and enforcement actions. The setting of maximum or range of fees for licenses or permits rather than a flat fee has been an accepted and established policy. Examples of such policy in our state agencies now exist in the areas of agriculture, insurance, accountancy, roads, health, Public Service Commission, engineers and architects and the fire marshal. Thank you, Mr. President.

SENATOR LANDIS: Thank you, Senator Johnson. There are no lights on, so you're recognized to close if you wish.

SENATOR L. JOHNSON: I hope that there is some left. I waive closing. Thank you.

SENATOR LANDIS: All right, we'll waive closing.

SENATOR L. JOHNSON: Move for advancement of LB 206.

SENATOR LANDIS: The question is the advancement of LB 206. Those in favor vote aye, those opposed vote no. Let me inform the body that the Pages have been collecting a quick survey of the body and we have exactly 25 members here. It varies between 24, 25 and 26, depending on who is in and out of the room at any one moment. So we'll be able to transact our business depending on how rapidly each and every member of the body performs their tasks and votes. The Clerk will record.

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

SENATOR LANDIS: Thank you. That advances LB 206. We'll move on to LB 669, handled today by Senator Lindsay on behalf of Senator Hall. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 669 was introduced by

Senator Hall. (Title read.) The bill was read for the first time on January 19. It was referred to Judiciary Committee. They report the bill advanced to General File.

SENATOR LANDIS: Thank you, Mr. Clerk. Senator Lindsay, on behalf of Senator Hall.

SENATOR LINDSAY: Thank you, Mr. President and colleagues, LB 669 is a bill which relates to probation. The thrust of the bill is to allow judges a little more leeway in the area of probation. It affects just one section and that section is that dealing with jail time involved in probation. What the bill would do very simply is that for a misdemeanor the greatest amount of jail time that could be served by a defendant would be the maximum amount stated by...in the statutes. For felonies the time that could be served would be 180 days. The reason for that is it gives judges leeway a little bit on probations for felonies that if they feel that somebody...the current statute allows 90 days. If they feel somebody deserves probation but 90 days isn't going to do it, this gives them a little more leeway that they can give up to 180 days and still allow that person to be on probation. Conversely, on misdemeanors, what is occurring on occasion is that somebody is sentenced to probation, and for a crime that may have a maximum of seven days, they are getting much in excess of that. The statute allows on probation up to 90 days. It's a case that could be appealed, but practically speaking, nobody can get an appeal up there because of jail time served before an appeal can be heard. I would urge the adoption of the bill.

SENATOR LANDIS: Thank you, Senator Lindsay, there are no lights on. You are recognized to close. Senator Lindsay waives closing. We'll proceed to a vote on LB 669. Those in favor vote aye, those opposed vote no. The Clerk will record.

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

SENATOR LANDIS: The motion carries. The bill is advanced. We'll go on to LB 486, an Education Committee bill. Mr. Clerk.

ASSISTANT CLERK: LB 486 was introduced by the Education Committee. (Title read.) The bill was read for the first time on January 17. It was referred to the Education Committee. They report the bill to General File.

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228  
228A, 247, 323, 324, 371, 381, 423  
486, 487, 487A, 488, 488A, 508, 509  
566, 592, 605, 627, 643, 669, 714  
722, 756, 781, 793  
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 135, 206, 324, 487, 669

LB 135.

PRESIDENT: LB 135 is advanced. LB 324.

CLERK: LB 324, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 324 be advanced to E & R for Engrcssment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 206.

CLERK: LB 206, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

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

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

CLERK: Nothing further, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 206, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 669.

CLERK: LB 669, Senator, has no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the advancement of LB 669.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 487.

CLERK: LB 487, Senator, I have E & R amendments pending.

April 12, 1989

LB 99, 135, 206, 228, 228A, 323-325, 381  
423, 487, 487A, 508, 509, 605, 627  
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

April 21, 1989

LB 627, 669, 722, 793

CLERK: (Read record vote. See page 1828 of the Legislative Journal.) 38 ayes, 2 nays, 3 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 627 passes. LB 669, please.

CLERK: (Read LB 669 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 669 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1829 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 669 passes. LB 722, please.

CLERK: (Read LB 722 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 722 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1830 of the Legislative Journal.) 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 722 passes. LB 793 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 793 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 793 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. See page 1831 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 793 passes with the emergency clause attached.

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LB 301-303, 303A, 305, 308, 309, 309A, 310  
469, 508, 509, 605, 627, 669, 722  
727, 793

May I introduce some guests please in the north balcony. Senator Hannibal has 75 eighth grade students from St. Roberts School in Omaha with their teachers. Would you ladies and gentlemen please stand and be recognized by the Legislature. Thank you for visiting us this morning. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 793, LB 508, LB 509, LB 605, LB 627, LB 669, and LB 722. We will move on to introduction of appropriation bills, Mr. Clerk.

CLERK: Mr. President, before, if I may, read some reports. Your Committee on Appropriations whose Chair is Senator Warner to whom was referred LB 301 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, as are LB 302, LB 303, LB 303A, LB 305, LB 308, LB 309, LB 309A, LB 310, LB 469, and LB 727, all reported to General File, all having committee amendments, all signed by Senator Warner as Chair. (See pages 1831-39 of the Legislative Journal.)

Mr. President, Senator Warner would move for the introduction of Committee Req. 1249.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, Req. 1249 would be the mainline budget bill. It would include everything other than...well, obviously, the bills, the constitutional officers are separate, legislative salaries are separate, salaries are separate, health insurance is separate, but this would include the other recommended appropriations for state agencies and state aid programs. I would move the suspension of the rule to permit its introduction.

PRESIDENT: Any further discussion? If not, the question is the introduction of the appropriation bill as described by Senator Warner. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 1 nay, Mr. President, on the introduction of Req. 1249.

PRESIDENT: The bill is introduced. Do you have another one, Mr. Clerk?

April 21, 1989

LB 183, 289, 470, 508, 509, 602, 605  
627, 669, 743, 772, 793

SENATOR KORSHOJ: Mr. Speaker and members, my question that I was interested in, Arlene Nelson brought up about farm tanks and private tanks so I have no more to say. Anybody wants my time, can have it. I was wanting to give it to Howard Lamb but he left so that's all I have. Thank you.

SPEAKER BARRETT: Thank you. Senator Lynch.

SENATOR LYNCH: Question.

SPEAKER BARRETT: Question has been called. Do I see five hands? I do. Shall debate cease? Those in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Schmit, any closing comment? Anything further, Senator Schmit?

SENATOR SCHMIT: Mr. President, I move the bill be advanced.

SPEAKER BARRETT: Thank you. The question is, shall LB 289 be advanced to E & R Initial? All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 34 ayes, 1 nay, Mr. President, on the advancement of LB 289.

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

CLERK: Mr. President, your Committee on Appropriations whose Chair is Senator Warner reports LB 602 to General File, LB 470 to General File with amendments, LB 743 General File with amendments, those signed by Senator Warner.

Enrolling Clerk has presented to the Governor bills read on Final Reading. (Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 772 and LB 793.)

Senator Lamb has amendments to LB 183 to be printed and I have a lobby report for this past week, Mr. President. That's all that I have. (See pages 1843-44 of the Legislative Journal for above announcements.)

April 26, 1989

LB 84, 308, 361, 361A, 508, 509, 591A  
605, 627, 669, 722, 793, 813

SPEAKER BARRETT: Thank you, Mr. Chairman, and thanks to members of the Appropriations Committee for the overview of LB 813. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Government Committee gives notice of cancellation of hearing, confirmation hearing. Amendments to be printed to LB 308 by Senator Warner; and Senator Conway and Haberman to LB 84. (See pages 1934-35 of the Legislative Journal.)

Natural Resources offers a confirmation hearing report. Communications from the Governor to the Clerk. (Read. Re: LB 361, LB 361A.) A second letter. (Read. Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 722, and LB 793. See pages 1935-36 of the Legislative Journal.)

Enrollment and Review reports LB 591A as correctly engrossed, Mr. President. That is all that I have. (See pages 1936-37 of the Legislative Journal,)

SPEAKER BARRETT: Thank you. There are a number of motions on the desk. It occurs to the Chair...Senator Schmit.

SENATOR SCHMIT: I believe the comment from Senator Warner was that if there were comments relative or questions relative to the general explanation, that they would be in order before the motions, is that correct or not?

SPEAKER BARRETT: That is correct. You are in order, yes. Proceed.

SENATOR SCHMIT: Well, thank you, Mr. President and members. I appreciate this explanation of the budget this morning, and I know that although it was an overview it was detailed and there will be, no doubt, many other legislators who will have questions, and I want to ask the indulgence of the body this morning because of an issue which is of considerable importance to all of us, I believe, and to myself, in particular, and to all of those who are associated with agriculture, in particular also. Agency 60 on page 112, the Gasohol Committee, Senator Warner pointed out that the committee has appropriated for '89-90 only \$1,670,626 of that total 17 million plus money and I want to say at this time that there will probably be a lot of comment about that in the future, but I have discussed it just