

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

March 3, 1989

LB 78, 129A, 131, 183, 183A, 245, 250
250A, 340, 346A, 397, 408, 443, 447A
499, 509, 533, 538, 576
LR 43

advance the bill.

SPEAKER BARRETT: The motion fails. Messages on the President's desk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 183 to Select File; LB 183A to Select File; LB 250, Select File; LB 250A, LB 340, all to Select File, all signed by Senator Lindsay as Chair of the E & R Committee. (See page 975 of the Legislative Journal.)

Transportation Committee reports LB 533 to General File and LB 245 indefinitely postponed. Those are signed by Senator Lamb. Transportation also reports LB 509 to General File; LB 78, General File with amendments; LB 131, General File with amendments; LB 538 indefinitely postponed and LB 576 indefinitely postponed, and also signed by Senator Lamb. (See pages 975-80 of the Legislative Journal.)

Senator Moore has amendments to be printed to LB 499. (See pages 980-82 of the Legislative Journal.)

Enrollment and Review reports LB 408 correctly engrossed and LB 443 correctly engrossed. Those are signed by Senator Lindsay. (See page 982 of the Legislative Journal.)

Mr. President, an announcement from Senator Smith that the General Affairs Committee will not meet in Exec Session at one o'clock. General Affairs will not have their regularly scheduled Exec Session.

Mr. President, a new resolution offered by Senator Coordsen and other members. (Briefly described LR 43 as found on pages 982-83 of the Legislative Journal.)

Mr. President, new A bills. (Read titles for the first time to LB 346A, LB 129A, LB 447A. See page 983 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker, I move we adjourn and, providing we can get here, I...we adjourn until Monday morning, March 6th.

SPEAKER BARRETT: Thank you. You have heard the motion to

March 9, 1989

LB 54, 78, 84, 137, 287, 335, 438
611
LR 51

Priority bill designation. Senator Lamb has selected LB 84; Senator Beyer, LB 78; Senator Haberman, as Chair of Retirement, LB 137 and LB 287; Senator Korshoj, LB 335; Senator Moore, LB 611; all of those designating priority bills.

Mr. President, new resolution, LR 51 by Senator McFarland. (Read brief description of LR 51 as found on page 1045 of the Legislative Journal.) That will be referred to Reference Committee.

Mr. President, your Committee on Education whose Chair is Senator Withem, to whom was referred LB 438, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File.

Mr. President, Natural Resources Committee will have an Executive Session today in Room 1517 at one-thirty. Natural Resources, one-thirty in Room 1517.

SPEAKER BARRETT: Thank you. Proceeding next to General File, priority bills. Mr. Clerk.

CLERK: Mr. President, LB 54 is scheduled for debate this morning. It was a bill introduced by Senator Weihsing. (Read title.) The bill was introduced on January 5. It was referred to the Agriculture Committee. The bill was advanced to General File. I do have committee amendments pending by the Agriculture Committee, Mr. President.

SPEAKER BARRETT: Thank you. (Cavel.) The house will come to order, please. Committee amendments to LB 54, Senator Johnson.

SENATOR R. JOHNSON: Mr. Speaker and members, as the Clerk has already identified, this bill requires food service establishments to post the type of cooking oils they use in preparation of the food served in that establishment. The committee made actually two changes to the bill, one is the more technical aspect of the committee amendments, simply changing the terminology in the bill as it relates to cholesterol content and changing that to percent of saturated fat. The more substantial committee change would go ahead and have the penalty section amended so that when a food establishment fails to post a sign as to what type of cooking oils are being used, the Department of Agriculture, which administers the Pure Food

March 29, 1989

LB 78, 89A, 681

would you care to make a closing statement?

SENATOR LINDSAY: Again I just urge the adoption of the bill, Mr. President.

SPEAKER BARRETT: Thank you, sir. The question is the advancement of LB 681 to E & R. Those in favor vote aye, opposed nay. Have you all voted? Record, please. Excuse me. Go ahead, Senator Landis.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 681.

SPEAKER BARRETT: LB 681 is advanced. Anything for the record?

CLERK: One item, Mr. President. Senator Lynch has amendments to be printed to LB 89A. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Lowell Johnson, please.

SENATOR L. JOHNSON: Mr. Speaker, members of the Legislature, I move that we recess until 1:30 p.m.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until 1:30 p.m. All in favor say aye. Opposed no. Carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Nothing at this time, Mr. President.

SPEAKER BARRETT: Proceeding then to the first bill of the afternoon on General File, senator priority bill, LB 78.

CLERK: Mr. President, LB 78, introduced by Senator Warner. (Read.) The bill was introduced on January 5, referred to the

Transportation Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Transportation Committee, Mr. President.

SPEAKER BARRETT: Discussion on the committee amendments? Chairman Lamb, please.

SENATOR LAMB: Mr. Speaker and members of the Legislature, LB 78 is, as was indicated, a bill introduced by Senator Warner. It came to the Transportation Committee, and the bill has to do with powers of the Public Service Commission. It grants the Public Service Commission certain additional powers in regard to regulating motor carriers. I'm sure Senator Warner will delve into the provisions of the bill. However, we'll talk at this time about the committee amendments. The committee amendments can be summarized in three parts. First is the penalty section of the bill was reduced somewhat. The bill states that a civil fine, in an amount not to exceed \$5,000 for each day of violation, may be assessed. The committee scaled that down, it's still \$5,000, but it's not for each day of that...each day of the violation. Then the second part of the committee amendments has to do with the assessing of civil fines. As introduced LB 78 provides the following factors shall be taken into consideration by the Public Service Commission in assessing a civil fine for a violation, number one, the appropriateness of the penalty to the size of the business of the violator. The gravity of the violations and the good faith of the violator in attempting to achieve compliance after notification of the violation. The committee amendment strikes the requirement that the Public Service Commission take into account the size of business of the violator in the assessment of the civil fine. Then the third part of the committee amendment has to do with the...well, there is one more part here I should discuss, too. Currently the law provides that any party wishing to appeal a decision of the Public Service Commission shall appeal directly to the Supreme Court. The committee amendment would provide that any action of the Public Service Commission, pursuant to the civil fine provisions of the bill, shall be appealed to the Lancaster District Court, or the district court of the county in which the appealing party is domiciled. The other part of the committee amendment has to do with transportation cooperatives, whether or not they are regulated by the Public Service Commission. There are some new reporting requirements for transportation cooperatives, and this has been a long and arduous process in arriving at agreement on this part of the

committee amendments because there has been discussion, there has been agreements and disagreements between the Public Service Commission, the motor carriers and the transportation co-ops. We've had several meetings. Senator Rogers has had meetings, I've had meetings in my office between those three groups. We have hammered out an amendment which has been agreed to by all those parties. It provides...well it's a fairly long amendment. But I think at this point it may suffice to say that all parties agree that transportation co-ops will not be regulated, per se, but they will...they will have to register so that the Public Service Commission really knows who they are and where they are. With that, Mr. Chairman, I would respond to questions. If there are no questions, I would ask that the committee amendment be adopted.

SPEAKER BARRETT: Thank you, sir. Discussion on the committee amendments to LB 78? Any discussion? If not, those in favor of the adoption of the committee amendments vote aye, opposed nay. Have you all voted? Record.

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

SPEAKER BARRETT: The Transportation Committee amendments are adopted. To the bill as amended, Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, the committee amendments, as explained by Senator Lamb, substantially address much of the purpose of the bill in its original form, probably at least in a way that is agreed to. Essentially the reason that the bill was actually introduced, there are, as you all are aware, current statutes that affect common carriers that have to have certificates that regulate how they can function. And there are instances, were instances at least where some carriers were or individuals perhaps were providing a service as a carrier for which they were not certificated because they were hauling goods other than their own, as a practical matter, which they should have carried the necessary authorization for the Public Service Commission. But as the law was there really wasn't any enforcement procedure that could effectively be used. If a carrier that is certificated was carrying items beyond what they were licensed for, that certificate would be revoked. Obviously one who did not have a license couldn't. The other option was through the court system, either filed generally by a county attorney, if

they chose to do so. But those fines were minimal and it was generally sort of assumed as a cost of doing business as opposed to a restriction upon...on the individual providing the transportation service for which they were not, under the law, entitled to do. So under the bill it reverses that. And one of the areas particularly, as outlined by Senator Lamb, was where there were a number of groups or companies that went jointly together, and it might be in the form of a cooperative. Under the act now they will still be allowed to continue and not be required to have a certificate. But it will be more precise as to what items they are allowed to carry, which essentially are only, if you read the amendment, essentially are those items that are in effect under the ownership of the joint owners of that carrier group, that they will be using themselves or selling. So I think that works out quite well to address that part of the issue. And then the additional provisions for the Public Service Commission to impose something other than the two options they currently have in the way of civil penalties to bring compliance to an individual carrying items for which they are not permitted under statute, and enhances that ability of the Public Service Commission to enforce the statutes they have responsibility to do. With that, Mr. President, I move the bill be advanced.

SPEAKER BARRETT: Thank you, sir. Discussion on the advancement of the bill? Senator Pirsch.

SENATOR PIRSCH: Really just a comment or a question of Senator Warner. I noted that right now the Public Service Commission appeals directly to the Nebraska Supreme Court. That's correct? And under this bill I noted that now it will be filed in district court, or the district court of the county in which the party is domiciled.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Yes, the only change that this is under the administrative decision where those appeals could go to the district court. Other provisions that it currently goes directly to the...can go directly to the Supreme Court is not changed. But under these provisions here, where there is a carrier involved, then it can be initiated at a district court in the location where that carrier is located.

SENATOR PIRSCH: So there are still those cases that will go

March 29, 1989

LB 78, 438

directly to the Supreme Court?

SENATOR WARNER: No, no change.

SENATOR PIRSCH: Okay, so this really does not alleviate then any of the...a significant part of the Supreme Court burden?

SENATOR WARNER: Probably...well I'm sure it wouldn't, Senator Pirsch, because the bulk of these kinds of infractions that currently occur would never be of a nature that would get to the Supreme Court anyway, I don't think.

SENATOR PIRSCH: Right. So now instead of being appealed directly to the Supreme Court they will probably be satisfied in the lower court.

SENATOR WARNER: I would imagine in virtually every instance.

SENATOR PIRSCH: Thank you.

SPEAKER BARRETT: Any other discussion? If not, the question is the advancement of LB 78. Those in favor vote aye, opposed nay. Please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 78.

SPEAKER BARRETT: LB 78 is advanced. To LB 438.

CLERK: LB 438, Mr. President, was a bill introduced by Senators Wehrbein and Hall. (Read title.) The bill was introduced on January 13. It was referred to the Education Committee. The bill was advanced to General File. Mr. President, before we proceed, I do have a request from Senator Chambers to add his name as co-introducer to the bill.

SPEAKER BARRETT: If there are no objections, so ordered. Senator Wehrbein, would you care to explain LB 438.

SENATOR WEHRBEIN: Yes, I would, Mr. President, I thought Senator Baack was going to have an amendment on this.

SPEAKER BARRETT: May we ask for an explanation of the bill first, a brief explanation, then we will go to the amendment.

March 30, 1989

LB 78, 220, 371, 399, 566
LR 67

SENATOR LANDIS: The question is the advancement of LB 566. Those in favor vote aye, those opposed vote no. Upon the completion of this vote, the Clerk will read into the record those items that are necessary and then we'll entertain a motion to adjourn. It would be painful to think that a call of the house would be necessary to dispose of this matter at this late hour. If you're in the Chamber, please return to your chair and vote one way or the other on the advancement of 566. The Clerk will record.

ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: Motion is advanced and the bill is advanced. Mr. Clerk, read into the record those items you have before us.

ASSISTANT CLERK: Mr. President, I have a new resolution, LR 67 by Senator Wesely. (Read brief description. See page 1416 of the Legislative Journal.)

Amendments to be printed from Senator Rod Johnson to LB 78; Senator Chambers to LB 399; Senator Chambers to LB 220 and Senator Hall to LB 371. (See pages 1416-21 of the Legislative Journal.) And that's all I have, Mr. President.

SENATOR LANDIS: Thank you, Mr. Clerk. The Chair recognizes the distinguished senator from northeast Nebraska, Frank Korshoj.

SENATOR KORSHOJ: Mr. Chairperson, I move that we adjourn until April 3rd at 9:00 a.m.

SENATOR LANDIS: You've heard the motion. Those in favor say aye. A machine vote has been called for. Those in favor vote aye, those opposed vote no. Somebody must have heard about a party. I've got a whole sheaf of bills. Just wait for a second and I'll go down to my office and get them and we can stay in session. The Clerk will record.

ASSISTANT CLERK: 23 ayes, 1 nay on the motion to adjourn, Mr. President.

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.

which would not have otherwise been there. It is simply to take out what is believed to be repetitive wording. The second part of the amendment would change the word "account" to "property" in one section of the bill, and the reason for that is that an account could include several pieces of property which may have been leased at several different times. The third part of the bill changes the term "lessee's dwelling" to "place designated by the consumer" for the reason that the piece of property may not go to the lessee's dwelling. It could go, if the consumer wants it to, it could go to a brother's house, a sister's house, mother's, father's, daughter's, son's, wherever the consumer designates, and that is to make that clear as far as where that goes. And the final change is that there were...you know, when we drafted the bill, we inadvertently left out three sections in the enforcement provisions, two sections...two or three sections were inadvertently left out in the enforcement. Again, since that was considered a substantive amendment, E & R felt that it should go, and I agree that it should go through on the floor. So with that, I would urge adoption of the amendment.

SPEAKER BARRETT: Thank you. Discussion on the motion? Discussion on the Lindsay amendment to 681. Seeing none, those in favor of the amendment please vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 681 as amended be advanced to E & R Final.

SPEAKER BARRETT: Shall 681 as amended be advanced? All in favor say aye. Opposed no. Carried. LB 78.

CLERK: Mr. President, LB 78, I have E & R amendments, first of all.

SPEAKER BARRETT: Senator Lindsay.

April 19, 1989

LB 78, 120

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

SPEAKER BARRETT: Shall the E & R amendments be adopted? Those in favor say aye. Opposed nay. Carried. They are adopted.

CLERK: Mr. President, Senator Rod Johnson would move to amend the bill.

SPEAKER BARRETT: Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, I want to offer to this body an amendment that basically I...Senator Warner is not on the floor at this time, but there was a bill heard by the Agriculture Committee, LB 120, which I sponsored on behalf of the Public Service Commission which deals with grain warehouses, grain warehouses that are licensed, state licensed by the PSC. I am attempting, through this amendment, to basically put the provisions of LB 120 into LB 78. They...both bills deal with the Public Service Commission's regulatory powers. LB 78 deals with transportation. This bill or this amendment that I am offering, LB 120, deals, as I said earlier, grain warehousing regulations. I suppose the cleanest way to deal with this is to ask the body to suspend the rules, or suspend rules to allow me to consider this motion because of the tight germaneness rules that the Speaker has held up to this particular point. If it would be in order, then I would just ask the body to suspend the rules to allow me to offer this amendment, if that would be in order, Mr. President.

SPEAKER BARRETT: You are asking to suspend the germaneness rule, that is the motion that you are offering?

SENATOR R. JOHNSON: Yes.

SPEAKER BARRETT: Thank you. That is debatable. Any discussion? Senator Johnson.

SENATOR R. JOHNSON: Mr. Speaker, maybe I should briefly tell the body what the bill is or what it does. As I said, it is largely regulatory changes that the Public Service Commission would like to see done as it relates to grain warehouses. Principally, it would allow the Public Service Commission to allow grain companies to use U.S. bonds or treasury notes or other public debt obligations of the United States as security

as opposed to what we now allow which is, I will get this for you if I can, currently we allow warehouse bonds, irrevocable letters of credit, and certificates of deposits as currently required by state law. Now the federal government made changes in which federally chartered grain warehouses can allow these...are allowed to use these other forms of credit. This would just bring the state law into compliance with what the federal government has allowed the federally chartered or federally licensed warehouses. It also allows that license...requirements to state licensed grain warehouses would not need separate licensing if their facilities might be 25 miles apart. Currently, that is the restriction, the problem being that in many cases you might have several grain warehouses that might be miles apart but yet are still governed by one board of directors, and I think what we are attempting to do is to allow them to use only one license as opposed to having a separate license for each facility that they operate. Finally, it also enumerates the potentiality of who is liable or what type of person would be liable under this act for prosecution if, in fact, we would have some violations of the Grain Warehouse Act. Finally, we added, as actually the committee when they heard the bill, make sure that when a violation does take place and prosecution is followed that those who made or who violated the law knew at the time they were doing it, or knowingly intended to violate the law, that, for example, if a board instructed a director to violate the law, then the board would be liable as well as the agent of the board. So with that basically covers what the bill does. As I said, it is largely a clean-up measure that we wanted to offer to the body to allow the Public Service Commission to enact these laws. It appeared this was the only vehicle coming across the board that would allow us to do this that dealt with the Public Service Commission. If the body doesn't want to do it, that is fine with me, but I can guarantee you these are largely innocuous changes to the grain warehouse law that we would like to change and put on the books. If there is any objections to that, I would be happy to pull the amendment and allow the bill to proceed.

SPEAKER BARRETT: Senator Pirsch, did you care to discuss the issue?

SENATOR PIRSCH: Yes, I put my light on just to have a little more explanation which Senator Johnson did provide us part of. Senator Johnson, what bill was this?

April 19, 1989

LB 78

SENATOR R. JOHNSON: LB 120.

SENATOR PIRSCH: LB 120, and it was heard in front of the committee...

SENATOR R. JOHNSON: Heard by the Agriculture Committee.

SENATOR PIRSCH: And passed out of the committee,...

SENATOR R. JOHNSON: Yes.

SENATOR PIRSCH: ...I assume, and I really have no problem with it. One of the things that you did not mention was in Section 32, under Section 88-547, the title to all grain stored in the warehouse, and we have added "No claim of the licensee for grain stored shall be honored until the claims of all other owners, depositors, and storers have been paid in full." Is that a new provision?

SENATOR R. JOHNSON: I will look real fast for you.

SENATOR PIRSCH: Okay.

SENATOR R. JOHNSON: Yes, it is.

SENATOR PIRSCH: That is a new provision into the law?

SENATOR R. JOHNSON: Yes, it would...

SENATOR PIRSCH: So this then makes clear that the licensee of grain storage will not be honored until all of the other claims have been made.

SENATOR R. JOHNSON: That is correct.

SENATOR PIRSCH: And that was discussed at great length...

SENATOR R. JOHNSON: Yes.

SENATOR PIRSCH: ...I assume before your committee and then accepted by the committee?

SENATOR R. JOHNSON: Yeah, my aide is refreshing my memory on this bill since we heard it so long ago, but as I said, all of

these changes were requested by the Public Service Commission. It is just a matter that the bill did not happen to be a priority bill, it did not happen to get up early in the session to be discussed by this body, and so you might say I am making a last ditch effort to attach it to this bill. As I said, I have no problem if the body feels that they are not prepared to vote on the amendment.

SENATOR PIRSCH: Yes, right. Well, that was just one thing that I had noted was new to me and probably a good idea to make clear that those claims of the other owners, depositors, and storers had been paid in full and, with that, I will support your effort to suspend the rules and insert this. Thank you.

SPEAKER BARRETT: Senator Lamb, please.

SENATOR LAMB: Mr. President and members, this is...LB 78 is a bill that came through the Transportation Committee, and I support Senator Rod Johnson's amendment, and would encourage people to suspend the rules to attach it. It does not disturb the main...the provisions of LB 78, which is fairly carefully crafted and some people have been concerned about but this issue is completely separate and it logically could be attached to the bill.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Yeah, Mr. President and members of the Legislature, just to indicate under the rule suspension I have no problem with attaching the amendment.

SPEAKER BARRETT: Thank you, sir. Any closing, Senator Johnson? Thank you. The question is the suspension of the germaneness rule. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 30 ayes, 0 nays, Mr. President, to suspend the Rule 7, Section 3(d) to permit consideration of Senator Johnson's amendment.

SPEAKER BARRETT: The rule is suspended and, Senator Johnson, on the amendment, anything further?

SENATOR R. JOHNSON: No, sir, I do not. I just move the amendment.

April 19, 1989

LB 78

SPEAKER BARRETT: Thank you. Any discussion? If not, the question is the adoption of the Johnson amendment to LB 78. All in favor vote aye, opposed nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 78 as amended be advanced to E & R Final.

SPEAKER BARRETT: You have heard the motion to advance the bill to E & R Final. Senator Lamb.

SENATOR LAMB: Yes, Mr. President, this is a bill which came to the Transportation Committee introduced by Senator Warner. It has to do with somewhat of an expansion of the powers of the Public Service Commission, and originally there was sort of a three-way argument here between Public Service Commission, the transportation co-ops, and the motor carriers, and the bill, as it stands now, has been agreed to by all of those parties. However, it has been called to my attention that it might be well to read into the record the...I guess the intent of what we have done on this bill, so I would like to read this statement. A portion of the Standing Committee amendment, which was adopted on General File, dealt with new provisions which provide the Public Service Commission with oversight authority over the operation of transportation cooperatives. As was explained on General File, transportation cooperatives is agricultural cooperatives as defined by federal law who join together and form a transportation cooperative and conduct private motor carriage solely for the member cooperative association's benefit. Prior to this bill, transportation cooperatives have not been regulated by the PSC, Public Service Commission. Under the committee amendment, a transportation cooperative does not have to have...does not have to obtain a certificate of public convenience and necessity to obtain operating authority but must meet specified operating and information filing requirements. One of the requirements provided for in the committee amendment

is that the voting control and all other indications of ownership of the transportation cooperative is vested in the member cooperative associations. By indications of ownership, it is intended that the member agricultural cooperatives have a definite responsibility, a per capita responsibility for the operations of transportation the transportation cooperative undertakes. That is, the member cooperative associations share the obligations for the cost of insurance, the rent, or cost of equipment, and buildings purchased and bear a share of any legal liabilities the transportation cooperative might face. A cooperative association, if it wishes to have the transportation advantages a transportation cooperative might bring, must also share in the responsibilities and burdens that go with the operation of a transportation cooperative or service. Basically, what the intent of this portion of the committee amendment is trying to accomplish is to stop the ability of a person or a business from paying a fee of 15 or 20 dollars or any other small amount, or any other amount, and obtaining the ability to become a member of a transportation cooperative and eligible to receive its service. Thank you.

SPEAKER BARRETT: Thank you. You have heard the motion to advance the bill. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 438.

CLERK: Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator John Lindsay.

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

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments. Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 438 as amended be advanced to E & R Final.

SPEAKER BARRETT: The question is the advancement of LB 438 as

April 25, 1989

LB 78, 438, 438A, 646, 710, 812

call? Those in favor vote aye, opposed nay. Record.

CLERK: 23 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return. Senator Bernard-Stevens, please check in. Senator Warner, please record your presence. Senator Schimek, please. Senator Lindsay. Senator Peterson, the house is under call. Roll call in regular order has been requested. Senator Baack, Senator Haberman, Senator Wesely, the house is under call. While we're waiting, Senator Crosby announces the following guests in the north balcony, 20 second graders from Park Elementary here in Lincoln with their teachers. Would you folks please stand up and wave. Thank you. We're glad you could be with us. Senators Baack and Haberman, the house is under call. Senator Withem, may we proceed.

SENATOR WITHEM: Is there any knowledge of where Senator Haberman is?

SPEAKER BARRETT: Not at this point. The scouts are out looking.

SENATOR WITHEM: Maybe Senator Goodrich knows where he's hiding. He seems to be...I think Senator Goodrich. Go ahead and call the roll, please.

SPEAKER BARRETT: Apparently he is now on his way, Senator Withem.

CLERK: (Roll call vote read. See pages 1897-98 of the Legislative Journal.) 20 ayes. 22 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The motion fails. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review...

SPEAKER BARRETT: The call is raised.

CLERK: ...has carefully examined and engrossed LB 78 and find the same correctly engrossed; LB 438; LB 438A; LB 646; LB 710,

because that would have the same intent of authentication, and the credit agreement showing a signature of a lender, which is transmitted via telephone, or Telecopier machine, rather, and is signed by the debtor, both of those documents would carry the requisite intent to authenticate, which would comport with the language in the bill on the signature by the creditor and the debtor. Therefore, the amendment language is unnecessary and I would ask to withdraw it at this time.

SPEAKER BARRETT: Thank you, sir, it is withdrawn. We'll proceed then to the reading of the bill, Mr. Clerk.

CLERK: (Read LB 606 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 606 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: (Read record vote as found in Journal on page 2018.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 606 passes. LB 681E.

CLERK: (Read LB 681E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 681 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. See page 2019 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 681E passes. LB 78.

ASSISTANT CLERK: (Read LB 78 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 78 become law? All in favor vote aye, opposed nay. Have you all voted? Record, please.

ASSISTANT CLERK: (Record vote read. See page 2020 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused

May 2, 1989

LB 78, 262, 646

and not voting, Mr. President.

SPEAKER BARRETT: LB 78 passes. Before proceeding to LB 646, Senator Ron Withem has some guests in the north balcony. We have some eighth graders and their teacher from St. Columbkille School in Papillion. Would you folks please stand and be welcomed. Thank you. We're glad to have you with us this afternoon. Next bill, Mr. Clerk.

ASSISTANT CLERK: (Read LB 646 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 646 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 2021 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 646 passes. LB 262.

ASSISTANT CLERK: (Read LB 262 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 262 become law? Those in favor vote aye, opposed nay. Have you all voted? Have you all voted if you'd care to vote? Record, please.

CLERK: (Record vote read. See page 2022 of the Legislative Journal.) 29 ayes, 15 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 262 passes. Senator Landis, for what purpose do you rise?

SENATOR LANDIS: Just a point of order, Mr. Speaker.

SPEAKER BARRETT: State your point.

SENATOR LANDIS: I was wondering if the Chair could consider since we're going to be moving to days of greater length, both in the morning and the afternoon, that the Chair pursue a policy that would see that the lights were turned off in the later afternoon. They are irritating and it's difficult to work under

May 2, 1989

LB 78, 175, 262, 588, 591, 591A, 606
646, 681, 767, 814

having been complied with, the question is, shall LB 591 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. (See page 2023 of the Legislative Journal.) 42 ayes, 2 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591E passes. And let the record show that Senator Moore had guests in the north balcony. They are just leaving at the present time, 9 students and 2 sponsors from the seventh and eighth grades in Waco, from St. John's in Waco. Thank you, folks, for coming. We appreciate it. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 606, LB 681, LB 78, LB 646, and LB 262. (See page 2024 of the Legislative Journal.) The call is raised. I'm sorry, we have an A bill. The call is not raised, I'm sorry. Mr. Clerk.

CLERK: (Read LB 591A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 591A with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2024 of the Legislative Journal.) 41 ayes, 2 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591AE passes. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 591 and LB 591A, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: I have amendments to be printed by Senator Coordsen to LB 814, Senator McFarland to LB 175, Senator Conway to LB 767. That's all that I have, Mr. President. (See pages 2025-27 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to General File, senator priority bills, LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18.

May 2, 1989

LB 78, 262, 429, 588, 591, 591A, 606
646, 681

further on it? The call is raised.

CLERK: Mr. President, Senator Labedz would move to amend the bill.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Withdraw.

PRESIDENT: Withdrawn.

CLERK: Mr. President, Senator Ashford would move to amend.

PRESIDENT: Senator Ashford. It is withdrawn.

CLERK: Mr. President, Senator Hall...kill motion, Senator?

SENATOR HALL: Withdraw.

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

PRESIDENT: Okay, we're on the advancement of the bill. Senator Chambers.

SENATOR CHAMBERS: In view of the...Mr. Chairman and members of the Legislature, I will just make the motion, then see if it's necessary to discuss it further, but I move that 588 be advanced to E & R Initial.

PRESIDENT: You've heard the motion. Any discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on the advancement of LB 588.

PRESIDENT: LB 588 is advanced. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do. Enrollment and Review reports LB 429 correctly engrossed.

Enrolling Clerk has presented to the Governor bills read on Final Reading today, Mr. President. (Re: LB 606, LB 681, LB 78, LB 646, LB 262, LB 591, LB 591A. See page 2028 of the

May 4, 1989

LB 78, 182, 262, 591, 591A, 606, 646
681, 813
LR 110-115

amendment is adopted. Do you have anything else on it, Mr. Clerk?

CLERK: Mr. President, Senator Wesely would move to amend Senator Bernard-Stevens' amendment.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Yeah, I move to recess till one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. You are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Record, Mr. Clerk, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT: Do you have anything to read in, Mr. Clerk?

ASSISTANT CLERK: One item, Senator Coordsen would ask unanimous consent to print amendments to LB 182.

CLERK: Mr. President, I have a series of things, a communication from the Governor to the Clerk. (Re: LB 606, LB 681, LB 78, LB 646, LB 262, LB 591, LB 591A. See page 2089 of the Legislative Journal.)

A new study resolution by Senator Rod Johnson, LR 110. LR 111 by Senator Johnson. LR 112 by Senator Baack. LR 113 by Senator Barrett. LR 114 by Senator Hefner. LR 115 by Senator Baack. (Read brief explanation of each. See pages 2089-93 of the Legislative Journal.)

Mr. President, received a report from U S Ecology which is filed pursuant to rule and reg. Senator Wesely has amendments to LB 813, as does Senator Bernard-Stevens... Senator Bernard-Stevens has amendments to LB 813, Mr. President. (See pages 2093-94 of the Legislative Journal.)