

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

SPEAKER BARRETT: Mr. President, I move that we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

January 8, 1990

LB 409, 958-1013, 1031, 1032
LR 235

SPEAKER BARRETT: Let's stand at ease until eleven-fifteen, Mr. President.

PRESIDENT: Okay, thank you.

EASE

CLERK: Three quick announcements. Reference will meet underneath the south balcony now. Referencing Committee, underneath the south balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Microphone not activated immediately.) ...return to the Legislative Chamber. The Legislature will reconvene and continue our discussion on the adoption of our permanent rules. Please return to the Legislative Chamber. Mr. Clerk, would you read in new bills, please.

CLERK: (Read LB 1031 and LB 1032 by title for the first time. See pages 198-99 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new resolution. (Read brief summary of LR 235. See page 199 of the Journal.) That will be laid over.

I have amendments from Speaker Barrett to be printed to LE 409. Mr. President, I also have a Reference Report referring LBs 958-1013, as well as certain gubernatorial appointments received. That's all that I have, Mr. President. (See pages 199-201 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. Have you a motion, Mr. Clerk, to reconsider action taken last week?

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on the Wesely amendment to the rules, which I believe the Legislature discussed on Thursday afternoon.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is designed to reconsider the vote that was taken on

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:

Marilyn Zank
Marilyn Zank

February 2, 1990

LB 187, 399, 465, 708, 821-829, 980
LR 249

SENATOR HANNIBAL: Motion passes. Senator Chambers, please.

SENATOR CHAMBERS: I move adoption of the amendment as discussed.

SENATOR HANNIBAL: Any discussion? Any closing, Senator Chambers? Motion before you is the adoption of the amendment. All those in favor vote aye, opposed nay. Record, Mr. clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

SENATOR HANNIBAL: Motion is adopted. Senator Chambers.

SENATOR CHAMBERS: I move that LB 465 be readvanced to E & R for engrossing.

SENATOR HANNIBAL: Any discussion? All those in favor say aye. Opposed same. It's readvanced. Mr. Clerk.

CLERK: Mr. President, may I read some items for the record? Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning as of 10:45 a.m. (Re. LB 821, LB 822, LB 399, LB 823, LB 824, LB 825, LB 326, LB 827, LB 828, and LB 829.)

I have an amendment to be printed by Senator Moore to LB 187. Senator Lamb designates LB 980 as one of the Transportation Committee's priority bills. And, Mr. President, new resolution, LR 249 by Senators Scofield and Dierks. (Read brief summary of resolution.) That will be laid over, Mr. President. That's all that I have, Mr. President. (See pages 646-48 of the Legislative Journal.)

SENATOR HANNIBAL: We'll proceed to General File, LB 708.

CLERK: Mr. President, 708, I believe, was discussed yesterday by the Legislature. (Read title.) The bill was introduced last year, Mr. President, referred to Judiciary, advanced to General File. Yesterday there was an amendment to the bill by Senator Chambers that was adopted. I now have pending, Mr. President, an amendment to the bill by Senator McFarland. (McFarland amendment appears on page 648 of the Legislative Journal.)

this year, referred to the General Affairs Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR HANNIBAL: Senator Smith, on LB 863, please.

SENATOR SMITH: Thank you, Mr. President. LB 863 was brought to the committee, to myself as the Chairperson of the committee, by the State Electrical Board. In order for us to update the 1990 edition of the National Electrical Code which is numbered now the 70-1990. What this bill does is two things...basically, one thing. It simply does the update, every three years this has to be done because of an Attorney General's Opinion, when the statute was originally drafted, stating that each specific edition, which is on a three-year basis, of that code had to be referenced every time that happened. And so what this does is simply then update that in the statutes. And that's the only part that's been changed in the bill itself, the current statute, except for a few things such as bill drafting language, words like "promulgate" and on page 3, "such" being changed to "the". That's all the bill does. And I would ask the body to support the bill.

SENATOR HANNIBAL: There are no lights on Senator Smith, do you waive closing?

SENATOR SMITH: I waive closing. Thank you.

SENATOR HANNIBAL: You've heard the issue. The issue before you is the advancement of LB 863. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 863.

SENATOR HANNIBAL: LB 863 is advanced. Moving on to LB 980, Mr. Clerk.

CLERK: Mr. President, LB 980 was introduced by the Transportation Committee and signed by its members. (Read title.) The bill was introduced on January 4 of this year, referred to the Transportation Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Transportation Committee, Mr. President.

SENATOR HANNIBAL: The Chair of the Transportation Committee, Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, LB 980 is a priority bill of the Transportation Committee. If you will remember, last year we had LB 285 which puts Nebraska in compliance with federal regulations in regard to commercial driver's licenses. LB 980 is somewhat of a cleanup bill to LB 285. The committee amendments, the main part of the committee amendments is that it incorporates LB 979 into LB 980 and LB 979 has to do with the financial responsibility. This requires that the Public Service Commission would require private motor carriers who operate commercially licensed motor vehicles registered for gross vehicle weight over 10,000 pounds to meet the commission's financial responsibility filing requirements. The committee amendment also modifies the interstate physical requirements to conform to the Federal Motor Carriers Safety Regulations. And it also strikes the restriction that an applicant for a commercial driver's license who certifies that they are not subject to Part 391 of the Federal Motor Carriers Safety Regulations shall be issued a commercial driver's license which is restricted to intrastate operation only of commercial vehicles. In other words, we tried to water it down as much as possible for the intrastate or those who operate within the State of Nebraska. I would ask that the committee amendment be adopted, Mr. Chairman.

SENATOR HANNIBAL: Thank you, Senator Lamb. There are no other lights on. Would you waive closing on the committee amendments? Senator Lamb waives closing. The issue before you is the adoption of the committee amendments to LB 980. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR HANNIBAL: The amendments are adopted. LB 980, Senator Lamb, are you handling the bill?

SENATOR LAMB: Yes. As I mentioned before, LB 980 is a Transportation Committee priority bill, and one of the things it does is delete the provision in the current statute which we have that requires that for an ordinary driver's license you pay

for the abstract presented at the time of license renewal in order to waive the written knowledge test, if the individual has no traffic violations. You will remember we passed that bill a few years ago. If you have this transcript with no violations, you pay \$1.75 and you can get your license without answering the questions. Well, this eliminates that fee because under the new program that information is going to be instantly available and there will be no need for the abstract. So that is the reason there is a revenue loss because there will not be that \$1.75. However, the cost associated with that program will also be eliminated. If you will look at the committee statement, you can see that there are a number of relatively small changes to LB 285 are made. One of them that you may have heard about is the school bus drivers have been complaining about the problems that they may have with complying with the new federal regulations. We have reduced those requirements to the very minimum and I believe that will pass federal scrutiny. The school bus drivers will have to get a commercial driver's license. However, the school, the annual school bus endorsement is not going to be necessary. They will have to answer more questions, but they will take the same physical that they are currently taking or have been taking before LB 285 was passed. The learner's permit is clarified to provide that the permit is valid only if it is in conjunction with a regular driver's license or Class O or commercial driver's license. There was a problem with the learner's permit under the language that we had before. It clarifies that the picture of the holder of a school bus operator's permit need not appear on the permit. It has a section which includes, the Federal Highway Administration has issued final regulation which mandates drug testing for motor carriers. There are five types of testing specified; pre-employment, periodic, reasonable cause, random testing, and postaccident testing. Now the federal regulations apply to drivers and motor carriers who operate in interstate commerce, those vehicles with a gross vehicle weight in excess of 26,000 pounds, vehicles designed or used to transport 16 or more passengers, or vehicles placarded for the transportation of hazardous material. For intrastate, we have in this bill excluded those last two that I mentioned, so they still would have to have drug testing for those driving a vehicle with a gross weight of over 26,000 pounds. If there are questions, I would attempt to respond.

SENATOR HANNIBAL: Thank you, Senator Lamb. Senator Korshoj, please.

SENATOR KORSHOJ: Mr. Speaker, and members, I do have one question, Senator Lamb.

SENATOR HANNIBAL: Senator Lamb, will you respond?

SENATOR LAMB: Yes.

SENATOR KORSHOJ: I have had several letters on this. Where do they take this test at for commercial licenses, the same place as they take their regular license?

SENATOR LAMB: In each county...the original proposal was that there would only be like ten places in the state where they'd take them, but we insisted on keeping it just like it is where they can take them in every county.

SENATOR KORSHOJ: So just for the record, it does not change the place where they take them.

SENATOR LAMB: That is right.

SENATOR KORSHOJ: And the physical is no more severe?

SENATOR LAMB: Right.

SENATOR KORSHOJ: But just more questions?

SENATOR LAMB: That is correct.

SENATOR KORSHOJ: That is how I will answer my letters.

SENATOR LAMB: And I think the bus drivers are overly concerned about it. I don't think there is as great a problem...certainly it will be a little bit more of a problem but nothing that they can't cope with.

SENATOR KORSHOJ: I think they overreacted and I shall tell them that. Thank you.

SENATOR HANNIBAL: Thank you, Senator Korshoj. Senator Lamb, there are no other lights on. Would you care to close?

SENATOR LAMB: No closing. I would ask that the bill be advanced.

SENATOR HANNIBAL: You have heard the motion. Shall LB 980 be advanced? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays on the motion to advance 980, Mr. President.

SENATOR HANNIBAL: LB 980 is advanced. Mr. Clerk, anything for the record?

CLERK: Not at this time, Mr. President.

SENATOR HANNIBAL: Moving on to General File, LB 164.

CLERK: Mr. President, 164 was introduced by Senators Ashford, Landis, Conway and Chizek. (Title read.) The bill was introduced on January 5 last year, Mr. President. At that time it was referred to the Government Committee for public hearing. The bill was advanced to General File. First order of business, Mr. President, are committee amendments by the Government Committee.

SENATOR HANNIBAL: The Chair of the Government Committee, Senator Baack, please.

SENATOR BAACK: Yes, Mr. Chairman and colleagues, LB 164 was introduced and was heard in committee. The bill, as it was originally introduced, was not...didn't even have a hearing, in fact, because Senator Ashford requested that instead of having a hearing on the Historic Preservation Act that instead we would have a hearing on the Joslyn Castle and that's what we did have. We had a hearing on that and what the committee amendment does is it replaces the entire bill and the committee amendment says that the state will try to make sure that Joslyn Castle is preserved in perpetuity and to do that the committee amendment says that it would become part of the state park system and would be taken over by the Game and Parks. So that is what the committee amendment is. I would urge adoption of this amendment because Senator Ashford is going to be coming with another amendment in just a few minutes and we need this committee amendment because his amendment is actually an amendment to this amendment. So with that, I would urge the adoption of the committee amendments so Senator Ashford's amendment makes sense. Thank you.

February 7, 1990

LB 163, 164, 348, 369, 953, 953A, 980
987A, 1059, 1070

SENATOR HANNIBAL: Senator Wesely, please.

SENATOR WESELY: Yes, thank you. We are to the last bill today. We appreciate all your patience. This is also the last of the three pieces of Governor Orr's "year of the family" package, the last two bills are part of it. This is the third piece. Deals with special need children. I'm carrying a bill for Governor Orr, yes. (Laughter.) This bill deals with....she doesn't it know, though. But....This bill deals with special needs children. Currently, if they are placed by public agency, the Department of Social Services special needs children can get additional assistance, private agencies don't get that assistance. This would expand, and this is a federal requirement, so we need to adopt it. And I'd move for the advancement of the bill.

SENATOR HANNIBAL: Any discussion? Seeing none, Senator Wesely, would you care to close? Senator Wesely waives closing. The issue before you is the advancement of LB 1070. All those in favor vote aye, opposed nay.

(No tape overlap. Vote on advancement of LB 1070 was 23 ayes, 0 nays.)

SENATOR HANNIBAL: The bill is advanced. I really appreciate you taking the time to stay around here. Is there anything for the record, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, I do.

SENATOR HANNIBAL: I've been informed that refreshments will be served in the Senators Lounge very quickly.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB 980 to Select File with amendments; LB 164 to Select File with amendments; LB 348 to Select File; LB 953 to Select File with amendments; LB 953A to Select File. (See pages 715-17 of the Legislative Journal.)

SENATOR HANNIBAL: The call is raised.

ASSISTANT CLERK: Senator Beyer has amendments to LB 369 that he asked to be printed; Senator Haberman to LB 1059. New A bill. (Read LB 987A by title for the first time.) Amendments to LB 163 to be printed from Senator Schimek. A report of

Mr. President, I have a series of amendments to be printed. Senator Peterson has amendments to LB 1064, Senator Lamb to LB 980. That's all that I have, Mr. President. (See pages 821-22 of the Legislative Journal.)

PRESIDENT: Thank you. May I introduce some guests, please, of Speaker Barrett. Under the south balcony is Larry Langer of Kearney and Chuck Lindsay of Holdrege. Will you gentlemen please stand and be recognized? Thank you for visiting us today. Move on to LB 313.

CLERK: Mr. President, 313 was a bill originally introduced by Senator McFarland. (Read title.) The bill was discussed yesterday by the Legislature, Mr. President. Committee amendments were offered by the Business and Labor Committee, Chaired by Senator Coordsen. There was amendments to those offered by Senators McFarland and Hall. Both of those failed. Senator McFarland moved to reconsider the vote on the Hall amendment. That motion is now pending, Mr. President.

PRESIDENT: Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. If permissible, I would like to withdraw the motion to reconsider and take up an amendment that I have submitted and is being passed around and should be received by all the senators and take that up at this time.

PRESIDENT: You wanted to substitute the present one for the one that you had before?

SENATOR MCFARLAND: Yes.

PRESIDENT. All right. Any objection? If not, proceed. (McFarland substitute amendment appears on page 822 of the Legislative Journal.)

SENATOR MCFARLAND: Can I proceed? Thank you, Mr. President. Fellow senators, you may look at the materials that are being distributed to you and this is a committee amendment. You may recall yesterday that I had proposed an amendment which would have increased our unemployment, or excuse me, our workers' compensation maximum weekly benefit to \$275 per week. This would have put us at the very bottom of the states in the Midlands, including our surrounding states. It would have put

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LB 369, 369A, 571, 594, 656, 980
LR 264

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

SENATOR HANNIBAL: On the advancement of the bill, Senator Lamb.

SENATOR LAMB: Well, Mr. President, I would only say that I think this bill is in great shape now. There are only eight bills in it. Originally there were going to be 10, but two of them advanced on consent calendar, so I would ask that the bill be advanced.

SENATOR HANNIBAL: There are no other lights on, Senator Lamb. Would you care to close? Senator Lamb waives closing. The issue before you is the advancement of LB 369. All those in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: I do, Mr. President. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 571 and recommend that same be placed on Select File, LB 594 Select File, LB 656 Select File, with E & R attached. (See pages 1112-18 of the Legislative Journal.)

Mr. President, a new resolution, LR 264 introduced by Senators Schmit, Landis and Wesely. (Read brief description. See page 1118 of the Legislative Journal.) That will be laid over.

Senator Lamb has amendments to LB 980 to be printed. (See page 1119 of the Legislative Journal.)

Mr. President, a new A bill, LB 369A offered by Senator Beyer. (Read by title for the first time. See page 1118 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR HANNIBAL: Thank you. Senator Weihing, for what purpose do you rise?

SENATOR WEIHING: Mr. President and members of the Legislature, I move that we adjourn until Friday, March 2, tomorrow morning, at 9:00 a.m.

SENATOR HANNIBAL: Thank you. You've heard the motion. All those in favor say aye. Opposed nay. We are adjourned.

Proofed by: Debbie Smith
Debbie Smith

10230

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LB 980, 1141A

consent on this floor. He has no conflict of interest, I believe, by unanimous consent. He is of high moral character. He has demonstrated intelligence, understanding and a willingness to learn. I think, based upon those qualifications, he deserves our support, and I ask you to support Dr. Thorson for confirmation as Nebraska's member of the Low-Level Radioactive Waste Commission so that he can continue as its Chairman.

PRESIDENT: Thank you. The question is the approval of the confirmation report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 30 ayes, 5 nays, Mr. President, on the confirmation of Dr. Thorson.

PRESIDENT: The confirmation report is approved. Anything for the record, Mr. Clerk?

CLERK: Mr. President, one new item, LB 1141A offered by Senator Warner. (Read by title for the first time. See page 1146 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: We'll move on to the Select File, LB 980, please.

CLERK: Mr. President, LB 980 is on Select File. First order of business are Enrollment and Review amendments, Mr. President.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 980.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are approved.

CLERK: Mr. President, Senator Lamb would move to amend. Senator, this is your AM2528. You will find it in your bill books, AM2528.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, you will remember the bill we passed last year which had to do with commercial

truck drivers and this is a sequel to that bill, some changes, mostly, somewhat minor, and this first one we offer this afternoon to LB 980 is AM2528 which is in your bill book. And this amendment was brought to the committee by Ron Bowmaster in conjunction with his work on the LB 312 computerization process. The first application being pursued in the state-county computerization program is the commercial driver's license application. When this work is completed in the next...will be the motor vehicle titles, but, to enable computerization of motor vehicle titles, the following changes are needed in the current law and accomplished in this amendment. The current statutory forms for the title documents are eliminated. Language is added which provides that the Department of Motor Vehicles shall designate by rule and regulation the title document forms. And, number two, it strikes the requirement that title forms when prepared and distributed to the counties by the Department of Motor Vehicles shall have printed upon them the county name. Additionally, the amendment provides that if all spaces for making a reassignment of title on a certificate of title have been utilized, a licensed motor vehicle dealer shall be required to obtain a new certificate of title in their own name. That covers the amendment. Then, Mr. Chairman, we do have an amendment to the amendment and I wonder if we would take that up at this point?

PRESIDENT: Yes, we could do that. Would you like to have the Clerk read it to you, or are you familiar with it, the amendment to the amendment?

SENATOR LAMB: Well...

CLERK: Do you want, okay, Senator, the amendment to the amendment, Mr. President, is on page 1119 of the Journal. I've got 2769 in front of me, Senator, is that right?

SENATOR LAMB: Yes, 2769.

CLERK: Yes, sir.

SENATOR LAMB: That is in the Journal, and this is an amendment to the amendment I just discussed and it is offered because the federal Truth and Mileage Act created specific requirements for the use of a power of attorney in a sale. One of these requirements is that the state issue the power of attorney form. This amendment adds the power of attorney form to the types of

forms that may be designed by the department. It also provides that if the department chooses to do so, it may allow someone else to distribute the forms. The department already has the ability to contract for this type of thing, but the amendment clearly states that the department may issue the forms by this method. The term "secure power of attorney" refers to the paper on which it is written. That is the amendment to the amendment. It's relatively short and it is on page 1119 in your Journal if you'd care to pursue it. This power of attorney, as I mentioned, provides that a certain kind of paper be used in this form. I would move the amendment to the amendment, Mr. President.

PRESIDENT: Thank you. Any further discussion? If not, the question is the Lamb amendment to the Lamb amendment. All those in favor of the amendment to the amendment vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: The amendment to the amendment is adopted. Now we're back to the Lamb amendment. Senator Lamb, did you wish to continue?

SENATOR LAMB: Yes, Mr. President, I think I explained it pretty well before we brought in the amendment to the amendment. Basically, this takes out of the statutes the forms that are...if you'll look in the statutes, you'll see that the forms are designed right in there, right in law, and this allows the Motor Vehicles Department to designate these forms. I would ask the amendment be adopted.

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

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Anything further on the bill, Mr. Clerk?

CLERK: Senator, I have one more amendment from you that is found on page 821 of the Journal.

PRESIDENT: Senator Lamb.

SENATOR LAMB: Yes, Mr. President and members, this is the last amendment I have and I think the only remaining amendment on the bill that I know about, and it is on Journal page 821. This is to make this...the requirements, the physical requirements as loose as possible, still remain within the federal guidelines and remain within any possible safety standards. The federal law mandates that commercial driver's license applicants must certify whether or not the applicant is subject to the federal driver qualification requirements. Now as the bill presently exists, all applicants for a commercial driver's license would have to make the certification that they are subject and meet the federal requirements except, and there are three exceptions, governmental employees, drivers of vehicles engaged in the private transportation of passengers and operators of...let's see, what is that? Commercial, let's see, transpor...I'm not sure what that one...anyway, the amendment retains these three exceptions, but also adds that any driver of a commercial motor vehicle when it is operated only in intrastate commerce, except vehicles over 26,000 pounds and pulling a trailer over 10,000 pounds. So we make an exception there which is as loose as possible and still qualify and will not, we think, get in trouble with the federal people. I'd ask that this amendment be adopted.

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

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

PRESIDENT: The Lamb amendment is adopted. Anything further, Mr. Clerk?

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

PRESIDENT: Senator Lamb, on the advancement of the bill.

SENATOR LAMB: I would just move the bill be advanced, Mr. President.

PRESIDENT: Okay, you've heard the motion. All in favor say

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LB 164, 980, 980A

aye. Opposed nay. It is advanced. LB 980A.

CLERK: LB 980A, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, Senator Lamb, Senator Ashford. Senator Ashford, do you want to move the advancement of the bill? Senator Lamb, do you want to move the advancement of the bill, please.

SENATOR LAMB: Yes, Mr. President, since Senator Ashford is reticent, I'll move that LB 980A be advanced.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 164.

CLERK: Mr. President, 164 is on Select File. First item are Enrollment and Review amendments.

PRESIDENT: Senator Ashford, do you want to move the adoption?

SENATOR ASHFORD: I would move the E & P amendments, Mr. President.

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

CLERK: Mr. President, Senator Ashford would move to amend the bill. (The Ashford amendment appears on page 966 of the Legislative Journal.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President, members, this is three brief amendments that are inserted in the bill to conform LB 164 to LB 164A. Essentially, the amendments do two things. One is, it makes it absolutely clear that it is the intent of the Legislature that no General Funds be expended for the renovation, restoration or tenant improvements described in the Joslyn Castle Reuse Study and, secondarily, it creates the Joslyn Castle Trust Fund and the Joslyn Castle Operations Cash Fund which are referred to in LB 164A which was advanced last week. So that's all that these amendments do, and I would just move the amendments.

PRESIDENT: Thank you. Senator Moore, please, the amendment.

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LB 164, 164A, 259A, 260, 260A, 313, 313A
348, 542, 594, 642, 678, 843A, 855
855A, 953, 953A, 965, 980, 980A, 1032
1136, 1236
LR 239

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 843A.

SPEAKER BARRETT: LB 843A is advanced. Have you matters for the record, Mr. Clerk?

CLERK: I do, Mr. President. Amendments to be printed to LB 1136 by Senator Landis. (See page 1289 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 164 and find the same correctly engrossed; LB 164A, LB 259A, LB 260, LB 260A, LB 313, LB 313A, LB 348, LB 542, LB 594, LB 678, LB 855, LB 855A, LB 953, LB 953A, LB 965, LB 980, LB 980A, LB 1032 and LB 1236, all of those reported correctly engrossed. (See pages 1289-92 of the Legislative Journal.)

I have an explanation of vote from Senator Barrett, Mr. President. (See page 1292 of the Legislative Journal regarding LB 642.)

That's all that I have.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that Senator Ashford had some fourth graders from Christ the King School in Omaha, District 6, with their teacher. Are you folks still with us in the south balcony? Apparently they have just left. Mr. Clerk, LR 239CA.

CLERK: Mr. President, LR 239CA was a resolution introduced by Senators Withem, Warner, Lindsay, Barrett and Weihing. It proposes an amendment to Article VII, Sections 10 and 13 of the Nebraska Constitution as well as Article XIII, Section 1. The resolution was introduced on January 16 of this year. At that time, Mr. President, it was referred to the Education Committee for public hearing. The resolution was advanced to General File. I do have Education Committee amendments pending.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Education Committee, Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, this is the time of year when you would rather not have your personal

April 4, 1990

LB 769, 980, 1141, 1141A

to the depositors of State Security, American Savings and Commonwealth as much as anyone. I will cooperate in any manner to do so. There is no need to recess. We can proceed with the agenda while my esteemed friend, who is rapidly running out of my estimation, will proceed to draw up something which can work. But we have other bills on the agenda and I might just add I have an amendment for LB 980 which will stop you from all making fools of yourselves on making it a felony not to pay your taxes and that ought to be addressed also. But I just would implore you...we know what's going on. We all know what's going on. We know what's going on and I don't really care who wins or loses at this point. But I think it's absolutely ridiculous, Senator Bernard-Stevens, that you would ask at this hour that we recess for 30 minutes. Certainly you, Senator Landis and all those, Senator Hall, can work while the rest of the body proceeds with some of this other work. And if Senator Warner wants to pull LB 1141, so be it, he can do so. I don't think he wants to. Let's keep going.

SPEAKER BARRETT: Senator Schmit, I'm sorry, we do have a priority motion on the desk. The Chair has...the Chair has to recognize it and we must vote. Not debatable. The question is shall the house recess for 30 minutes? If you're in favor of that motion, vote yes. If you're not, vote no. Record.

CLERK: 3 ayes, 20 nays, Mr. President, on the motion to recess.

SPEAKER BARRETT: The motion fails. Back to the speaking order on the motion to overrule. Senator Abboud, followed by Senator Labeledz.

SENATOR ABOUD: I'll waive off.

SPEAKER BARRETT: Thank you. Senator Labeledz, would you speak to the motion to overrule?

SENATOR LABEDZ: Yes, Mr. Speaker. I believe that evidently it's known on the floor what I was trying to do with LB 1141A so I urge the members of the Legislature to sustain the Chair or not to overrule the Speaker's agenda. We're voting on overruling the Chair, I'm sorry. Okay. There are other bills following. I have a rules suspension there for the...for LB 769. I think there are a few members on the floor that realize what I was doing and they came up with this. But if it's truly as important as Senator Landis said, then there are

telephone calls coming to the Chair, it is my hope that we will recess for lunch today. We will recess. Now it is common knowledge. Also Senator Wehrbein has some very, very special guests under our south balcony from Japan. We have Mr. Tachibana, a member of the Okayama Prefectural Assembly. Mr. Tachibana. The Chair is pleased to note also that also in the party is the escort interpreter, Mr. Edward Otake. Would you please stand, sir. Thank you. We are very, very pleased and honored to have you with us. The next bill, Mr. Clerk, LB 960AE.

CLERK: (Read LB 960AE on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is shall LB 960A with the emergency clause attached pass? Those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: (Read record vote. See pages 1938-39 of the Legislative Journal.) 41 ayes, 0 nays, 5 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 960A with the emergency clause attached passes. LB 980E.

CLERK: (Read LB 980 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 980 with the emergency clause attached pass? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: (Read record vote. See page 1940 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 980E passes. The Chair is pleased to note that we have guests under the south balcony, Arnie and Nancy Stuthman from Platte Center who are constituents of Senator Robak and guests of Senator Rogers. Please stand and take a bow, folks. Thank you. Glad to have you. Senator Ashford also has some fourth graders in our south balcony, 66 of them, from Hillside School in Omaha with their teacher. Would you folks please wave and be recognized by your Legislature. Thank you. While the Legislature is in session and capable of transacting

April 5, 1990

LB 315, 369, 369A, 551, 551A, 577, 920
931, 953, 980, 980A, 994, 994A, 1018
1043, 1063, 1063A, 1090, 1090A, 1241

year. Senator Chambers and Senator Bernard-Stevens, no doubt, will fight that change in the rules but, hopefully, there will be enough of us here and, as far as I'm concerned, they can filibuster that till the end of the session starting in January, but that's exactly what should be done.

PRESIDENT: One minute.

SENATOR LABEDZ: 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 980, LB 980A, LB 994, LB 994A, LB 1043, LB 953, LB 369, LB 369A, LB 1018, LB 1090, LB 1090A, LB 315, LB 551, LB 551A, LB 920, LB 931, LB 1063 and LB 1063A. Senator Wesely, please, followed by Senator Langford.

SENATOR WESELY: Thank you, Mr. President and members, I would rise in opposition to the bracket motion and give you a little history on...that hasn't come out yet on this bill and let you know why I do support it. This bill came in after I had introduced a bill on venture capital last year, Venture Capital Company Act. We were looking at this concept of providing incentives for investment in the state across Nebraska at a 25 percent credit level and with a number of other restrictions with the idea that what we're having across the state is a need for capital, a need for venture capital in particular, and a number of studies have indicated that. The Banking Committee worked with me and we did put out LB 577 to accomplish that goal. Senator Chambers then came in with LB 1241 which was a bill that he worked with with the administration and it tied in conceptually with what that other bill was. So, originally, what we did in the Banking Committee was we merged, with Senator Chambers' cooperation, LB 577 and LB 1241 so that the whole State of Nebraska would be benefiting from venture capital initiative. And this compromise that was reached in the Banking Committee was one that I was very excited about and appreciated very much Senator Chambers' cooperation. But what's odd is that after we reached this compromise and the committee advanced the bill as amended, then Deb Thomas from the Governor's office came in after the deadline for picking priority bills and told Senator Chambers that the Governor could not tolerate the additional coverage of the whole state, that she wanted only north Omaha to be the focus of the bill. And, of course, I was not happy with that situation and felt that I had not been dealt

April 9, 1990

LB 220, 220A, 315, 369, 369A, 551, 551A
571, 576, 720, 720A, 799, 851, 896
923, 953, 958, 960, 960A, 980, 980A
994, 994A, 1018, 1063, 1063A, 1064, 1064A
1080, 1090, 1136, 1146, 1184, 1184A, 1244

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber for the last day of the Second Session of the 91st Legislature. We're especially happy to have with us this morning our own Harland Johnson for our prayer of the morning. Would you please rise?

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Harland, and may I say, on behalf of all the members of the Legislature, we have truly appreciated your prayers during the session. They have been very meaningful because you understand us so well, so thank you again. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections this morning, Mr. President.

PRESIDENT: Any messages, reports, or announcements today?

CLERK: Mr. President, a series of messages. First, communications from the Governor. Engrossed...well, before that, Mr. President, bills read on Final Reading as of late last Thursday were presented to the Governor on Thursday evening as of 8:15 p.m. Communications from the Governor, Mr. President, and I might indicate to the members that copies of messages I have received have been distributed and you should have a copy on your desk. Communications to the Clerk: Engrossed LB 1080, LB 1184, LB 1184A, LB 656, LB 1146, LB 799, and LB 1136 were received in my office on April 3 and signed by me on April 6 and delivered to the Secretary of State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) A second communication: Engrossed LB 220, LB 220A, LB 315, LB 369, LB 369A, LB 551, LB 551A, LB 571, LB 720, LB 720A, LB 851, LB 896, LB 923, LB 953, LB 958, LB 960, LB 960A, LB 980, LB 980A, LB 994, LB 994A, LB 1018, LB 1063, LB 1063A, LB 1064, LB 1064A, LB 1090, and LB 1244 were received in my office on April 3 and signed by me on April 7, delivered to the Secretary of the State. Sincerely, Kay Orr, Governor. (See Message from the Governor as found on page 1985 of the Legislative Journal.) In addition to those items,