

March 28, 1989

LB 395, 447, 720A

years is 1.1, which is .07 of a cent a \$100, less than the 1.08 that is allowed. With that, I guess I have no more to say, just to advance the bill. I think it's needed. And they will go ahead with passage of this bill and build a new building which is drastically needed up there because they do continue to expand. Thank you. I ask for advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 395 be advanced to E & R Initial? Those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 5 nays on the advancement of 395, Mr. President.

SPEAKER BARRETT: LB 395 is advanced. Anything for the record?

CLERK: Mr. President, the Health and Human Services Committee will meet in executive session in the Senate Lounge right now, Health and Human Services, Senate Lounge immediately.

New A bill, LB 720A, by Senator Wesely. (Read by title for the first time. See page 1375 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to LB 447.

CLERK: LB 447 offered by Senators Nelson, Beck, Crosby, Schellpeper, Rod Johnson. (Read title.) The bill was introduced on January 13, referred to Education, advanced to General File. I have committee amendments pending by the Education Committee, Mr. President. (See page 907 of the Legislative Journal.)

SPEAKER BARRETT: Senator Withem on the committee amendments to 447.

SENATOR WITHEM: Yeah, I am sorry, Mr. Speaker. I was under the impression that we let this bill out in its incredibly pristine form. However, we did not. We made a very substantive change that made a good bill remarkably better and I am reminded of that as I get through my...I'm trying to figure out what it was that we did to it. Yeah, the original bill, this is Senator Nelson's bill dealing with state money distributed to local school districts for purposes of establishment of vocational education programs. The original bill had the formula based on

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LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

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LB 720A, 720

bill would add those 84 over a four-year period and that would be about 20 more staff a year. Hopefully, with that we would in four years' time have adequate workers and staff to protect the children in the different environments that we find them in, whether they are abused at the home or outside of the home and in foster care, but clearly, an intolerable situation must come to an end and the passage of this bill will help us accomplish that goal. With that, I appreciate your discussion and ask for your support for the advancement of LB 720.

SPEAKER BARRETT: Thank you. The question before the house is the advancement of LB 720. All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 720.

SPEAKER BARRETT: LB 720 is advanced. The A bill, Mr. Clerk.

CLERK: LB 720A, Mr. President, offered by Senator Wesely. (Title read.) The bill was first read on March 28 of last year, Mr. President, referred directly to General File as is our practice. Senator Wesely has amendments pending that are on page 157 of the Legislative Journal.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Mr. Speaker, we've spent a lot of time together. It's been a pleasure. Members of the Legislature, this amendment would reduce the A bill down as it is a four-year phase-in. The committee amendments did not put all the workers in in one year, would put them in over a four-year period reducing the fiscal impact. So I would move for the adoption of the amendment.

SPEAKER BARRETT: Thank you. Any questions, any discussion on the amendment? If not, those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment to the bill.

SPEAKER BARRETT: The amendment is adopted. Senator Wesely, let's proceed to the bill as amended.

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LB 503, 720A, 943, 945, 1043-1048
LR 236

SENATOR WESELY: Yes, Mr. Speaker, I move the advancement of the bill. It's a four-year phase-in to bring our caseworkers up to the standards and move the advancement of the bill.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please vote aye, opposed nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER BARRETT: LB 720A is advanced. New bills, Mr. Clerk.

CLERK: Mr. President, new bills: (Read LBs 1043-1048 by title for the first time.) LR 236, Mr. President, is a proposed amendment to Article VIII, Section 1, of the Nebraska State Constitution. That is offered by Senator Withem. (See pages 209-12 of the Legislative Journal.)

Mr. President, I have requests from Senator Lynch to add his name to LB 503; Senator Pirsch to LB 945 and Senator Pirsch to LB 943. That's all that I have, Mr. President. (See page 212 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Withem, for what purpose do you rise?

SENATOR WITHEM: Mr. Speaker, I would move that we adjourn until Tuesday morning, January 9, at 9:00 a.m.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn until tomorrow morning at 9:00 a.m. All in favor say aye. Opposed no. Ayes have it, motion carries, we are adjourned until nine tomorrow morning.

Proofed by:


LaVera Benischek

Mr. President, I have a hearing notice from the Government, Military and Veterans Affairs Committee, for the Business and Labor Committee and for the Retirement Systems Committee, all signed by their respective Chairs.

Mr. President, Enrollment and Review reports LB 678 to Select File, E & R amendments; LB 678A, Select File with E & R; LB 720, Select File with E & R and LB 720A, Select File with E & R also, all signed by Senator Lindsay. (See pages 265-66 of the Legislative Journal.)

And I have a reference report, Mr. President, referring LBs 1049-1079. (Also LB 1034. See page 265 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Those in favor of the motion to recess until one-thirty please say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you, sir. With a quorum present, we will proceed back to our discussion of LB 742 at which time we were discussing the committee amendments to LB 742. We will return to the speaking order. Correction, we're on a motion to advance the bill. The speaking order beginning with Senator Dierks, if you would care to discuss the motion to advance the bill to E & R, Senator Dierks, followed by Senators Landis, Moore, Smith, Schmit and Bernard-Stevens. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker and members of the body, I just rise to support Senator Robak's LB 742. I think that... I think these people have a track record that is good and I think we need to honor that. I believe that we do allow people on our roads sometime that maybe shouldn't be there. I don't know how we can stop some of that, but this is some legislation that will allow people to drive again that their track record is proven, they can handle this situation. And they have been kept from this right by the bureaucracy and I think it's time for the bureaucracy to give the right back to them. So I would support 742 and I would urge other people here to do the same thing.

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LB 720, 720A
LR 8

Wesely amendment.

SENATOR WESELY: Never mind, I'd like the amendment adopted, please.

PRESIDENT: Okay, ladies and gentlemen, the question is the adoption of the Wesely amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The Wesely amendment is adopted. Now we are on the advancement of the bill, Senator Wesely.

SENATOR WESELY: Let me try it again. I'd move the advancement of the bill, Mr. President.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor say aye. Opposed nay. It is advanced. Move on to LB 720A, the A bill.

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

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 720A.

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

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

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: I move that LB 720A as amended be advanced to E & R for engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LR 8CA.

CLERK: Mr. President, LR 8, the first order of business are Enrollment and Review amendments.

February 2, 1990

LB 50, 143, 369, 503, 503A, 720, 720A
821
LR 8

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber. Our opening prayer this morning by Pastor Harry Wallles of the Faith United Methodist Church here in Lincoln. Pastor Wallles.

PASTOR WALLE: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Wallles. Please come back and be with us again. Roll call.

CLERK: Quorum present, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: I have no corrections to the Journal.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LR 8 and find the same correctly engrossed; LB 50, LB 143, LB 503, LB 503A, LB 720, LB 720A all reported correctly engrossed, those signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 630-32 of the Legislative Journal.)

Mr. President, Senator Elmer would like to print amendments to LB 369 in Journal. I have hearing notice from Senator Smith as Chair of the General Affairs Committee. (See pages 632-33 of the Legislative Journal.)

Mr. President, report of registered lobbyists for this past week. And the last item, Mr. President, is a report from the Department of Social Services filed pursuant to statute. That report will be available in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Chair is announcing that we will begin Final Reading with LB 821, followed by 822, and then come back to LB 399. We'll begin Final Reading with LB 821. Will members please return to their seats for Final Reading. Those unauthorized persons please leave the floor. Proceed with the reading of LB 821, Mr. Clerk.

April 5, 1990

LB 720, 720A, 834, 851

your seats for Final Reading. Mr. Clerk, will you proceed with the reading of LB 720.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720 pass? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1928-29 of the Legislative Journal.) 34 ayes, 4 nays, 7 present and not voting, 4 excused and not voting.

SPEAKER BARRETT: LB 720 passes. LB 720A.

CLERK: (Read LB 720 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 720A pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See pages 1929-30 of the Legislative Journal.) 34 ayes, 3 nays, 9 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 720A passes. LB 834.

CLERK: (Read LB 834 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 834 become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1930 of the Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.,

SPEAKER BARRETT: LB 834 passes. LB 851.

CLERK: Mr. President, I have a motion on the desk. Amendments from Senators Withem and Lindsay printed, I have a note that they wish to withdraw those amendments, Mr. President.

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LB 720, 720A, 834, 851, 855, 855A, 896
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return the bill to Select File for specific amendment.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

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LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,