

January 4, 1990

LB 939-968  
LR 234

And that is not a valid, logical position. I don't think it is a reasonable legislative position and in order not to drag out the discussion on this resolution, that will be all I have to say except to reemphasize that I intend to vote against this resolution and I'll vote against others of similar stripe.

PRESIDENT: Senator Hannibal, would you like to close...Senator Lynch, your light came on. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. Senator Chambers, I also have many thoughts running through my head, but I will exercise some constraint as well. I appreciate you pointing up some facts about the issue of what days are Nebraska citizens days and which days are days for all the people that we are elected to serve, and I agree with you wholeheartedly. Senator Smith, I'm not sure I really needed that much support saying that this resolution wasn't near as bad as some of them that we have, but I guess I'll take a vote whenever I can get it. Yes, it is true that each day that we meet in session, as a matter of fact, each day that we serve in the Legislature, is for all the citizens in Nebraska. That is my philosophy as well. However, I would suggest that we have many days that are proclaimed to be special for certain kinds of occasions and, in fact, certain individuals and that to say that because this all day should be for Nebraska citizens and not have a day that we proclaim as a special recognition would be tantamount in my estimation to saying that we shouldn't have a veterans' day because that implies that every other day is not a day that should be recognized for veterans and their service to us or any number of things that we do have. I believe that this is a gesture of recognition that we are here because of the citizens and we are here to serve the citizens and it's not near as bad a resolution as some of them we've passed and I would urge its adoption.

PRESIDENT: The question is the adoption of the resolution. All in favor vote aye, opposed nay. Record, please.

CLERK: 15 ayes, 4 nays, Mr. President, on adoption of LR 234.

PRESIDENT: The resolution is adopted. We'll go on to number six, introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 939-968. See pages 138-45 of the Legislative

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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

January 9, 1990

LB 187, 514, 742, 851, 856, 908, 957  
964, 966, 968, 1004, 1005, 1078, 1079  
LR 8

Senator Robak, Moore, Schmit, Chizek, Elmer, Withem, Korshoj, Smith and Ashford and Labedz. (Read title.) The bill was introduced on January 19 of last year, at that time it was referred to the Transportation Committee for public hearing. The bill was advanced to General File. I have Transportation Committee amendments pending, Mr. President.

PRESIDENT: Senator Lamb, are you going to take those?

SENATOR LAMB: Mr. President, members, LB 742, a bill introduced by Senator Robak, and it has to do with changing the eyesight requirements for drivers licenses. The committee amendments are minor. There are two of them. On page 2, line 19, strike "or" and insert "and"; and then on page 3, line 7, strike "the applicant"...the words "the applicant has". These are merely...

PRESIDENT: Senator Lamb.

SENATOR LAMB: ...drafting errors that were...

PRESIDENT: (Gavel.) Senator Lamb, could I interrupt you?

SENATOR LAMB: Yes.

PRESIDENT: I hate to interrupt you in the line of thought, but I've just been notified there is a bomb threat and you're all supposed to evacuate the building. Okay.

SENATOR LAMB: What if we don't?

PRESIDENT: Mr. Speaker, Speaker Barrett. Would you like to read some things into the record while we're waiting for the bomb to go off?

CLERK: Mr. President, very quickly, I have a designation of priority bill by Senator Schimek for LB 514. I have notice of hearing for the Urban Affairs Committee. And notice of hearing from the Agriculture Committee. (Re: LB 851, LB 856, LB 908, LB 957, LB 964, LB 966, LB 968, LB 1004, and LB 1005.)

New bills. (Read LB 1078 and LB 1079 by title for the first time. See page 244 of the Legislative Journal.)

Mr. President, I have in addition to that amendments to printed by Senator Lynch to LB 187, and Senator Lindsay to LR 8CA;

January 19, 1990

LB 159, 567, 567A, 769, 851, 900, 915  
957, 964, 966, 968, 994, 997, 1010

PRESIDENT: Senator Conway.

SENATOR CONWAY: Given the nature of the dinner hour and the like, and I'm sure some people had commitments that are...they are waiting in the wings in their offices, I'd like to have a call of the house, please.

PRESIDENT: The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 22 ayes, 3 nays, Mr. President, to go under call.

PRESIDENT: Okay. The house is under call. Please record your presence. Roll call vote has been requested in reverse order...in regular order, excuse me. So please look up to see if your light is lit, illuminated. Senator Haberman, would you record your presence, please. Thank you. We're looking for Senator Bernard-Stevens and Senator Dierks. Sergeant-at-Arms, how you coming with Senator...Well, there is Senator Bernard-Stevens. Senator Dierks. There he is. Ladies and gentlemen, the question is the advancement of the bill. Roll call vote has been requested in regular order. Will you please hold down the conversation so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See page 438 of the Legislative Journal.) 25 ayes, 16 nays, Mr. President, on the advancement of the bill.

PRESIDENT: The bill is advanced. Mr. Clerk, do you have anything good for the cause?

CLERK: Mr. President, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 851, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 957, General File; LB 964, General File; LB 966, General File; LB 968, General File. Health and Human Services Committee, whose Chair is Senator Wesely, reports LB 900 to General File; LB 915, General File; LB 994, General File; LB 997, General File; and LB 1010, General File. Senator Withem has amendments to LB 567 and LB 567A; Senator Smith to LB 769. And I have notice of hearing from Transportation Committee, Government Committee,

introducers as the area affected primarily is in the area that both our legislative districts encompass. So, Senator Hartnett may have some additional comments on the bill. But I'd move its advancement to E & R.

PRESIDENT: Thank you. Senator Hartnett, please.

SENATOR HARTNETT: I simply...what the bill does is simply this is a normal practice, as I understand, by gas companies. They did not do it last year when they put this alternate line into Lincoln, and so this just kind of clears it up. So I think it's been a normal practice out in whatever part of Nebraska we are, what words can I use about...outside of Omaha, okay. (Laughter.) Thank you, Senator Hannibal. So, with that, I'd move for the advancement of the bill.

PRESIDENT: I think you're subject to a \$50 fine. Senator Warner, any closing? The question...if there is no further discussion, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Need a little help again. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 851.

PRESIDENT: LB 851 advances. LB 957.

CLERK: Mr. President, LB 957 is a bill introduced by Senators Coordsen and Abboud. (Read title.) The bill was introduced on January 4, referred to Urban Affairs, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Coordsen, please.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. LB 957 is a good news/bad news bill, I think. I have a second class city in my district, Crete, Nebraska, that will be moving into first class status by everyone's guess at the certification of the 1990 census. Current law requires that when a city makes that transition, then within eight months after the certification by the city council of that particular community being a first class city that an election must be held and all of the current elected officials of that city must go through the election process again. If a city drops in size from first class to second class, then the transition period or

the elections are taken care of as the terms expire. What 957 provides is that when a city makes that transition, when it's growing from a second class to a first class city rather than having to immediately have a special election for all of the elected officials, that those elections can be spaced over a period of six years. They will still have to have a redesignation of the city into four wards, rather than the three that is the availability to second class cities. This bill does not affect any statutes with regard to first class cities that are currently in existence, only addresses the method of transition on the part of city government. It will save the folks a little money and make it a much smoother process politically. So, with that, I would move the advancement of the bill.

PRESIDENT: Thank you. If there's no further discussion, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Senator Coordsen, we both need help. No, you voted, I'm not worried about you.

SENATOR COORDSEN: I...would hate to do this...

PRESIDENT: Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 957.

PRESIDENT: LB 957 advances. LB 964, please.

CLERK: Mr. President, LB 964 was a bill introduced by Senator...by the Urban Affairs Committee and signed by its members. (Read title.) The bill was introduced on January 4, referred to Urban Affairs, advanced to General File. I have no amendments to the bill.

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President, members of the body, what this does is affects all cities and villages of the state. And what it does it allows a different means of collection of costs worked on a building that's declared a public nuisance. Under the current law when a building or structure is declared a public nuisance, or the owner fails to or refuses to make necessary improvements or demolish it, the only option available to the city is to do the necessary work and levy the costs as a

February 12, 1990      LB 350, 350A, 542, 551, 567, 567A, 602  
663, 692, 742, 851, 856, 857, 858  
874, 875, 891, 893, 896, 902, 906  
907, 918, 924, 930, 940, 957, 964-966  
969, 970, 974, 983, 984, 997, 1013  
1016, 1017, 1043, 1044, 1118

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber and a new day in the Second Session of the Ninety-first Legislature. Our Chaplain of the day is Father Mitch Lindeman of St. Matthews Episcopal here in Lincoln. Father Lindeman.

FATHER LINDEMAN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Father Lindeman, pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. With a quorum present, are there corrections to the Journal?

CLERK: Mr. President, I have no corrections to the Journal.

SPEAKER BARRETT: Are there any reports, messages, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 350 and find the same correctly engrossed, LB 350A, LB 567, LB 567A, LB 663, LB 692, and LB 742, all reported correctly engrossed, those signed by Senator Lindsay as Chairperson of the Enrollment and Review Committee. (See pages 726-27 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 551 to Select File with E & R attached, LB 542, LB 602, LB 858, LB 875, LB 891, LB 1013, LB 983, LB 906, LB 907, LB 984, LB 856, LB 851, LB 957, LB 964, LB 966, LB 997, LB 857, LB 874, LB 893, LB 918, LB 930, LB 970, LB 940, LB 902, LB 974, LB 1016, LB 1017, LB 969, LB 896, LB 965, LB 924, LB 1118, LB 1043, LB 1044,

to E & R for Engrossment.

PRESIDENT:    You have heard the motion. All in favor say aye.  
Opposed nay. It is advanced.    LB 851.

CLERK:    LB 851, Senator, I have no amendments to the bill.

PRESIDENT:    Senator Lindsay.

SENATOR LINDSAY:    Mr. President, I move that LB 851 be advanced  
to E & R for Engrossment.

PRESIDENT:    You have heard the motion. All in favor say aye.  
Opposed nay. It is advanced.    LB 957.

CLERK:    LB 957, Senator, I have E & R amendments, first of all.

PRESIDENT:    Senator Lindsay, please.

SENATOR LINDSAY:    Mr. President, I move the adoption of the  
E & R amendments to LB 957.

PRESIDENT:    You have heard the motion. All in favor say aye.  
They are adopted. The amendments are adopted. Now for  
advancement.

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

PRESIDENT:    Senator Lindsay, please.

SENATOR LINDSAY:    Mr. President, I move that LB 957, 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.    LB 964.

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

PRESIDENT:    Senator Lindsay, please.

SENATOR LINDSAY:    Mr. President, I move that LB 964 be advanced  
to E & R for Engrossment.

PRESIDENT:    You have heard the motion. All in favor say aye.  
Opposed nay. It is advanced.    LB 966.



February 14, 1990      LB 42, 159, 313, 642, 851, 856, 857  
874, 893, 901A, 957, 960, 964-966, 984  
997, 1044, 1064, 1080, 1090, 1161, 1184  
1193, 1232  
LR 11

SPEAKER BARRETT: Thank you. Mr. Clerk, you have a motion?

CLERK: Mr. President, I have a priority motion by Senator Langford, that's to adjourn the body until February 15, 1990. I assume that's nine o'clock, Senator. I do have some items.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Yes, I do, Mr. President. I have amendments to be printed to LB 42 by Senator Baack. (See pages 793-94 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 1064 to Select File with Enrollment and Review amendments. LB 851, LB 856, LB 857, LB 874, LB 893, LB 957, LB 964, LB 966, LB 984, and LB 997 are all reported correctly engrossed. Those are signed by Senator Lindsay as E & R Chair. Banking Committee reports LB 1161 to General File with amendments, and LB 1193 as indefinitely postponed, those signed by Senator Landis as Chair of the Banking Committee. (See pages 794-96 of the Legislative Journal.)

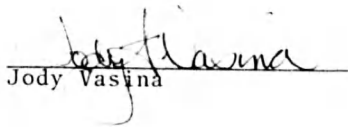
I have a new A bill, Mr. President. (Read LB 901A by title for the first time. See page 796 of the Legislative Journal.)

Mr. President, I have a confirmation report from the Health and Human Services Committee, that is signed by Senator Wesely as Chair. I have a series of priority bill designations. Senator Schellpeper selects LB 1080; Senator Crosby, LB 965; Senator Scofield, LB 1184; Senator Richard Peterson, LR 11CA; and Senator Withem, Education Committee priorities are LB 960 and LB 1090.

Mr. President, Senator Abboud would like to add his name to LB 1044, Senator Crosby and Chambers to LB 642, Senator Elmer and Peterson to LB 159 and AM2372, and Senator Morrissey to LB 1232. I believe that's all that I have, Mr. President.

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

Proofed by:

  
Jody Vasina

February 22, 1990      LB 907, 957, 964, 966

been complied with, the question is, shall LB 907 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 920 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 present and not voting.

PRESIDENT: LB 907 passes. LB 957.

ASSISTANT CLERK: (Read LB 957 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 957 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 921 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 957 passes. LB 964, please.

ASSISTANT CLERK: (Read LB 964 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 964 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 921-22 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 964 passes. LB 966, please.

ASSISTANT CLERK: (Read LB 966 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 966 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See pages 922-23 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused

February 22, 1990

LB 602, 855, 856-858, 874, 875, 891, 893  
906, 907, 957, 964, 966, 984, 997  
1013  
LR 260

Holdrege, Nebraska. He is under the north balcony. Doctor, would you please stand up so we may see what you look like and welcome you to the body today. I guess he is in his office at the moment, so...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 602 with the emergency clause attached, LB 856, LB 857, LB 858, LB 874 with the emergency clause attached, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 with the emergency clause attached and LB 1013. (See page 925 of the Legislative Journal.) Mr. Clerk, anything for the record?

CLERK: One item, Mr. President, a new resolution, LR 260 offered by Senator Nelson and a number of members. (Read brief description of LR 260. See pages 925-26 of the Legislative Journal.) That will be referred to the Reference Committee, Mr. President. And that is all that I have, Mr. President.

PRESIDENT: We'll move on to LB 855, please.

CLERK: Mr. President, 855 was introduced by Senator Rod Johnson. (Read title.) The bill was introduced on January 3 of this year, referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Thank you. Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members. Senator Johnson isn't here to present his bill and I'm proud to be able to present it for him. LB 855 is identical with the animal damage control bill that we passed through Final Reading and sent to the Governor last year and was a casualty in the funding crisis that we had sent to her desk. This particular program is one that is supported by the USDA Department of Agriculture, animal damage control people, that assist with funds to the state in controlling animals that are a nuisance and are predatory animals. Several western counties have been funding local programs in their counties independently of the state and receiving federal aid in their efforts. The livestock, sheep, poultry industry in the state are very interested in this bill. We heard it in Agriculture Committee January 23. We had nine different persons representing themselves and different agencies and units, such as the Nebraska Animal Damage Control Board of the USDA, Nebraska Farm Bureau, the Game and Parks Commission,

February 22, 1990      LB 315, 602, 856-858, 874, 875, 891, 893  
906, 907, 957, 964, 966, 984, 997  
1013, 1090, 1105, 1119, 1136, 1228, 1246

all voted? Have you all voted? We're voting on the advancement of LB 1090. Please vote. Have you all voted? Senator Withem.

SENATOR WITHEM: Yeah, it appears as though we need another four votes, so I would ask that we...the house be brought under call and I will accept call in votes.

SENATOR LABEDZ: Thank you, Senator. Shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 14 ayes, 0 nays to go under call, Madam President.

SENATOR LABEDZ: The house is under call. All unauthorized personnel, please leave the floor. Senators in their offices, please return to the Chamber and record your presence. The house is under call. Please return to the Chamber and record your presence. Senator Withem has requested call ins.

CLERK: Senator Chizek voting yes. Senator Lindsay voting yes. Senator Smith voting yes. Senator Morrissey voting yes. Senator Byars, you had voted yes, Senator.

SENATOR LABEDZ: Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 2 nays, Madam President, on the advancement of LB 1090.

SENATOR LABEDZ: LB 1090 is advanced. Mr. Clerk, we'll go to the 1990 Speaker priority bills, LB 1032. The call is raised. Mr. Clerk, you have something to read in the record?

CLERK: Yes, Madam President. Your Committee on Enrollment and Review reports LB 1228 to Select File; LB 1105, Select File; LB 1119, Select File, those signed by Senator Lindsay. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 1136 to General File with amendments attached, signed by Senator Landis as Chair. The Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re. LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997, and LB 1013.) Reference report referring LB 1246 to Judiciary for public hearing, as well as certain gubernatorial appointments for confirmation hearing. Amendments to be printed to LB 315 by Senator Coordsen and Hefner; and Senator Conway has amendments

February 26, 1990      LB 260A, 602, 856, 857, 858, 874, 875  
891, 893, 906, 907, 957, 964, 966  
984, 997, 1013, 1039A, 1064A

this?

SENATOR CONWAY: Luckily, the world is round, yes, you will meet somewhere.

SENATOR CHAMBERS: And those...blessed are those who go in circles for they shall be called what?

SENATOR CONWAY: Ah...

SENATOR CHAMBERS: I will let it go.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Conway, on the advancement of the bill?

SENATOR CONWAY: No, sir, I just request the advancement of the bill.

SPEAKER BARRETT: Thank you. Shall LB 260A be advanced? Those in favor vote aye, opposed nay. Voting on the advancement of 260A. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays on the advancement, Mr. President.

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

CLERK: I do, Mr. President. Senator Peterson has amendments to be printed to LB 1064A. (See page 983 of the Legislative Journal.)

New A bill by Senator Haberman, LB 1039A. (Read by title for the first time. See page 983 of the Legislative Journal.)

I have a motion from Senator Hannibal involving a reconsideration. That will be laid over. (See page 983 of the Legislative Journal.)

Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LB 602, LB 856, LB 857, LB 858, LB 874, LB 875, LB 891, LB 893, LB 906, LB 907, LB 957, LB 964, LB 966, LB 984, LB 997 and LB 1013. See page 984 of the Legislative Journal.)

That's all that I have, Mr. President.