

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880
LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

January 16, 1990

LB 163, 240A, 259, 259A, 397, 534, 601
730, 818-820, 834, 853, 1043, 1044, 1057
1076, 1098, 1148-1157

guess it is the third Beck amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The third Beck amendment fails. Mr. Clerk, do you have anything for the record?

CLERK: I do, Mr. President. Mr. President, reminder, Reference Committee will meet in Room 2102 upon adjournment; Reference Committee, Room 2102.

Mr. President, new bills. (Read for the first time by title: LB 1148-1157.) Mr. President, a new A bill, LB 240A by Senator Hall. (Read for the first time by title. See pages 340-43 of the Legislative Journal.)

Retirement Systems Committee, whose Chair is Senator Haberman, reports LB 834 to General File. Appropriations Committee offers notice of hearing, as does Urban Affairs, (Re: LB 853, LB 1043, LB 1044, LB 1057, LB 1076, LB 1098) signed by Senators Warner and Hartnett as Chairs, respectively. (See pages 343-44 of the Legislative Journal.)

Mr. President, Committee on Enrollment and Review reports LB 259 to Select File with E & R amendments, LB 259A Select File with E & R, LB 534 Select File with E & R, LB 601 Select File with E & R, LB 730 Select File with E & R, LB 818 Select File, LB 819 Select File, LB 820 Select File. (See pages 345-46 of the Legislative Journal.)

And, finally, Mr. President, I have amendments to be printed by Senator Hefner to LB 163. (See pages 346-47 of the Legislative Journal.) And, Mr. President, a request from Senator Weihing to add his name to LB 397; and Senator Schimek to LB 163. That is all that I have, Mr. President.

PRESIDENT: Senator Wehrbein, would you like to say something this morning about adjourning until nine o'clock tomorrow. Wait a minute, we will turn you on. Now.

SENATOR WEHRBEIN: Yes, Mr. Speaker, I would do that. I move we adjourn until nine o'clock tomorrow morning, January 17.

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

CLERK: 12 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please return to your seats and record your presence. Those outside the Legislative Chamber please return. The house is under call. Senator Langford, please check in. Senator Lindsay, Senator Goodrich, Senator Elmer, Senator Haberman, Senator Abboud, Senator Chambers. Senators Landis, Lynch, and Chambers, please. Senators Goodrich and McFarland, the house is under call. Senator Hefner, only Senator Goodrich.

SENATOR HEFNER: Roll call vote.

SPEAKER BARRETT: Roll call vote has been requested. Members, return to your seats please for a roll call vote. The question, of course, is the adoption of the Hefner amendment. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See pages 749-50 of the Legislative Journal.) 25 ayes, 4 nays on adoption of the amendment, Mr. President.

SPEAKER BARRETT: The Hefner amendment is adopted. Senator Korshoj, would you care to adjourn us after the Clerk reads some matters into the record, please.

CLERK: Mr. President, amendments to be printed to LB 163 by Senators Johnson and Schimek. Urban Affairs Committee reports LB 853 to General File, LB 944 to General File with amendments, and LB 1106 to General File with amendments. Those are signed by Senator Hartnett as Chair. Senator Abboud has amendments to LB 141; Senator Kristensen amendments to LB 159; and Senator Pirsch amendments to LB 159. Mr. President, a new A bill, LB 1047A. (Read for the first time by title.) That is offered by Senators Wesely and Smith. (See pages 750-64 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Korshoj, please.

SENATOR KORSHOJ: Mr. Speaker, I move we adjourn until tomorrow morning, February 13 at nine o'clock.

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

SENATOR ROGERS: This is the way it comes from the factory.

SENATOR WESELY: Oh, I see.

SENATOR ROGERS: This isn't something that is pasted on.

SENATOR WESELY: Okay. So as a result...

SENATOR ROGERS: It comes that way from the factory.

SENATOR WESELY: Right. As a result you couldn't take out the window and put in something else, so that there is no...

SENATOR ROGERS: Right.

SENATOR WESELY: Okay, thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Those in favor of the advancement of LB 1119 vote yes, opposed no. Shall LB 1119 be advanced? Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 1119.

SPEAKER BARRETT: LB 1119 advances. LB 853.

CLERK: 853, Mr. President, offered by Senators Nelson and Smith. (Read title.) The bill was introduced on January 3, referred to Urban Affairs, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes Senator Nelson.

SENATOR NELSON: Mr. Speaker, members of the body, 853 would put in place the same thing for first class cities as we currently have for our metropolitan or cities the size of Lincoln, primary cities. What happens is if you take a city the size of Grand Island where there are ten council members, currently five of those council members are appointed by the current mayor. Many, many people feel that this is not representative form of government. Some of those appointments, one of them particularly, was made three months afterwards, so that person would serve over 75 percent of the term as an appointed member. This change just simply makes more representative and more

responsible municipal government. Each and every one of those employees would have to run in the next general election and stand for election at that time. Some of the new members appointed at...I would not even know personally, so this is not a personal vendetta against anyone. Precedence has been set. The Supreme Court, in such a law, says it has always been the general policy of this state that the governing officers of the cities and towns should be selected by a vote of the electors. The policy of the state is to provide means whereby the people shall be represented in that office by officials of their own selection. The process that we have right now, it is possible by several appointments made from a special interest group, to gain control of the city government and that direction may or may not be what the rest of the citizens of first class cities prefer to have in their government. There was one question during the hearing in regards to a point of concern and I did contact Mr. Ralph Englert, a deputy secretary of state, and he said that Mr. Englert is of the opinion that the current law as found in Section 32-537 would deal with such contingencies if 853 were elected, and that would be some of the concern of the first class cities, specifically in the case of a vacancy occurring after the primary election. Mr. Englert agreed that such a position would be contested at the general election following, it being the next regular election. Since the primary election is past, the ballot would have to be filled by petition and he goes on to explain that and so that's all it does, a very simple bill, a little bit more representative government and the people have a little more to say. The ones that are appointed just and for election in the next general election. There is no cost to the cities necessarily, but the people have an opportunity to vote on who represents them.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of LB 853 to E & R please vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 853.

SPEAKER BARRETT: LB 853 advances. LB 1086.

CLERK: LB 1086, offered by Senator Hartnett. (Read title.) The bill was introduced on January 10, referred to Education, advanced to General File. I have no amendments to the bill.

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

February 28, 1990 LB 853, 1105, 1119, 1217, 1228

SPEAKER BARRETT: The member from Omaha.

SENATOR LINDSAY: I move that LB 1217 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there any discussion? Seeing none, the question is, shall LB 1217 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1228.

CLERK: LB 1228, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1228 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, the question is, shall LB 1228 be advanced? Those in favor say aye. Opposed no. Carried. the bill is advanced. LB 1105, Mr. Clerk.

CLERK: LB 1105, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1105 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Seeing none, those in favor of the advancement of 1105 please say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 1119.

CLERK: LB 1119, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1119 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? Any question? Seeing none, those in favor of the advancement of the bill please say aye. Opposed no. Carried. The bill is advanced. LB 853.

CLERK: LB 853, Senator, I do have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 853.

SPEAKER BARRETT: Thank you. Is there discussion? If not, those in favor of the adoption of the E & R amendments please say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further pending to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 853 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? Seeing none, shall LB 853 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 1086.

CLERK: LB 1086, Senator, does have E & R amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 1086.

SPEAKER BARRETT: Any question? If not, shall the E & R amendments be adopted? All 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 would move that LB 1086 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any question? Any discussion? The question is, shall LB 1086 be advanced? Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 1216.

CLERK: LB 1216, Senator, I have no amendments to the bill.

March 2, 1990

LB 844, 853, 903, 919, 983, 1086, 1105
1109, 1119, 1165, 1167, 1183, 1213, 1217
1228

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Lowell Johnson.

SENATOR L. JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Senator Lowell Johnson, we appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 844 and find the same correctly engrossed, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1109, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228, all of those reported correctly engrossed. That is all that I have, Mr. President. (See page 1121 of the Legislative Journal.)

PRESIDENT: Thank you. We'll move on to the confirmation report of Senator Schmit.

CLERK: Mr. President, Senator Schmit as Chair of the Natural Resources Committee would report on the appointment of Duane Liebsack and Barbara Jo Bierman Batie to the Environmental Control Council. Do you want to take them separately, Senator, or together?

SENATOR SCHMIT: Let's take these two together, Mr. Chairman.

PRESIDENT: Okay, Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the body...

PRESIDENT: Senator Schmit, excuse me. (Gavel.) May we have it quiet so we can hear Senator Schmit. These are important, so we need to hear it. Thank you.

March 8, 1990

LB 844, 853, 903, 919, 1044

Journal.) 35 ayes, 0 nays, 3 present and not voting, 11 excused and not voting, Mr. President, on the passage of LB 1044.

PRESIDENT: LB 1044 passes. LB 844.

CLERK: (Read LB 844 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 844 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1253-54 of the Legislative Journal.) 34 ayes, 0 nays, 4 present and not voting, 11 excused and not voting, Mr. President.

PRESIDENT: LB 844 passes. LB 853, please.

CLERK: (Read LB 853 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 853 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1254 of the Legislative Journal.) 35 ayes, 0 nays, 4 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 853 passes. LB 903.

CLERK: (Read LB 903 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 903 pass? All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1255 of the Legislative Journal.) 37 ayes, 0 nays, 3 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 903 passes. LB 919.

CLERK: (Read LB 919 on Final Reading.)

March 8, 1990

LB 844, 853, 903, 919, 983, 1044, 1086
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228

PRESIDENT: LB 1217 passes. And the last one on General File today, LB 1228.

CLERK: (Read LB 1228 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1228 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1264-65 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 1228 passes. Senator Barrett, the Chair recognizes you.

SPEAKER BARRETT: Thank you, Mr. President.

PRESIDENT: (Gavel.) May we have your attention for Speaker Barrett, please.

SPEAKER BARRETT: Thank you, Mr. President and members, a very brief announcement. The Nebraska Press Association is presenting to the Legislature this morning, eight original paintings which have appeared in the Nebraska newspaper magazine from 1975 till about 1985 or thereabouts. Some of you have seen them in the Rotunda. The Press Association representatives are here now to make the presentation. The originals will be hung in the Capitol for an undetermined length of time. I would ask the body's indulgence, I would suggest we stand at ease for a maximum of five minutes for the presentation of these original paintings. Thank you, Mr. President.

PRESIDENT: All right, if no objection, we'll stand at ease for five minutes, but while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183 with the emergency clause attached, LB 1216, LB 1217 and LB 1228. (See page 1265 of the Legislative Journal.) Guests of Senator William Barrett, Dr. Jim Horner and UN-L leadership class, I believe there are about 18 of you in the south balcony. Would you folks please stand and be recognized. Thank you for visiting us this morning. We're going to be at ease for about five minutes and

March 8, 1990

LB 369, 551, 571, 642, 844, 853, 903
919, 983, 1019, 1031, 1044, 1086, 1090
1105, 1119, 1165, 1167, 1183, 1216, 1217
1228
LR 275, 276

CLERK: I have nothing further, Mr. President.

PRESIDENT: Okay, Senator Hefner, what do you think?

SENATOR HEFNER: Mr. President, I move for the advancement of LB 571.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB...we are going to skip 1019, I understand. That takes us up to General File. Items for the record, please, Mr. Clerk.

CLERK: Mr. President, I do have a number of items for the record. The first is I have an explanation of vote from Senator Haberman. For bills read on Final Reading this morning, bills read on Final Reading this morning, Mr. President, have been presented to the Governor as of 11:12 a.m. (Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217, LB 1228. See page 1273 of the Legislative Journal.)

New resolutions, LR 275 by Senator Wehrbein. (Read brief explanation.) LR 276 by Speaker Barrett, Senators Withem, Coordsen, Labedz, Warner, Hall. (Read brief explanation.) That will be laid over as well. (See pages 1273-75 of the Legislative Journal.)

I have a report of registered lobbyists for this week, Mr. President, required by statute. Amendments to be printed to LB 1090 by Senator McFarland, LB 1019; LB 551 by Senator Lynch; LB 1031 by Senator Baack and others, and, Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 369 and find the same correctly engrossed. That is signed by Senator Lindsay as Chair of the E & R Committee. That is all that I have, Mr. President. (See pages 1275-83 of the Legislative Journal.)

PRESIDENT: Thank you. We will go on to General File and LB 642, please.

CLERK: Mr. President, 642 was a bill originally introduced by Senator Ashford, along with Senators Weihing, Crosby, and Chambers. (Read title.) The bill was introduced, Mr. President, last year. It was referred to Judiciary,

March 13, 1990

LB 688A, 844, 853, 903, 919, 983, 1031
1044, 1086, 1090, 1105, 1119, 1165, 1167
1183, 1216, 1217, 1228

Withem to LB 1090. (See pages 1345-49 of the Legislative Journal.)

New A bill, LB 688A by Senator Lindsay. (Read by title for the first time. See page 1344 of the Legislative Journal.)

Motion to reconsider with respect to Senator Coordsen's amendment to LB 1031, Mr. President. That is offered by Senator Beyer. (See page 1344 of the Legislative Journal.)

And a communication from the Governor to the Clerk. (Read communication Re: LB 1044, LB 844, LB 853, LB 903, LB 919, LB 983, LB 1086, LB 1105, LB 1119, LB 1165, LB 1167, LB 1183, LB 1216, LB 1217 and LB 1228. See page 1344 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Senator Baack will be adjourning us in a moment, but I've been asked to announce to you again, to remind you that the New Horizons begins at nine o'clock tomorrow morning here, however, your adjournment will be of a different nature. Senator Baack, please.

SENATOR BAACK: Yes, Mr. President, I move we adjourn until tomorrow morning, or tomorrow afternoon, March 14 at one-thirty.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are adjourned until one-thirty tomorrow afternoon, but don't forget New Horizons tomorrow morning at nine. Thank you.

Proofed by:


Judy Smith