

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

February 21, 1989 LB 48, 73, 87, 220, 234, 336, 351
372, 399-401, 558, 592, 684, 704, 714
762

to LB 336 by Senator Withem. Senator Hall has amendments to LB 704 to be printed, Mr. President. (See pages 798-99 of the Legislative Journal.)

Education Committee gives notice of change of location for a hearing on February 28. That is offered by Senator Withem.

Judiciary Committee whose Chair is Senator Chizek reports LB 87 to General File, LB 220 to General File, LB 234 General File, LB 372 General File, LB 399 General File, LB 401 General File, LB 558 General File, LB 592 General File, LB 73 indefinitely postponed, LB 351 indefinitely postponed, LB 400 indefinitely postponed, LB 684 indefinitely postponed, those all signed by Senator Chizek as Chair. (See pages 799-800 of the Legislative Journal.)

Revenue Committee whose Chair is Senator Hall reports LB 714 to General File with amendments and LB 762 to General File with amendments, both those signed by Senator Hall as Chair of the committee. (See pages 800-03 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Now we'll move on to LB 48, please.

CLERK: Mr. President, the Legislature last considered LB 48 on February 13. At that time Senator Landis made a motion to indefinitely postpone the bill. That motion is pending.

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. President, members of the body, over the weekend I've had a chance to think about it and I've come to the conclusion that it must have been a moment of delusion on my part. I don't know why I offered that motion. I certainly want to withdraw it now.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator Bernard-Stevens. The amendment is on page 740 of the Journal.

PRESIDENT: Senator Bernard-Stevens, please.

SENATOR BERNARD-STEVENS: Thank you, Mr. President and members

March 6, 1989

LB 87, 318, 340, 362, 362A, 390, 440
489, 541, 545A, 563, 587, 605, 661
687, 728, 793, 809
LR 16, 44, 45

SPEAKER BARRETT: With your permission, perhaps the Clerk could read some items in before we take a vote, Senator Goodrich? Thank you.

ASSISTANT CLERK: Mr. President, your Committee on Business and Labor, whose Chairperson is Senator Coordsen, reports LB 541 to General File with amendments; LB 605, indefinitely postponed. Committee on Enrollment and Review reports LB 318 as correctly Engrossed; LB 362, LB 362A, LB 440, LB 489. (See pages 993-97 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 44 and LR 45 for first time. See pages 997-98 of the Legislative Journal.)

I have a notice of committee hearing from the Business and Labor Committee on gubernatorial appointments. Your Committee on Revenue, whose Chairperson is Senator Hall, reports LB 793 to General File; LB 390, indefinitely postponed; LB 563, indefinitely postponed; LB 661, indefinitely postponed; LB 687, indefinitely postponed; LB 728 and LR 16CA, indefinitely postponed. (See page 998 of the Legislative Journal.)

I have amendments to LB 587 from Senator Schmit to be printed; and from Senator Pirsch to LB 87. New A bill, LB 545A, from Senator Baack. (Read by title for the first time. See page 999 of the Legislative Journal.)

Amendments to be printed to LB 340 from Senator Chambers. Unanimous consent request from Senator Pirsch to add her name as a co-sponsor of LB 809, and an announcement from Senator Rod Johnson that the Agriculture Committee will meet in a brief Executive Session under the north balcony, immediately following adjournment today. That's all that I have, Mr. President. (See page 1000 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn offered by Senator Goodrich. Those in favor say aye. Opposed no. Ayes have it, motion carried. We are adjourned until tomorrow morning.

Proofed by:

Marilyn Zank
Marilyn Zank

any kind of a refund must be paid, the State Treasurer has to sign off on the...sign off and certify that he or she has received the money in question. That is the process right now. What this bill does is it says that the Director of DAS would be authorized to issue the refund warrants directly, without the treasurer's certification. And the State Treasurer's office came in and testified for this bill because they said they have no knowledge of the monies that came in anyway. They just...it's just simply a clerical function where they have to bring that over to them, they have to sign off on it and certify it, but they have no knowledge that the money...about the monies or the refunds as it comes in. So they simply have to sign off on it. This way...this does not eliminate any checks because there is not a check involved in this process, because the treasurer is not knowledgeable on that issue anyway. They just simply have to sign the form. This would say that DAS, who does have knowledge of the refunds, would be the person that authorizes the refund. With that, I would just urge advancement of the bill.

SPEAKER BARRETT: Any discussion? Any questions? Seeing none, those in favor of the advancement of 547 (sic) to E & R Initial please vote aye, opposed nay. Shall LB 546 be advanced? Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 546.

SPEAKER BARRETT: LB 546 is advanced. The Chair is pleased to take a moment to announce that we have some guests from Phelps County, Elm Creek, Nebraska, R4 specifically. We have 8 seventh and eighth graders visiting us in the north balcony this morning with their teacher. Would you people please stand and be recognized by your Legislature. Thank you, we are pleased to have you with us. Next bill, Mr. Clerk, LB 87.

CLERK: LB 87, Mr. President, is a bill introduced by Senator Pirsch. (Read title.) The bill was introduced on January 5, referred to the Judiciary Committee. The bill was advanced to General File. Senator, I do have an amendment from yourself. I don't know if you want to take that up at this time.

SENATOR PIRSCH: No, we'll take it up on Select.

CLERK: Okay. I have no amendments at this time, Mr. President.

SPEAKER BARRETT: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. Members of the body, in 1981, we established for the first time the bill of rights for victims of crime in the law. LB 87 clarifies some of the points that were put into the bill at that time and also clarifies the notice of any scheduled court proceeding and notice of any changes in that schedule. And also when there is notice of plea bargain, as in the original bill, we have said that the county attorney must make note of that. It clarifies the right of the victims and witnesses of crime to be informed on all writs of subpoena or notices to appear, that they are entitled to apply for and receive a witness fee. But in order....Also we have put a provision that if the victims of the crime want to receive these notices that they must keep the county attorney informed of his or her current address and phone number. With that, I would like to move LB 87.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the advancement of LB 87 to E & R please vote aye, opposed nay. Shall the bill be advanced? Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 87.

SPEAKER BARRETT: LB 87 is advanced. LB 220, Mr. Clerk.

CLERK: Mr. President, 220 was a bill introduced by Senator Pirsch. (Read title.) The bill was introduced on January 9, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. Speaker. LB 220 provides that when the court sentences an offender to probation the court may, as a condition of his sentence, require the offender to be monitored by an electronic surveillance device system and to pay the cost of such, if the offender has the financial ability. There is...if indeed the offender doesn't, then that is provided for him at no cost. Some judges in Nebraska are already requiring monitoring through electronic surveillance systems. But other judges are reluctant to do so in the absence of

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.

amendments that I understand he is considering withdrawing.

SENATOR CHAMBERS: I have considered it. I ask to withdraw them.

CLERK: Mr. President, Senator McFarland, you have the next motion, Senator, which is a suspension motion.

SENATOR MCFARLAND: I would like to withdraw that at this time.

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB 224. Senator McFarland has the option to lay the bill over, Mr. President.

SENATOR MCFARLAND: And I would like to lay the bill over. Senator Chambers and I are going to visit and try and see if we can work out any compromise here, and I would ask it lay over.

SENATOR LANDIS: An admirable decision on both your parts, gentlemen, thank you. The bill will be laid over. Mr. Clerk, what is the next order of business? Senator Pirsch, the two items before yours on the Select File listing of the Speaker, LBs 257 and 240, both have their introducers absent at the present time, and unless I have a signal from somebody who is prepared to take up LB 240, the Chair would suggest we go to LB 87, to change provisions for consultations regarding plea bargains, and is prepared to call upon you to introduce that measure, if you are going to take that moment up, that issue up. Would you like us to stand at ease for a moment while you prepare or are you ready to go on with LB 87?

SENATOR PIRSCH: Ready to go.

SENATOR LANDIS: Are you ready to go? Fine, thank you. Mr. Clerk, would you read about LB 87 and inform us of that measure, please.

CLERK: LB 87 is on Select File. The first order of business are Enrollment and Review amendments, Mr. President.

SENATOR LANDIS: The Chair would normally call upon Senator Lindsay to adopt the E & R amendments. He is not there. Perhaps, Senator Pirsch, you would move to adopt the...Senator Scott Moore, the E & R Chairman emeritus, would you address the E & R amendments, please.

SENATOR MOORE: I would move we adopt the E & R amendments to LB 87.

SENATOR LANDIS: All those in favor say aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senator Pirsch, I now have amendments from you, Senator, that were given to me last year.

SENATOR PIRSCH: Right.

CLERK: I have AM0665 in front of me, amendment number 0665. (Amendment appears on page 999 of the Legislative Journal, First Session, 1989.)

SENATOR PIRSCH: Okay, thank you.

SENATOR LANDIS: Senator Pirsch, would you explain the amendments to LB 87, please.

SENATOR PIRSCH: Yes, this first amendment which was brought to me by the parole, Board of Parole, simply takes out the Board of Parole from the legislation. We have worked out, and it has been working out that the Board of Parole does provide notice, but they said that if indeed they were put into the bill and it was...they would have to hire more people and we did not want that to happen because I think they are getting along very well and we have had no complaints from the victims. So essentially that is what the first amendment does. It takes out the Board of Parole from on page 7 of the bill, line 21 through the end of the page and page 8 from 1 through 8. It also just puts in a "shall" when victims and witnesses of crimes shall have the following rights. That's just a technical error, and we reinstated the stricken language on page 9 and left in the, and this was a drafting error, "to be informed of the procedure to be followed in order to apply for and receive any witness fees to which they are entitled. We're leaving that old language in. With that, I would move the amendment.

SENATOR LANDIS: Senator Pirsch, those are not committee amendments, they're your personal amendment to the...correct?

SENATOR PIRSCH: Correct.

SENATOR LANDIS: We've now had the opening. There is no lights on, would you like to close, Senator Pirsch, on the adoption of the amendments?

SENATOR PIRSCH: Just urge that they adopt the amendment.

SENATOR LANDIS: Thank you. You've heard the opening and closing on the Pirsch amendments to LB 87. Those in favor vote aye, those opposed vote no. For those of you close to your desks, I hope that you will record your vote so we may proceed on this measure. The Clerk will record.

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

SENATOR LANDIS: The amendment is adopted. Mr. Clerk, our next order of business.

CLERK: Mr. President, Senator Pirsch would move to amend. Senator, I have AM1997 in front of me. (Amendment appears on pages 318-22 of the Legislative Journal.)

SENATOR LANDIS: Senator Pirsch, you're recognized to open on your amendment. If the Chair could suggest, you might do a very brief overview of what is in the bill so that we will know what it is that we're amending. Ask you to do that just so we'll know what the amendments are relating to, if you would, please. Thank you.

SENATOR PIRSCH: Okay, right. LB 87 is a combination of redrafting of language to put it in the more comprehensive form and also to clarify some of the points of time and who is to do the notification. We also have added in the original bill, if the victim does want to be notified, that they must keep the county attorney informed of his or her current address and phone number, so it does put some responsibility on the victim if they do indeed want to be notified of those various stages of their case. As we laid over LB 87 because of the press of time from the last session, the federal government came forward with a list of requirements for their VOCA or the federal government for victims of crime, and so in my second amendment which is my last amendment, we have consolidated many of these provisions that would bring Nebraska into current compliance with the new VOCA eligibility conditions. And failure to comply with these new VOCA guidelines could lead to denial of federal funds which,

as you know, is the 35 percent of the state which they provide for state compensation programs. Programs have until October 1, 1990 to meet these conditions to remain eligible for future compensation grants from the Federal Crime Victims Fund, so this is a very timely...to do this this session. Section 4 provides that a resident of Nebraska who is a victim of crime committed in another state shall be eligible for compensation if the crime would be compensable had it occurred in Nebraska and the crime occurred in a state which does not have a crime victim compensation program for which our Nebraska resident would be eligible. Section 5 requires hearing officers to consider and rule upon applications within 180 days after receipt of all the required information related to the crime. Section 5 also requires the hearing on the victim's application to be held within 120 days after receipt of a request for hearing. Section 6 eliminates consideration of the prior social history of the victim and the need for financial aid when determining whether to make an order under the Reparations Act. These change proposed in Section 7 bring Nebraska in compliance with the VOCA guidelines also. Section 8 entitles the victim to be notified by the county attorney of the time and place of any subsequent judicial proceedings if a defendant was acquitted on the grounds of insanity. Section 8 also clarifies Section 81 by specifying that only those funds deposited into the Victims Compensation Fund pursuant to Section 81.1836 would be returned to the accused person. Requiring other funds deposited in the Victim's Compensation Fund to be returned would make it extremely difficult for the Nebraska Crime Commission to track administratively because they would need access to information concerning the amount deposited for each accused person, the dates of those deposits, the name of the victim and whether the victim filed for compensation. Throughout this interim period the Crime Commission, victim advocates, victims and the Nebraska Coalition for Victims of Crime have met together and thrashed out this...these amendments. And so I would hope that you would adopt them and then move forward LB 87.

SENATOR LANDIS: Thank you, Senator Pirsch. There are no lights on, oh, Senator Crosby has put her light on. Senator Crosby on the Pirsch amendment.

SENATOR CROSBY: Thank you. I just want a little clarification Senator Pirsch, I do not understand the...

SENATOR LANDIS: Senator Pirsch, would you yield to a question?

SENATOR CROSBY: ...yeah, on the page...

SENATOR LANDIS: Excuse me, Senator Crosby...

SENATOR CROSBY: ...okay, would you yield?

SENATOR LANDIS: Before Senator Pirsch, needs to be acknowledged that she will yield.

SENATOR CROSBY: ...I think the request to yield...

SENATOR LANDIS: Senator Pirsch, will you yield?

SENATOR PIRSCH: Yes.

SENATOR CROSBY: I think that request to yield is a strange question, but at any rate, if you will yield I would like to ask you a question.

SENATOR PIRSCH: I would yield.

SENATOR CROSBY: About page one, "A resident of Nebraska who is a victim of a crime committed in another state.", give me an example of a victim of a crime in another state and why Nebraska would be responsible for the compensation. I am a little bit confused, I understand about where the funds but I...

SENATOR PIRSCH: This is a federal requirement...

SENATOR CROSBY: Oh, okay.

SENATOR PIRSCH: ...that is required of all the states and I believe it is thirty-seven states have compensation funds. If indeed, and I'm trying to recall a state that did not, if a Nebraska resident was injured, hurt, assaulted or in the case of homicide of course, the family has the same victims rights, that they would fall then under Nebraska's compensation act. But only to the extent that the Nebraska guidelines, and these would be only Nebraska residents.

SENATOR CROSBY: Okay.

SENATOR PIRSCH: In other words, if they would, if they would be victims of crime in another state that did not have a...victim

compensation...

SENATOR CROSBY: I guess what I was thinking of was somebody who... a victim of a crime in another state and then move to Nebraska, but that is not what you are talking about.

SENATOR PIRSCH: No, no.

SENATOR CROSBY: You are talking about if somebody was here now and happened to be in another state and...

SENATOR PIRSCH: And happened to be visiting in a state, yes.

SENATOR CROSBY: Thank you, thank you.

SENATOR PIRSCH: Yes, yes.

SENATOR LANDIS: That is our last light. Senator Pirsch, to close on the amendment. Senator Pirsch.

SENATOR PIRSCH: This bill has been around for a while and the amendments do satisfy our October deadlines and they have been agreed upon by the Crime Commission Commission and the victims and the victim advocates and the county attorneys and so I hope that you amend this and send it on its way.

SENATOR LANDIS: Thank you Senator Pirsch, we will move now to the vote on this amendment to LB 87. Those in favor vote aye, those opposed vote no. We are reduced in number this afternoon, if you are close to your desk, please record your vote on this measure so we may proceed. In the event we are done voting, the Chair is prepared to call the vote and record, in the event those of you who are voting have done so, and have returned to your seat for that purpose. Yes.

SENATOR PIRSCH: I wonder if we should have a call of the house and just get it over with and get members on the floor so we can continue.

SENATOR LANDIS: Well, perhaps let's...

SENATOR PIRSCH: Well, perhaps...maybe.

SENATOR LANDIS: ...think about this a little longer. Thank you, Senator Pirsch.

SENATOR PIRSCH: Perhaps maybe that is not necessary.

SENATOR LANDIS: Mr. Clerk, please record.

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

SENATOR LANDIS: The amendment passes. Mr. Clerk, next item on this bill.

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

SENATOR LANDIS: Senator Pirsch is recognized to open on the bill itself.

SENATOR PIRSCH: I would just like to move and advance LB 87 to E & R Initial.

SENATOR LANDIS: The motion is to advance to E & R for engrossment since we're on Select File, Senator Pirsch. There are no lights if you'd like to close, you're welcome to close. Will waive closing, and proceed to a vote on the measure. Those in favor say aye. Those opposed nay. The measure is advanced. We'll move now to LB 222, Mr. Clerk, LB 220, Mr. Clerk.

CLERK: Mr. President, 220 is on Select File. First order of business with the bill is an amendment to the bill by Senator Chambers.

SENATOR LANDIS: The Chair would recognize Senator Chambers, and of course the Chair can recognize Senator Chambers when he sees him, but he does not appear to be here at the moment. Mr. Clerk, let's pass over that amendment.

CLERK: Well, Mr. President, in that case I have a second amendment from Senator Chambers. Senator Pirsch has an amendment to the bill, Mr. President. (Pirsch amendments appears on pages 322-25 of the Legislative Journal.)

SENATOR LANDIS: Can you identify that amendment for us, Mr. Clerk?

CLERK: I have AM1987 in front of me, Senator.

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LB 87, 159, 163, 163A, 220, 240, 257
313, 315, 397, 399, 486, 488, 488A
756, 856, 911, 963, 1002, 1026, 1033
1037, 1050, 1051, 1090, 1108, 1109, 1141
1168, 1181, 1190
LR 239, 240

PRESIDENT: Okay. Thank you. Senator Ashford, you are next, but may I introduce some guests under the south balcony, please. We have from District 22, which is Senator Robak's district, Dianne Foltz of Platte Center and Betty Grant of Columbus, Nebraska. With them are three AFS students, Jean/David Miquel of Paris, France, and Patty Cervantes from Bolivia, and Shane Walker from Australia. Would you folks please stand and be recognized. Mr. Clerk, you have something for the record?

CLERK: I do, Mr. President, very quickly. Enrollment and Review reports LB 163 to Select File, LB 163A to Select File, those signed by Senator Lindsay as Chair. Agriculture Committee, whose Chair is Senator Rod Johnson, reports LB 856 to General File. (See page 429 of the Legislative Journal.)

Mr. President, Senator Coordsen, as Chair of the Business and Labor Committee, has selected LB 313 and LB 315 as the committee priority bills for the year. And Enrollment and Review reports LB 87, LB 220, LB 240, LB 257, LB 397, LB 399, LB 486, LB 488, LB 488A, LB 756 all correctly engrossed. Those signed by Senator Lindsay as Chair. (See pages 430-33 of the Legislative Journal.)

Mr. President, notice of hearings from the Education Committee and from the Natural Resources Committee, signed by the respective chairs. (Re: LB 1190, LB 1181, LB 1168, LB 911, LB 1050, LB 1090, LB 1033, LB 1037, LB 963, LB 1026, LB 1108, LB 1109, LB 1141, LB 1002, LB 1051, LR 239 and LR 240.) And Senator Haberman has amendments to be printed to LB 163. That's all that I have, Mr. President. (See pages 433-34 of the Legislative Journal.)

PRESIDENT: Senator Ashford, did you wish to speak on the first set of Kristensen amendments?

SENATOR ASHFORD: I call the question.

PRESIDENT: Oh, you call the question. The question is, shall debate cease? All those in favor...Do I see five hands, first? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. What do you think, Senator Ashford? Record, Mr. Clerk.

CLERK: 16 ayes, 0 nays to cease debate, Mr. President.

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LB 87, 843, 845
LR 247

PRESIDENT NICHOL PRESIDING

PRESIDENT: We have with us this morning Pastor Doug Olsen as our chaplain of the day. He is with the Sheridan Lutheran Church in Lincoln. Would you please rise for the invocation.

PASTOR OLSEN: (Prayer offered.)

PRESIDENT: Thank you, Pastor Olsen, we appreciate your being here this morning. Please come back. Roll call, please.

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

PRESIDENT: Thank you. Any corrections this morning?

CLERK: No corrections, Mr. President.

PRESIDENT: Do you have any messages, reports or announcements?

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 843, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with committee amendments attached; LB 845, General File with committee amendments attached, both signed by Senator Withem as Chair. (See pages 515-16 of the Legislative Journal.)

I have two appointment letters from the Governor. Those will be referred to Reference Committee for referral to Standing Committee for confirmation hearings. Received a report from the Department...Nebraska Energy Office and the Nebraska Investment Council, both will be on file in my office, Mr. President. That's all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, may I direct your attention to the north balcony. Our doctor of the day is Dr. Donald Larson of Lincoln. Would you please welcome him to our midst and thank him for his services today. Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 247. Would you please return to your seats, ladies and gentlemen, we're about to begin Final Reading. (Gavel.) Would you please return to your seats so we can begin Final Reading. Please return to your seats so we can begin. Mr. Clerk, LB 87.

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LB 87, 257, 397

CLERK: (Read LB 87 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 87 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 518-19 of the Legislative Journal.) 39 ayes, 0 nays, 1 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 87 passes. We're going to skip LB 220 and go to LB 257.

CLERK: (Read LB 257 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 257 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 519-20 of the Legislative Journal.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

PRESIDENT: LB 257 passes. LB 397.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Okay.

CLERK: Senator Schmit would move to return the bill for specific amendment.

PRESIDENT: Senator Schmit, please.

CLERK: I have an amendment from Senator Schmit first. Mr. President, I then have a motion from Senator Labedz to return LB 397 to Select File for specific amendment.

PRESIDENT: Senator Schmit withdrew his motion. We now have Senator Labedz's motion. Senator Labedz, please. (Labedz amendment appears on pages 520-23 of the Legislative Journal.)

SENATOR LABEDZ: Thank you, Mr. President. First, before I go

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LB 87, 257, 397, 486, 534, 601, 730
756, 818-820, 1009A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 819 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 530 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 819 passes. LB 820.

ASSISTANT CLERK: (Read LB 820 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 820 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Read record vote as found on page 531 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 820 passes. (Gavel.) If I could have your attention a minute, Speaker Barrett has an important announcement for you.

SPEAKER BARRETT: Thank you, Mr. President. Very briefly, to all members, the video taping will take place now. We'll complete it in Room 2102. At the conclusion of Final Reading, those of you who have not taken advantage of the taping, which is now in progress, please go over to 2102 at your leisure. This will be the last time that they are here in the building. Thank you, Mr. President.

PRESIDENT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. Mr. Clerk, anything for the record?

CLERK: Mr. President, I do, thank you. I have notice or report of registered lobbyists for the period January 19th through January 25. New A bill by Senator Moore, LB 1009A. (Read by title for the first time. See page 532 of the Legislative Journal.)

January 26, 1990

LB 87, 240, 257, 397, 486, 534, 567A
567, 601, 730, 756, 818-820, 960A
LR 248

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 567.

PRESIDENT: LB 567 is advanced. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. New A bill, LB 960A offered by Senator Withem. (Read by title for the first time. See page 536 of the Legislative Journal.)

Bills have been presented to the Governor that were read on Final Reading this morning, Mr. President, as of 10:50 a.m. (Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, and LB 820. See page 536 of the Legislative Journal.)

New resolution, LR 248, offered by Senators Rogers and Lamb. (Read brief description of resolution. See pages 636-37 of the Legislative Journal.) That will be laid over, Mr. President.

Senator Baack has amendments to be printed to LB 240 in the Journal. (See pages 537-41 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll go on to LB 567A.

CLERK: Mr. President, 567A, (title read.) Senator, I have two amendments filed. I assume the latter in time is the one you prefer?

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yeah, this reduces the appropriation bill by \$6,000, I believe, reflecting the amendment we made, taking the commission out and it also changes the years, would urge the support of the amendment.

PRESIDENT: Any further discussion on the Withem amendment? If not, the question is the adoption of the Withem amendment. All those in favor vote aye, opposed nay. We're voting on the adoption of the Withem amendment. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment.

February 1, 1990

LB 87, 163, 257, 397, 486, 534, 601
610, 688, 692, 730, 756, 818-820, 923
956, 980, 1021, 1067, 1069, 1230

9:00 a.m.

SPEAKER BARRETT: Have you anything for the record?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 956 and recommend that same be placed on Select File; Transportation Committee reports LB 980 to General File with committee amendments, and LB 1021 as indefinitely postponed, those signed by Senator Lamb; Health and Human Service Committee, I am sorry, Banking Committee reports LB 1069 to General File with amendments, and LB 1230 indefinitely postponed, those signed by Senator Landis; and Health and Human Services Committee reports LB 1067 to General File, LB 688 General File with amendments, and LB 923 General File with amendments, those signed by Senator Wesely. (See pages 619-25 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read. Re: LB 87, LB 257, LB 397, LB 486, LB 756, LB 534, LB 601, LB 730, LB 818, LB 819, LB 820. See pages 625-26 of the Legislative Journal.)

Mr. President, Senator Moore has amendments to LB 163 to be printed; Senator Wesely amendments to LB 610 to be printed. (See pages 626-28 of the Legislative Journal.)

And, Mr. President, a hearing notice from Retirement Systems Committee. That was given to me by Senator Haberman; and, finally, Mr. President, I have a request from Senator Abboud to add his name to LB 692 as co-introducer. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The motion before the body is to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are adjourned. (Gavel.)

Proofed by:

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