

January 19, 1989

LB 94, 247, 570, 576, 683-808

as yet, please contact Joanne immediately. If you don't have the bill that you are expecting, please contact the Bill Drafters Office immediately. Mr. Clerk.

CLERK: Mr. President, for the record, I have received a reference report referring LBs 496-599 including resolutions 8-12, all of which are constitutional amendments.

Mr. President, your Committee on Banking, Commerce and Insurance to whom we referred LB 94 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments attached. (See pages 320-21 of the Legislative Journal.)

Mr. President, I have hearing notices from the Judiciary Committee signed by Senator Chizek as Chair, and a second hearing notice from Judiciary as well as a third hearing notice from Judiciary, all signed by Senator Chizek.

Mr. President, new bills. (Read LBs 683-726 by title for the first time. See pages 321-30 of the Legislative Journal.)

Mr. President, a request to add names, Senator Korshoj to LB 570, Senator Smith to LB 576, Senator Baack to 570 and Senator Barrett to LB 247.

SPEAKER BARRETT: Stand at ease.

EASE

SPEAKER BARRETT: More bills, Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 727-776 by title for the first time. See pages 331-42 of the Legislative Journal.)

EASE

SPEAKER BARRETT: More bill introductions.

ASSISTANT CLERK: Thank you, Mr. President. (Read LBs 777-808 by title for the first time. See pages 343-50 of the Legislative Journal.)

CLERK: Mr. President, I have reports. Your Committee on

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LB 74, 116, 208, 238, 263, 265, 267
273, 344, 360A, 765

SPEAKER BARRETT: LB 360A is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, Senator Smith would move to withdraw LB 765. That will be laid over. I have a notice of hearing from the Rules Committee, signed by Senator Lynch as Chair. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. That's all that I have. (See page 875 of the Legislative Journal, re: LB 74, LB 116, LB 208, LB 238, LB 263, LB 267, LB 273, and LB 344.)

SPEAKER BARRETT: As a matter of general information, we will not be discussing 520 or 520A this morning. We will not be discussing LB 340, LB 147, or 147A. We are then at this point to LB 265. Mr. Clerk.

CLERK: Mr. President, 265, offered by Senator Chizek. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee. The bill was advanced to General File. I do have an amendment to the bill by Senator Chizek, Mr. President. That amendment is on page 739 of the Journal.

SPEAKER BARRETT: Senator Chizek, on your amendment.

SENATOR CHIZEK: Mr. President, colleagues, the amendment is on page 739. The amendment removes paternity matters from the expedited process required by federal law. The changes in the federal requirements permit the state to remove paternity matters from this expedited process. The judges and the Department of Social Services have excluded paternity because these actions don't lend themselves to the expedited process. Appointment of counsel, jury trial, discovery, blood tests, et cetera make paternity matters a poor candidate for the expedited process. LB 265 would, however, allow referees to handle paternity matters under direction of the district court. I would urge the adoption of the amendment.

SPEAKER BARRETT: Any discussion on the amendment to 265? If not, those in favor of the adoption of that amendment please vote aye, opposed nay. Voting on the amendment to LB 265. Please vote, if you'd care to vote. On the amendment to 265, please vote, if you'd care to vote. Record, please.

CLERK: 25 ayes, 0 nays on adoption of Senator Chizek's amendment to the bill, Mr. President.

February 27, 1989 LB 676, 765
LR 35

Senator Rogers. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Rogers, would you like to close?

SENATOR ROGERS: Well, I am going to mention one thing, as long as Senator Hannibal didn't. I mentioned that the first time I showed up there, here was Senator Hannibal. His great-great-grandfather founded Dannebrog, and I thought surely he would mention that. I move for the adoption of the resolution.

SPEAKER BARRETT: You have heard the motion. The question is the adoption of LR 35. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 35.

SPEAKER BARRETT: LR 35 is adopted. I have number six, motions, Mr. Clerk.

CLERK: Mr. President, the first is offered by Senator Schmit. Senator Schmit would move to withdraw LB 676.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President, we have a multitude of bills on the floor. We have a lot of them in committee. This bill has been addressed rather thoroughly on the floor. It doesn't seem to be moving very rapidly and, therefore, it would only compound the work of the committee and of this body to continue to keep this bill alive. I suggest that it be withdrawn. Thank you.

SPEAKER BARRETT: Thank you. Discussion? Those in favor of the withdrawal motion offered by Senator Schmit please vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the withdrawal of LB 676.

SPEAKER BARRETT: LB 676 is withdrawn. Next motion, Mr. Clerk.

CLERK: Mr. President, Senator Smith would would move to withdraw LB 765.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Chairman, and I wasn't speaking to you. I would respectfully ask that LB 765 be withdrawn. It was a Department of Revenue bill which was brought to me as a committee chairman, and they later then came back and asked to withdraw it. The bill would have eliminated using charity headquarters from selling pickle cards from that site, so I would imagine there are some people here on the floor that will probably be glad that they withdrew that, that bill. So I would just ask for the withdrawal of it.

SPEAKER BARRETT: Any discussion? If not, those in favor of the motion to withdraw LB 765 vote aye...excuse me, Senator Hall. I am sorry.

SENATOR HALL: I am sorry, Mr. President. I didn't hear what Senator Smith said the bill dealt with, and I apologize.

SPEAKER BARRETT: Senator Smith, would you care to repeat your opening statement.

SENATOR SMITH: Senator Hall...

SENATOR HALL: I heard something about pickles, Senator Smith.

SENATOR SMITH: Right, right.

SENATOR HALL: My antenna went up, and I apologize.

SENATOR SMITH: Did you hear the part that said you would probably be glad that we withdrew the bill? Basically, what this bill would have done, it was a Department of Revenue bill, which asked for them to...what they would have been doing was to restrict the headquarters from being used as a site for selling pickle cards. In other words, it would have eliminated them from doing that.

SENATOR HALL: Okay, thank you, Senator Smith.

SENATOR SMITH: Yes.

SPEAKER BARRETT: Any other discussion? If not, all in favor of withdrawing LB 765 vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to withdraw LB 765.

SPEAKER BARRETT: LB 765 is withdrawn. Next motion, Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to place LB 433 on General File notwithstanding the committee action. Senator Wesely offered his motion on February 16. It is found on page 769 of the Journal, Mr. President.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker, members. I have appreciated the levity this morning, a Monday morning, as we come back into session, and it is enjoyable to see everybody once again. The issue I am about to bring to you to discuss is not very funny, though, and, unfortunately, we do need to get serious about a very important topic and I don't bring it to you lightly. I bring it to you with great sincerity. LB 433 is a bill killed expeditiously by the Revenue Committee under the fine leadership of Senator Hall, who is doing a good job of dealing with a number of issues, and I appreciate the action by the committee, and I respect the committee for that action, but...and though I normally wouldn't ask you to consider a piece of legislation killed by a committee, I think this one is important enough to bring to the floor to again raise an issue I think needs to be raised and discussed in the body, and in front of the people of this state. And that question is, what are we...how do we deal with the question of the capital gains exemption of LB 775? LB 775 was passed in 1987. We all, that were here, remember that quite clearly. It took a lot of our time and our attention and a lot of our blood, sweat, and tears because it was a hard-fought battle. Included in that bill was a provision that provided for a capital gains exclusion for individuals that had a capital gain from a company they owned, stock that they had in the company. It was an incentive for entrepreneurs, what it was talked about, and it was an integral part of that piece of legislation. It was said if we touched that bill, if we touched any piece of that bill, if you remember, ConAgra was out of this state. Along with ConAgra, who knows who else might leave the state, and so I supported that legislation. I felt ConAgra was an important part of our corporate community and needed to be kept here. As far as the capital gains part of the bill, I had my doubts. Nevertheless, I stuck with the bill as it was introduced and as it was