

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

February 9, 1989

LB 37, 48, 57, 58, 70, 77, 94  
97, 115, 120, 126, 133, 142, 156  
209, 229, 230, 233, 251, 255, 256  
295, 311, 350, 521, 597, 598, 692  
703, 777, 780

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 209 as amended be advanced.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. May I introduce a guest, please, of Senator Hefner. We have Mr. Art Anderson of Bloomfield, Nebraska. Would you please stand, Mr. Anderson. Thank you. Mr. Clerk, anything for the record?

CLERK: Yes, Mr. President, thank you. Your Committee on Appropriations gives notice of hearing for March 7...I'm sorry, for February 24. That's signed by Senator Warner. A location change for Appropriations hearings on March 1, also offered by Senator Warner.

Mr. President, General Affairs Committee offers LB 703 to General File; LB 777 to General File; LB 780 to General File. Those are signed by Senator Smith as Chair of the Committee.

Agriculture Committee reports LB 37 to General File with amendments; LB 120 to General File with amendments. Those are signed by Senator Johnson as Chair. (See pages 678-79 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis reports LB 77 to General File with amendments; LB 311, General File with amendments; LB 350, General File with amendments; LB 598, General File with amendments; LB 692, General File with amendments, and LB 597, General File with amendments. Those are signed by Senator Landis as Chair. (See pages 679-82 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 11:30 a.m. (Re: LB 57, LB 94, LB 97, LB 126, LB 133, LB 229, LB 230, LB 233, LB 251, LB 255, LB 295, LB 58, LB 70, LB 115, LB 142, LB 156, and LB 256.)

Mr. President, Senator Moore would like to print amendments to LB 48. (See page 682 of the Legislative Journal.)

And, Mr. President, Senator Weihing would like to add his name to LB 521 as co-introducer. That's all that I have, Mr. President.

March 30, 1989

LB 240, 777, 790

LB 240.

SPEAKER BARRETT: LB 240 advances. LB 790.

CLERK: LB 790 offered by Senator Hartnett. (Read title.) The bill was introduced on January 19, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Korshoj, would you handle the bill, please.

SENATOR KORSHOJ: Yes, Mr. Speaker, and members, all this bill is is a technical change to a bill we passed last year, LB 625. It just spells out exactly how a mayor can vote if his vote is decisive or if it's needed to pass a bill, actually, or to pass what is on the agenda. And it's...the League discovered we needed this technical change to clarify when and how he could vote. And that's all we ask is the advancement of this bill.

SPEAKER BARRETT: Any discussion? Any questions? If not, shall LB 790 be advanced? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 790.

SPEAKER BARRETT: LB 790 advances. LB 777.

CLERK: Mr. President, LB 777 was a bill introduced by the General Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 19, referred to General Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker, members of the body, this is a bill that was heard in General Affairs and was passed out unanimously. Under current law, liquor distributors can ship liquor that is damaged or otherwise spoiled back from their retailer in order to destroy or replace that liquor. If the distributor just ships liquor out of the state, however, such as into Iowa, the distributor can't bring it back in to destroy it at this point in time and they are being forced to warehouse it

on the other side of the line. And this bill then just simply grants the authorization to set up the same paper trail as we have for those that are already within the state and they would be allowed then to bring back into the state the liquor which they had originally shipped out of the state which was damaged and then only from the retailer that they shipped it to. I would ask for your advancement of the bill.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of LB 777 vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 777.

SPEAKER BARRETT: LB 777 is advanced. LB 44.

CLERK: Mr. President, LB 44 was introduced by Senator Bernard-Stevens. (Read title.) The bill was introduced on January 5, referred to Judiciary, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Much of the bill, LB 44, really belongs to Senator Lowell Johnson who last year had a bill, I believe number 1221. Much of the idea of that bill, in fact, I would say most of the ideas of the bill came from Senator Johnson and the bill the Legislature passed last year. To give you a brief history of the bill, last year there was very little debate. There was very little, in fact, there was no opposition and the bill passed easily. The Governor was given advice and upon that advice vetoed the bill, and when the bill came up, it came up at, I guess, the wrong time in our veto override session that we had, and after the train had to come to a stop sometime, then this bill came up and we only had 27 votes on the override attempt. There will be, I suspect, a gubernatorial veto on this one as well. But I would like to explain to the body what we have and where I believe, if we have a chance to sit down with the governor, where we might be able to work this problem out. Nebraska's statute, Section 29-1823, specifically provides that the cost of a mental evaluation, precedent to a commitment, is the responsibility of the county wherein the crime is charged. That cost is part of the trial process. It is not disputed here and it should be a

April 3, 1989

LB 44, 44A, 47, 66, 75, 78, 87  
220, 240, 262, 348, 372, 399, 401  
431, 438, 438A, 546, 548, 569, 569A  
582, 582A, 592, 606, 608, 628, 637  
681, 706, 777, 790

the time Senator Abboud can have to finish his closing.

SPEAKER BARRETT: Thank you. The question is the advancement of the bill to E & R Engrossing. All in favor vote aye...thank you. Roll call vote has been requested in reverse order. So be it. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1431-32 of the Legislative Journal.) 27 ayes, 10 nays, Mr. President, on the advancement 592.

SPEAKER BARRETT: LB 592 advances. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 262 and recommend that same be placed on Select File; LB 569, LB 569A, LB 606, LB 628, LB 681, LB 78, LB 438, LB 438A, LB 706, LB 47, LB 75, LB 548, LB 582, LB 582A, LB 240, LB 790, LB 777, LB 44, LB 44A, LB 637, LB 66, LB 546, LB 87, LB 220, LB 372, LB 399, LB 401 and LB 608, some of which have E & R amendments attached, Mr. President. (See pages 1432-44 of the Legislative Journal.)

Mr. President, your Committee on Health whose Chair is Senator Wesely reports LB 348 to General file with committee amendments attached. That's signed by Senator Wesely as Chair. (See page 1444 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. As announced before recess, we will move back to LB 431 and LB 431A. LB 431, Mr. Clerk.

CLERK: Mr. President, the first item I have on 431 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 431 be adopted.

SPEAKER BARRETT: The question is the adoption of the E & R amendments to LB 431. Those in favor say aye. Opposed no. Carried. They are adopted.

April 7, 1989

LB 44A, 44, 777, 790

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 790 be adopted.

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

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 790, 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 777.

CLERK: LB 777, Senator, has no amendments.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 777 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 44.

CLERK: LB 44, Senator, I have E & R, first of all.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 44 be adopted.

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

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 44, 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 44A.

April 11, 1989

LB 44, 44A, 47, 66, 285, 285A, 361  
361A, 372, 401, 429, 506, 546, 548  
582, 582A, 608, 637, 739, 777, 790

your light is on.

SENATOR MORRISSEY: Yes, Mr. Speaker, I would move that we adjourn until 9:00 a.m., Wednesday, April 12.

SPEAKER BARRETT: Thank you. Before we take a vote, Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I have amendments to be printed to LB 739 by Senator Wesely and to LB 429. Enrollment and Review reports LB 44, LB 44A, LB 47, LB 66, LB 285, LB 285A, LB 361, LB 361A, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, and LB 790 as correctly engrossed. (See pages 1648-52 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is adjournment until tomorrow morning at nine o'clock. Those in favor say aye, opposed no. Carried. We are adjourned. (Gavel.)

Proofed by:

Sandy Ryan  
Sandy Ryan

April 18, 1989

LB 99, 637, 777, 790

Journal.) 33 ayes, 15 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 637 passes. LB 777.

CLERK: (Read LB 777 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 777 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1744-45 of the Legislative Journal.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 777 passes. LB 790, Mr. Clerk.

CLERK: (Read LB 790 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 790 pass? Those in favor vote aye, opposed nay. Record.

CLERK: (Record vote read. See pages 1745-46 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 790 passes. Final bill on Final Reading, LB 99.

CLERK: (Read LB 99 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 99 become law? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See pages 1746-47 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 99 passes. Before the call is raised, two or three announcements. Senator Beyer had some guests in the north balcony from Skyline Elementary in Elkhorn. Sixty-six fourth graders were with us this morning. Also, the Central



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LB 99, 546, 548, 582A, 582, 608, 637  
761, 777, 790

Nebraska Public Power and Irrigation District and the Nebraska Public Power District is opening an exhibit in our Rotunda at this point. The exhibit is open to the public. Everyone is invited to attend. And, finally, an announcement of considerable concern, or it should be, to this entire body, the final score in last night's practice game or preseason basketball game, staff-66, senators-47. The good news is that there were no fatalities. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 790, LB 777, LB 637, LB 608, LB 582A, LB 582, LB 548, LB 546, and LB 99. Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: Personal privilege.

SPEAKER BARRETT: State your point.

SENATOR DIERKS: Well, I just wanted to assure the senators that the reason for the good news was that the team physician was absent last night.

SPEAKER BARRETT: The team physician was absent last evening? Thank you, sir. That's for the good of the order. Mr. Clerk, proceed to General File, special order, LB 761.

CLERK: Mr. President, 761 was the bill introduced by the Natural Resources Committee. (Read title.) The bill was discussed yesterday, Mr. President. At that time, the committee amendments were adopted along with a series of amendments to those committee amendments. Mr. President, the first item I have on the bill this morning is an amendment by Senator Dierks. Senator Dierks' amendment is on page 1694 of the Journal.

SPEAKER BARRETT: Senator Dierks, please.

SENATOR DIERKS: Mr. Speaker and members of the body, we discussed this amendment a little bit yesterday so you have an idea of what we're talking about. This amendment requires voter approval by citizens of a county prior to the issuance of a license to site a facility. It seems a little bit strange to me that I have to stand here to justify this requirement, this requirement of local election, for specific reasons which I think are obvious, they're obviously consistent with Nebraska's traditional philosophy of local control, sovereignty of our citizens. More specifically, I believe the state made a pledge

April 18, 1989

LB 99, 240, 279, 361, 361A, 546, 548  
582, 582A, 608, 637, 761, 777, 790

Record, Mr. Clerk. Senator Chambers.

SENATOR CHAMBERS: I want a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under...okay, we are under call, Senator Chambers, but we will check in. Yes, all right. Please record your presence. Senator Lynch, would you record your presence, please. Senator Hefner, would you push...pardon me. Record your presence, please. Yes, we are, but we're checking in. Please. Senator Wesely, we're looking for and Senator Schmit. Did you ask for a roll call vote, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1749 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have anything else on the bill?

CLERK: Nothing.

PRESIDENT: Do you have anything for the record, Mr. Clerk:

CLERK: I do, Mr. President. Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790 and LB 99.)

I have a motion to be printed by Senator Landis. (See page 1750 of the Legislative Journal. Re. LB 361 and LB 361A.)

PRESIDENT: The call is raised.

CLERK: Transportation Committee gives notice of confirmation hearing.

Amendments to be printed to LB 279 by Senator Chizek, and Senator Hall to LB 240. (See pages 1750-53 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: May I introduce some guests, please. In the north balcony Senator Byars has 80 fourth graders from Anderson Grove

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A  
324, 372, 381, 392, 395, 401, 482  
506, 546, 548, 582, 582A, 608, 611  
637, 777, 790  
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.