

January 30, 1990

LB 39A, 143, 855A, 860, 1050

SENATOR BAACK: Yes, they are close to their levy limit and the lawsuit is not necessarily based on them reaching their limit, it is just based on the fact that their...of their ability to levy more. So to clear up the situation as far as further litigation goes, we need to pass LB 1050 and that would put in place that all of them could levy up to that limit. They are not required to but they could levy up to that limit.

SENATOR MOORE: But even with the bill as written, Western still needs to levy more than the rest of the districts, correct? I mean, the other way you could solve the levy problem is to pump more money in from the state, correct?

SENATOR BAACK: That is correct.

SENATOR MOORE: And this does not go to that extent to solve that problem?

SENATOR BAACK: No, it does not. It does not..another way of solving the problem would be to lower the levy that everybody can charge, and then just pump more money into Western. Yes, that would be a possibility.

SENATOR MOORE: But this does not solve the problem to that extent?

SENATOR BAACK: It certainly does not.

SENATOR MOORE: Okay, thank you.

SPEAKER BARRETT: Any other discussion? Senator Baack, would you care to make any closing statement? Thank you. The question is the advancement of the bill to E & R engrossing. Those in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I do. Two new A bills, LB 39A. (Read for the first time by title.) LB 855A by Senator Rod Johnson. (Read for the first time by title. See pages 566-67 of the Legislative journal.)

Mr. President, your Committee on Transportation, whose Chair is Senator Lamb, to whom was referred LB 860 instructs me to report the same back to the Legislature with the recommendation it be

the Nebraska Sheep Council, Nebraska Poultry Industry, in strong support of the bill. We had no one opposed to the bill. We had University of Nebraska Extension and Department of Agriculture in the neutral position for information. This bill is much needed to assure continuation of federal funds. It provides assistance to both urban and rural interests in controlling unwanted wildlife such as starlings in the metropolitan areas, unwanted rodents and various types of wildlife that tend to congregate around airports, to keep the airports safe for landing, to protect young livestock against predators and I don't think that you need too much more. All of you were here last year when we debated this and I would urge the advancement to Select File, and if there are any questions from anyone, I'd be pleased to try to answer them.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 855.

PRESIDENT: LB 855 is advanced. LB 855A.

CLERK: 855A, Mr. President, offered by Senator Rod Johnson. (Read title.)

PRESIDENT: Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members, the accompanying A bill to 855, LB 855A, is identical to the A bill that we had last year, provides funding at a minimum level to assure continuation of the federal support of our programs across the state and I would urge that you advance it to Select File to accompany LB 855.

PRESIDENT: Thank you. If there is no further discussion, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? We're voting on the advancement of the bill. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 855A.

PRESIDENT: LB 855A is advanced. LB 1090.

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

March 5, 1990

LB 855, 855A, 923, 1032

under call. Senators Moore, Ashford and Hartnett, the house is under call. While we are waiting, there are about eight bills which could be voice-voted across before adjournment this evening. If you would like to follow along, it would include LB 885 and the A bill, LB 1032, LB 1236, LB 260 and 260A, LB 571, and LB 594. Correction, the first bill mentioned was 855, 855 and 855A. Senators Ashford and Hartnett, the house is under call. Senator Wesely, may we proceed?

SENATOR WESELY: Yeah.

SPEAKER BARRETT: Thank you. Members, return to your seats for a roll call vote. The question is the adoption of the Wesely amendment. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1160 of the Legislative Journal.) 17 ayes, 1 nay, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, I would like to proceed to LB 855 at this point.

CLERK: Mr. President, on LB 855, I have no amendments to the bill.

SPEAKER BARRETT: Chairman Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 855 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, those in favor of the advancement of 855, say aye. Opposed no. Carried. The bill is advanced. To the A bill.

CLERK: LB 855A, Mr. President, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 855A be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? Seeing none, those in favor of the advancement of the A bill, please say aye. Opposed no. The ayes have it. Carried. The bill is advanced. LB 1032.

March 8, 1990

LB 164, 164A, 259A, 260, 260A, 313, 313A  
348, 542, 594, 642, 678, 843A, 855  
855A, 953, 953A, 965, 980, 980A, 1032  
1136, 1236  
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

April 5, 1990

LB 855, 855A, 896A, 896

SPEAKER BARRETT: LB 855 passes. The A bill, Mr. Clerk.

CLERK: (Read LB 855A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 855A pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1933-34 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 855A passes. LB 896.

CLERK: Mr. President, the first item I have on 896 are amendments to be withdrawn from Senator Lynch and Withem, I have a note that they wish to be withdrawn.

SPEAKER BARRETT: They are withdrawn.

CLERK: Mr. President, Senator Haberman has an amendment.

SPEAKER BARRETT: You are withdrawing, Senator Haberman? Thank you.

CLERK: (Read LB 896 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 896 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1934-35 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 896 passes. The A bill.

CLERK: (Read LB 896A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 896A pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

April 5, 1990

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

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

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

SPEAKER BARRETT: Senator Schmit, please.

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

April 9, 1990

LB 42, 42A, 571A, 834, 843, 843A, 855  
855A, 880, 880A, 896A, 920, 1004, 1004A  
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090  
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?