

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 881-957, 997-1010
LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

February 15, 1990 LB 313, 690, 903, 937, 988, 1020, 1113
1173

to General File, that is signed by Senator Wesely. Transportation Committee reports LB 690 to General File, LB 937 General File with amendments, LB 988 General File with amendments, LB 1020 General File with amendments, 11...those are Transportation bills, those are signed by Senator Lamb. Business and Labor reports LB 1173 to General File with amendments. That is signed by Senator Coordsen. Judiciary reports LB 1113 to General File. That is signed by Senator Chizek. And Retirement Systems Committee reports LB 903 to General File. That is offered by Senator Haberman. (See pages 823-29 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker. I would move at this time for the advancement of LB 313 as amended.

SPEAKER BARRETT: Thank you. Senator McFarland, on the advancement of the bill, please.

SENATOR MCFARLAND: Begrudgingly, move for advancement, Mr. Speaker.

SPEAKER BARRETT: Thank you, discussion, further discussion? Senator Morrissey.

SENATOR MORRISSEY: Thank you, Mr. Speaker and members, I really...I don't know if I can begrudgingly move for advancement. I know the people that were part of the compromise are saying we need the 10, if we can get only 10, we'll take it. If that's the only crumb we're going to give them...I don't know, I just don't know whether I can vote for it or not. I agree they are in trouble when...you're really in trouble when you have to swallow what these folks are having to swallow and accept this \$10 amendment, or \$10 increase, a dollar something per day. And I'm still considering and I'd like to get some feedback from the body, I guess, on my amendment to issue this in a separate check. I really do think it would be good for all of us, politically, to let the folks know how generous we have been to them, let them know, because, like I said, these people are liable to blow that ten bucks, two gallons of milk, two boxes of corn flakes, ten bucks right down the drain, and they're liable to blow it and not realize that we gave them this increase, not realize that the Nebraska Legislature and the

1167.

PRESIDENT: LB 1167 advances. LB 903.

CLERK: LB 903, Mr. President, introduced by Senator Hall. (Read title.) The bill was introduced on January 3, referred to Retirement, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. This is a bill that comes out of a story that a constituent told me. She was a...the spouse of an individual who was an employee of...happened to be the Ralston Public School system, could happen in any school system. This individual, the gentleman, was a janitor, he was a maintenance person in the system. He had reached the retirement age of 65, was eligible to retire, and that happened between the Christmas break and the start of the second semester, the spring semester, chose not to retire because the school district had actually asked him would he not retire at the age of 65, because they would then have to find another maintenance person for the last half of the school year. He said, fine. The problem was the individual died, and he died before the end of the semester. He was not eligible to retire because he had...he had not retired, because they had asked him not to, even though he was eligible. What happened was the spouse was denied the widow benefits because her husband had not actually retired. And the way the school retirement statutes read, this woman, even though her husband was eligible but chose not to retire, because he had virtually been asked not to, was not eligible for surviving spouse retirement benefits. We can't help her, but LB 903 would keep this tragedy from happening any time in the future. And that's all the provision does, it allows for a surviving spouse of an individual who was eligible for retirement benefits, but yet had not retired, was still active, who passed away, to receive those benefits. I would urge advancement of the bill.

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

SENATOR HALL: If Senator Pirsch and Senator Byars would so...

PRESIDENT: Record, Mr. Clerk.

SENATOR HALL: Thank you.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 903.

PRESIDENT: LB 903 advances. LB 844.

CLERK: LB 844 by Senator Baack. (Read title.) The bill was introduced on January 3, referred to Revenue, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: Yes, Mr. President and colleagues. This is another very simple bill. It just makes a change in the requirement for when the first notice is given when property is taken by a distress warrant. And it says that the first notice will be given within nine days, rather than within five days. This is done simply for the areas of the state that have only a weekly newspaper, and they cannot abide by the state statute of notify...of giving public notice of property taken on distress warrants within five days. If that property is taken on a Wednesday, they have to wait clear until the next Thursday before that can be published because that is when most of the weekly newspapers come out. This will just allow them to comply with the law. Thank you.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Baack, you looking for a friend? (Laughter.)

SENATOR BAACK: I found one, I hope. (Laughter.) Well, he's not a very good friend, but...

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 844.

PRESIDENT: LB 844 advances. LB 919.

CLERK: LB 919, offered by Senator Wehrbein. (Read title.) The bill was introduced on January 3, referred to Revenue, advanced

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1216 be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? Seeing none, shall LB 1216 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 1167.

CLERK: LB 1167, Senator, does have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move the adoption of the E & R amendments to LB 1167.

SPEAKER BARRETT: Thank you. Discussion? Shall the E & R amendments be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1167 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, the question is the advancement of 1167. All in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 903, Mr. Clerk.

CLERK: LB 903, 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 903.

SPEAKER BARRETT: Thank you. Discussion? If not, shall the E & R amendments be adopted to 903? All in favor say aye. Opposed no. The ayes have it. Motion carried. They are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 903 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any questions? If not, shall LB 903 be advanced? All in favor say aye. Opposed no. The ayes have it. Motion carried. The bill is advanced. LB 844.

CLERK: LB 844, Senator, I do have E & R pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 844.

SPEAKER BARRETT: Any discussion? If not, shall the E & R amendments be adopted to 9...excuse me, to 844? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on 844, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 844 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Any discussion? If not, the question is, shall LB 844 be advanced? Those in favor say aye. Opposed no. Motion carried. LB 844 is advanced. LB 919.

CLERK: LB 919, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 919.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of that motion say aye. Opposed no. Carried. They are adopted.

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

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