

February 7, 1990

LB 34, 240A, 369, 374, 409, 422, 530
543, 896A, 907, 1108, 1109, 1165, 1217
1228
LR 251, 252

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 907.

PRESIDENT: LB 907 is advanced. LB 984, please.

CLERK: Mr. President, may I read some items for the record? Mr. President, your Committee on Health and Human Services whose Chair is Senator Wesely reports LB 374 as indefinitely postponed, LB 530 as indefinitely postponed, those signed by Senator Wesely. Education Committee reports LB 1109 to General File and LB 1108 to General File with committee amendments attached, those signed by Senator Withem. (See pages 705-06 of the Legislative Journal.)

Banking Committee reports LB 1165 to General File; LB 1217, General File; LB 1228, General File, those signed by Senator Landis. In addition to those items, Mr. President, I have a new A bill, LB 896A by Senator Withem. (Read by title for the first time. See page 707 of the Legislative Journal.)

Mr. President, bills read on Final Reading this morning have been presented to the Governor. (Re: LB 34, LB 409, LB 422, and LB 543.)

Mr. President, amendments to be printed, Senator Hall has amendments to LB 240A, Senator Lamb to LB 369. (See pages 707-09 of the Legislative Journal.)

Mr. President, a new resolution, LR 252 offered by Senators Conway, Korshoj, Warner, Nelson and Beyer, asking the Legislature to acknowledge the service, knowledge and expertise that Phil Kruse has contributed to the State of Nebraska. That will be laid over, Mr. President. (See page 710 of the Legislative Journal.)

Mr. President, I have a referencing report referring LR 251 to the Judiciary Committee for public hearing, as well, Mr. President, as a request for the sale of revenue bonds by Kearney State College. As part of that process, Mr. President, I have a letter from Senator Labedz to the Clerk advising the Legislature as to the reference of that proposed bond sale.

Mr. President, finally, a request from Senators Hall and Chizek as Chairs of the Revenue Committee and Judiciary Committee to

be a new position that brings to this state expertise in particular about alternatives and works with those communities to help them not only be aware of alternatives that other states have used, but also encourage creative solutions in our own communities. With that explanation, I would ask you to advance LB 663A. Thank you.

PRESIDENT: Thank you. Senator Coordsen, your light is on, did you wish to speak? Perhaps it was just left on. The question is the advancement of LB 663A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 663A.

PRESIDENT: LB 663A advances. LB 896A.

CLERK: 896A offered by Senator Withem. (Read title.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, LB 896 is the appropriations bill that accompanies LB 896. LB 896 is, I believe, if not on Final Reading, was, I believe I heard it reported as being correctly engrossed this morning and just being reported to Final Reading today. The A bill needs to catch up with it. The bill is one that provides for a withholding of income tax from civil service annuitants. The A bill, in a global sense, is a fairly modest \$30,000 for '90-91 and \$15,000 for '91-92. I would urge you to advance the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All in favor vote aye, opposed nay. I need a little help. Thank you. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 896A.

PRESIDENT: LB 896A advances. LB 902A, please.

CLERK: Mr. President, 902A is a bill by Senator Hall.

PRESIDENT: Is anyone authorized to handle this? Senator Hall is excused. We'll move on to the next one. Perhaps somebody will show. LB 1004A.

February 16, 1990

LB 313, 663A, 799, 896A, 902A, 1004A, 1064A
1136, 1219, 1241

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning our own Reverend Harland Johnson. Would you please rise for the invocation.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: Thank you, Harland Johnson. We appreciate you again. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Do we have any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: How about messages, reports, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 663A, LB 896A, LB 1004A, LB 1064A, and LB 902A to Select File, as well as LB 313 to Select File with E & R amendments attached. (See pages 838-39 of the Legislative Journal.)

Mr. President, I have received a series of priority bill designations; Senator Landis has selected for the Banking, Commerce, and Insurance Committee LB 1241; Senator Beyer, LB 799; and Senator Landis personal priority or LB 1136.

An Attorney General's Opinion addressed to Senator Lowell Johnson on LB 1219. (See pages 839-41 of the Legislative Journal.)

Two reports, Mr. President, the first from the Nebraska Energy Office, and a second, Mr. President, received from US Ecology regarding notice of final selection. Both of those will be on file in my office.

PRESIDENT: Is that all? Thank you. We will move on to the confirmation report of Senator Haberman's.

CLERK: Mr. President, your Retirement Systems Committee chaired by Senator Haberman offers a report found on page 833 for Ms. Connie Witt to the Public Employees Retirement Board.

February 23, 1990 LB 42, 348, 896A, 923A, 923

CLERK: Mr. President, the next bill I have is LB 896A. I have no amendments to that bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 896A be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced.

CLERK: Mr. President, the next bill I have is LB 42. I have Enrollment and Review amendments only.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 42.

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

CLERK: I have nothing else pending on LB 42, Mr. President.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: I move that LB 42, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced.

CLERK: I have...that's all the bill that I have, Mr. President.

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

CLERK: Mr. President, some items. New A bill, LB 923A, offered by Senator Wesely. (Read by title for the first time as found on page 976 of the Legislative Journal.)

I have amendments to be printed from Senator Hannibal to LB 923. That's all that I have, Mr. President. I have amendments to LB 348 from Senator Wesely to be printed. That's all that I have, Mr. President. (See pages 976-77 of the Legislative Journal.)

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

SPEAKER BARRETT: Thank you. An amendment...or motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

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 896A, 923, 960

CLERK: (Read record vote. See page 1935 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 896A passes. LB 923E.

CLERK: (Read LB 923 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 923 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See page 1936 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 923E passes. LB 960E.

CLERK: Mr. President, I have a motion from Senator Lamb to return the bill for specific amendment.

SPEAKER BARRETT: The Chair recognizes Senator Lamb.

SENATOR LAMB: I had an amendment on this bill. We didn't get to it because of some unforeseen circumstances yesterday, but I would like to...I wanted to change the structure of the members of this committee that would study restructuring education because I thought there was too many educators on it and not enough regular people, and got into that situation...got into that situation with the School Finance Review Commission which as time developed I found that most of the members on there were education oriented and particularly those that took the most interest in it were education oriented. And so with that experience behind me, I have the problem with this committee because I saw it also being overloaded in that direction and I wanted to change that. You know I have no problems with the studying restructuring education, although I am quite sure that the final bill would be a bill I might not like. It probably would be some sort of a consolidation bill but at this point that was...that is my concern about this commission or this committee, that it is not properly structured as far as the backgrounds of the people that would be appointed to that. And so I guess my only alternative at this point is to vote red. I

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?