

January 3, 1990

LB 936-938
LR 234

PRESIDENT: (Cavel.) Are there any of you that do have a bill that wish to put it in today? If so, indicate so that we'll know. Otherwise, we're about ready to close up shop. Anyone have a bill? Okay, we'll be through in a few minutes and then we'll ask Speaker Barrett to talk to you about tomorrow and so forth in a little bit. Thank you.

CLERK: (Read by title for the first time, LBs 936-938. See page 133 of the Legislative Journal.)

Finally, Mr. President, I have a new resolution, LR 234 by Senator Hannibal asking the members to designate the first day of every regular session as Nebraska Citizen's Day. That will be laid over, Mr. President. (See page 134 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: A couple of you have asked how many bills were introduced today, and I believe the count is 120. Speaker Barrett, the Chair recognizes you for some information. (Cavel.)

SPEAKER BARRETT: Thank you, Mr. President and members. Some of you have also wondered about our agenda for tomorrow. May I suggest to you that we'll start on rules, the adoption of permanent rules tomorrow morning. That should take some time. If time remains for the conclusion of the day we will proceed immediately to committee priority bills, General File committee priority bills. You will notice on the worksheet that we'll start with 678 followed by 720.

PRESIDENT: And what about Friday?

SPEAKER BARRETT: Friday is a recess day, Mr. President.

PRESIDENT: Thank you, Speaker Barrett. It's good to see you all back and I'm sure you've had a good time just visiting with each other this morning. Senator Morrissey, would you like to adjourn us until tomorrow at nine o'clock, please.

SENATOR MORRISSEY: Yes. Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

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

opportunity and failing. I have failed in the past and I will fail in the future, but I do mind when a democratic majority says to a minority, we don't care. I move we override the decision of the Chair and I ask that we support that motion.

SENATOR LAMB PRESIDING

SENATOR LAMB: The Chair recognizes Senator McFarland. Senator McFarland. I don't see Senator McFarland. We'll move on to Senator Dierks. Senator Dierks.

SENATOR BERNARD-STEVENS. I'm asking for a ruling on this, Senator Lamb, Mr. President, hasn't been adequate debate.

SENATOR LAMB: The motion by Senator Dierks is to call the question. There has only been one speaker on this motion, so we will deny the motion to call the question.

SENATOR BERNARD-STEVENS: Thank you.

SENATOR LAMB: Senator Dierks.

SENATOR DIERKS: Mr. Speaker, we have discussed the bracket motion on three different occasions. We have spent hours discussing the bracket motion. Nothing new in the way of evidence is going to be brought to this body that is going to change our minds. Let's vote on the issue. Let's get the bracket motion out of the way, let's get back to discussing the issue.

SENATOR LAMB: Next speaker. Senator McFarland has not returned to the Chamber. Senator Hefner. Senator Hefner is the next speaker. Senator Hefner does not seem to be in the Chamber. Senator Labedz.

SENATOR LABEDZ: I move we adjourn until January 25th, nine o'clock in the morning. Oh, I'm sorry. Yes.

SENATOR LAMB: Mr. Clerk.

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance whose Chair is Senator Landis to whom was referred LB 938 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. Your Committee on Agriculture whose Chair is Senator Rod Johnson

LB 830.

SPEAKER BARRETT: LB 830 advances. LB 938.

CLERK: 938, Mr. President, by Senator Conway. (Read title.) The bill was introduced on January 3, referred to Banking, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes the member from Wayne, Senator Conway.

SENATOR CONWAY: Mr. Speaker and members, thank you. LB 938 as it was introduced is simply an authorization to allow the Director of Banking through the securities activity, through the rules and orders, to allow for the sophisticated investor and those sophisticated investors are typically thought of and as was written into the bill, those who have more than half a million dollars invested and whose net worth exceeds \$1 million, can enter into with a management, securities management placement company an opportunity to have a special type of contract. Under current law an investment advisor shall not be compensated on anything other than a straight commission. What these provisions are designed to do is to allow a very large contract situation the opportunity to put a special contract together which would allow the investment advisor to be in a shared equity position. So they may have an option now rather than having a, say, a 1 percent commission standard, may offer that at a lesser rate conditioned upon the fact then that they share in any capital gains that would be incurred by that investment. It's a situation where what we're changing then is simply allowing the director to enter into and establish a rule in given situations for this kind of activity. And so with that I offer this to the body for approval.

SPEAKER BARRETT: Thank you. Questions? Discussion? Seeing none, those in favor of the advancement of LB 938 to E & R please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of 938.

SPEAKER BARRETT: LB 938 is advanced. Mr. Clerk, I'd like to revert momentarily to LB 834.

February 22, 1990 LB 313, 579, 688, 830, 831, 834, 888
917, 923, 932, 938, 946, 954, 978
987, 987A, 994, 994A, 1037, 1067, 1077
1080, 1080A, 1094, 1102, 1109, 1165, 1178
1217
LR 259

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning for our invocation, Reverend Dr. Norman E. Leach who is the Executive Director of the Lincoln Interfaith Forum. Would you please rise for the invocation?

REVEREND LEACH: (Prayer offered.)

PRESIDENT: Thank you, Dr. Leach, we appreciate your being here this morning. Please come back. Roll call, please. Record, Mr. Clerk, 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, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1080 and recommend that same be placed on Select File, LB 1080A, LB 1094, LB 688, LB 579, LB 994, LB 994A, LB 830, LB 938, LB 834, LB 987, LB 987A, LB 978, LB 888, LB 917, LB 946, LB 954, LB 1077, LB 1037, LB 1067, LB 831, LB 932, LB 1178, LB 1102, LB 1109, LB 1165 and LB 1217, all reported to Select File, some have E & R amendments attached. (See pages 904-08 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Crosby to LB 923, Senator Coordsen to LB 313. (See page 908 of the Legislative Journal.)

New resolution by Speaker Barrett. (Read brief description of LR 259. See pages 908-09 of the Legislative Journal.) That will be laid over.

A series of appointment letters from the Governor. Those will be referred to the Reference Committee for confirmation hearing.

Finally, Mr. President, a report from the Board of Public Roads Classifications and Standards. That will be on file in my

SPEAKER BARRETT: Senator Lindsay, please, on the E & R amendments.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 994.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, all in favor of the adoption please 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 LB 994 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: The question is the advancement of LB 994. Those in favor say aye. Opposed no. Carried. The bill is advanced. The A bill, Mr. Clerk.

CLERK: LB 994A, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 994A be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion. The question is, shall LB 994A be advanced? All in favor say aye. Opposed no. The ayes have it. Carried. Mr. Clerk, LB 830.

CLERK: LB 830, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 830 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, the question is the advancement of 830. All in favor say aye. Opposed no. The ayes have it. The motion carried. The bill is advanced. LB 938, Mr. Clerk.

CLERK: LB 938, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 938 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, the question is, shall LB 938 be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 834, Mr. Clerk.

CLERK: LB 834, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 834 be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, LB 987.

CLERK: LB 987, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 987.

SPEAKER BARRETT: 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 987 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: The question is the advancement of LB 987. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 987A, Mr. Clerk.

March 1, 1990

LB 163A, 579, 642, 830, 831, 834, 888
917, 932, 938, 946, 954, 978, 987
987A, 989, 994, 994A, 1037, 1067, 1077
1102, 1178, 1222

PRESIDENT: Okay, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, there was some confusion about whether the A bill or at least Senator Schimek's amendment was necessary. But I think, with the adoption of my earlier amendment this morning, it clarifies a lot of those problems. And, in talking with my legal staff who has talked with the Fiscal Office, they seem to feel there is no need for any amendments to the A bill and the A bill should stay as it's currently written. So I would just move for the bill's advancement.

PRESIDENT: Thank you. Senator Morrissey, please. No. Did you wish a closing, Senator Rod Johnson? The question is the advancement of the A bill. All in favor vote aye...say aye. Opposed nay. It is advanced. Things for the record, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review respectfully reports they have carefully examined and reviewed LB 579 and find the same correctly engrossed; LB 830; LB 831; LB 834; LB 888; LB 917; LB 932 and LB 938, LB 946; LB 954; LB 978, LB 987, LB 987A, LB 994, LB 994A, LB 1037, LB 1067, LB 1077, LB 1102 and LB 1178, those all reported correctly engrossed, Mr. President.

Senator Ashford has amendments to LB 642 to be printed; and Senator Smith to LB 1222. (See pages 1074-78 of the Legislative Journal.)

Government Committee reports LB 989 to General File, Mr. President. That's all that I have.

PRESIDENT: Senator Byars, please.

SENATOR BYARS: I would move we would recess until one thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

March 7, 1990

LB 888, 917, 932, 938

Journal.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 888 passes. LB 917.

CLERK: (Read LB 917 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 917 become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1211-12 of the Legislative Journal.) 41 ayes, 0 nays, 3 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 917 passes. LB 932, Mr. Clerk.

CLERK: (Read LB 932 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 932 pass? All in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See page 1212 of the Legislative Journal.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 932 passes. LB 938.

CLERK: (Read LB 938 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 938 become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 1213 of the Legislative Journal.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 938 passes. We will be rolling over the next bill, 946E, and proceed on to LB 954. But before we do that, the Chair is pleased to note that Senator Lowell Johnson has some guests in our south balcony. We have 50 fourth graders

March 7, 1990

LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even