

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

February 28, 1989

LB 99, 183A, 227A, 260A, 278, 323, 329A
355, 357, 357A, 386, 437A, 441, 447
491, 511, 569, 678, 720, 724, 726
755, 781

SPEAKER BARRETT: The A bill is advanced. Messages on the President's desk.

CLERK: Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 386 indefinitely postponed, those signed by Senator Withem. Natural Resources Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis as Chair. Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 General File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, LB 724 General File with amendments, LB 726 General File with amendments, those signed by Senator Wesely as Chair. Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select File, LB 441 Select File with E & R amendments. (See pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

SENATOR KRISTENSEN: Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

Bernard-Stevens' problem with the bill. But I think that we're finding that I am very surprised to hear that there are teachers that haven't had any handicapped students in their classroom for that many years. I can't hardly believe that. But they do have to deal with these students on a daily...even if they're not in their own classroom, they still have to deal with them in the other functions that a teacher has, counseling service, or counseling, some of those kind of things that they do on a day to day basis in visiting with these children. I think they need to know their special needs and I think they need to have some special instruction in that process. So, with that, I would just urge the advancement of the bill.

SENATOR LABEDZ: We're voting on the advancement of LB 392. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 1 nay on the advancement of the bill, Madam President.

SENATOR LABEDZ: LB 392 is advanced. Mr. Clerk, LB 99.

ASSISTANT CLERK: LB 99 was introduced by Senator Landis. (Read title.) The bill was read for the first time on January 5th, was referred to the Banking Committee. They report the bill to General File.

SENATOR LABEDZ: Senator Landis.

SENATOR LANDIS: Thank you, Madam President, members of the Legislature. We're about to enter the twilight zone of consent calendar day. It happens when you come to the noon hour. Things start getting sluggish about eleven o'clock. Votes start peeling off, going home, and then when the noon hour comes, that's when it really gets slow, like working through molasses, and all of my bills on consent calendar are just coming up while everybody else's have galloped through early in the day. But we're here, let's take up LB 99. Corporate securities, stocks and bonds have traditionally been sold to individuals, and to represent the share of stock that you have, you're given a certificate. Now in fact what you own is not the certificate, it's the portion of ownership in the company itself. If the stock burns up, if the piece of paper burns up, you get another piece of paper. It's not the piece of paper that's important, it's the share of the ownership that's on record with the

company. Now that's the way we've been doing things for years and years and years, but when computers starting coming into the securities market, the exchange of securities stopped occurring by the exchanging of pieces of paper and started to occur by the exchanging of computer information. And a number of states created uncertificated securities, that is to say that the record of ownership was basically through notice that were given, exchanges by computer and then later to be given a document or letter of acknowledgement rather than a stock certificate. This became such a common practice that the Uniform State Law Commissioners went back into our basic law in this area, which is Article VIII of the Commercial Code, adopted in all 50 states, and said you know we have the burgeoning practice of the uncertificated security and we have all of these warranties that different parties give each other for what on the books should be certificated exchanges, shouldn't we write new rules for this coming practice. So in 1977, the Uniform State Law Commissioners wrote additional amendments to Article VIII of the Uniform Commercial Code, creating parallel obligations for uncertificated securities, securities for which there was not a piece of paper exchanged. But to make sure that the same warranties were given, that adequate notices were given by all parties and the like, the methods to have this coming electronic transfer occur consistent with the legal rights that had been on the books for years and year. Since 1977, over 30 states have passed this bill. Among them the leading states in the area of securities, New York, the leading state as far as securities exchange, and Delaware, the leading state with respect to the incorporation of businesses. There are reasons why a state should pass these amendments to our existing Article VIII law. Why? Because local traders that are less equipped to do business with uncertificated companies will want to be able to use this mechanism. Secondly, new firms that want their certificates, rather, to have their securities exchanged without a certificate, to have that benefit of quick transfer, may choose to incorporate elsewhere. It reduces paperwork flow, it is the common practice in over 30 states, it is endorsed by the Uniform State Law Commissioners and the unanimous approval of the Banking, Commerce and Insurance Committee. I would move for its advancement.

SENATOR LABEDZ: Thank you, Senator Landis. Is there any further discussion on the advancement of LB 99? Senator Landis, there are no further lights, would you like to close? Senator Landis waives closing. All those in favor of advancement of

March 30, 1989

LB 99, 323

LB 99 vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 99 is advanced to E & R Initial. Mr. Clerk, LB 323.

ASSISTANT CLERK: LB 323 was introduced by Senator Landis. (Read title.) The bill was referred to the Health and Human Services Committee and was reported to General File.

SENATOR LABEDZ: Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. LB 323 was introduced on behalf of the Nebraska Optometric Association by myself. It basically seeks to reinstate the language that was, at one time, called into question by the Attorney General, in 1987. It adds some language that indicates that testing of optometrists protects the health, safety and welfare of the citizens of the State of Nebraska, indicates that new licensees, who seek an optometric license in this state, must take a test which includes all of the relevant areas of the optometric practice. And in so doing that means that anybody who wants an optometric license will have to be able to do all of the scope of practice, including, by the way, the issue of eye drops. Now, there are some individuals who do not now have the training in that area and they are previously licensed by Nebraska. Unless they get a special endorsement, they can't use eye drops. New licensees will have to be able to take a test, including that area in the scope of practice. It does not, in any way, expand the practice of optometry. It's been reviewed by the Nebraska Medical Association, who does not oppose this change. It simply seeks to do that which the Legislature meant to do in 1986, which because of the way it was worded the Attorney General said had some problems to it, and now we go back and give back to the Optometric Board of Examiners the obligations to use these tests for new licensees across the entire breadth of practice for optometrists. I move for the advancement of 323.

SENATOR LABEDZ: Thank you, Senator Landis. Senator Bernard-Stevens, on the advancement of LB 323.

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228
228A, 247, 323, 324, 371, 381, 423
486, 487, 487A, 488, 488A, 508, 509
566, 592, 605, 627, 643, 669, 714
722, 756, 781, 793
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 99, 323, 392, 482

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 482, as amended.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 392.

CLERK: LB 392, Senator, I have E & R amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 392.

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

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 392, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 99.

CLERK: LB 99, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move that LB 99 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 323.

CLERK: LB 323, Senator, has E & R pending.

PRESIDENT: Senator Lindsay, please.

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

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

April 12, 1989

LB 99, 135, 206, 228, 228A, 323-325, 381
423, 487, 487A, 508, 509, 605, 627
669, 722, 793

chemicals. There are other bills coming up this session that deal with solid waste disposal that I hope that we'll get to yet this session. So I think that there are people in this body who are committed to doing something in respect to the environment and I take some exception to the statements made by Senator Chambers on the fact that this body is not interested. I think we are interested and I think the message is beginning to come across to us that we need to begin to look at the environment, whether we come from the country or the city, it's just as important to all of us. So I support the bill and other bills. Hopefully, it will be forthcoming this session.

SPEAKER BARRETT: Thank you. There are no other lights. The question is the advancement of LB 325 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 325.

SPEAKER BARRETT: LB 325 is advanced. Messages on the President's desk, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports they have carefully examined and engrossed LB 99 and find the same correctly engrossed, LB 135, LB 206, LB 228, LB 228A, LB 323, LB 324, LB 381, LB 423, LB 487, LB 487A, LB 508, LB 509, LB 605, LB 627, LB 669, LB 722 and LB 793, all reported correctly engrossed. (See pages 1671-72 of the Legislative Journal.)

Senator Abboud would like to add his name to LB 325 as co-introducer, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to adjourn us?

SENATOR SCHELLPEPER: I sure would. I would move we adjourn until April 13th at 9:00 a.m.

April 18, 1989

LB 99, 637, 777, 790

Journal.) 33 ayes, 15 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 637 passes. LB 777.

CLERK: (Read LB 777 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 777 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 1744-45 of the Legislative Journal.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 777 passes. LB 790, Mr. Clerk.

CLERK: (Read LB 790 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 790 pass? Those in favor vote aye, opposed nay. Record.

CLERK: (Record vote read. See pages 1745-46 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 790 passes. Final bill on Final Reading, LB 99.

CLERK: (Read LB 99 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 99 become law? Those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read. See pages 1746-47 of the Legislative Journal.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 99 passes. Before the call is raised, two or three announcements. Senator Beyer had some guests in the north balcony from Skyline Elementary in Elkhorn. Sixty-six fourth graders were with us this morning. Also, the Central

April 18, 1989

LB 99, 546, 548, 582A, 582, 608, 637
761, 777, 790

Nebraska Public Power and Irrigation District and the Nebraska Public Power District is opening an exhibit in our Rotunda at this point. The exhibit is open to the public. Everyone is invited to attend. And, finally, an announcement of considerable concern, or it should be, to this entire body, the final score in last night's practice game or preseason basketball game, staff-66, senators-47. The good news is that there were no fatalities. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 790, LB 777, LB 637, LB 608, LB 582A, LB 582, LB 548, LB 546, and LB 99. Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: Personal privilege.

SPEAKER BARRETT: State your point.

SENATOR DIERKS: Well, I just wanted to assure the senators that the reason for the good news was that the team physician was absent last night.

SPEAKER BARRETT: The team physician was absent last evening? Thank you, sir. That's for the good of the order. Mr. Clerk, proceed to General File, special order, LB 761.

CLERK: Mr. President, 761 was the bill introduced by the Natural Resources Committee. (Read title.) The bill was discussed yesterday, Mr. President. At that time, the committee amendments were adopted along with a series of amendments to those committee amendments. Mr. President, the first item I have on the bill this morning is an amendment by Senator Dierks. Senator Dierks' amendment is on page 1694 of the Journal.

SPEAKER BARRETT: Senator Dierks, please.

SENATOR DIERKS: Mr. Speaker and members of the body, we discussed this amendment a little bit yesterday so you have an idea of what we're talking about. This amendment requires voter approval by citizens of a county prior to the issuance of a license to site a facility. It seems a little bit strange to me that I have to stand here to justify this requirement, this requirement of local election, for specific reasons which I think are obvious, they're obviously consistent with Nebraska's traditional philosophy of local control, sovereignty of our citizens. More specifically, I believe the state made a pledge

April 18, 1989

LB 99, 240, 279, 361, 361A, 546, 548
582, 582A, 608, 637, 761, 777, 790

Record, Mr. Clerk. Senator Chambers.

SENATOR CHAMBERS: I want a call of the house and a roll call vote.

PRESIDENT: Okay, the question is, shall the house go under...okay, we are under call, Senator Chambers, but we will check in. Yes, all right. Please record your presence. Senator Lynch, would you record your presence, please. Senator Hefner, would you push...pardon me. Record your presence, please. Yes, we are, but we're checking in. Please. Senator Wesely, we're looking for and Senator Schmit. Did you ask for a roll call vote, Senator Chambers? All right. Okay, the question is the adoption of the Chambers amendment. Roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote read. See page 1749 of the Legislative Journal.) 21 ayes, 24 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have anything else on the bill?

CLERK: Nothing.

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

CLERK: I do, Mr. President. Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790 and LB 99.)

I have a motion to be printed by Senator Landis. (See page 1750 of the Legislative Journal. Re. LB 361 and LB 361A.)

PRESIDENT: The call is raised.

CLERK: Transportation Committee gives notice of confirmation hearing.

Amendments to be printed to LB 279 by Senator Chizek, and Senator Hall to LB 240. (See pages 1750-53 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: May I introduce some guests, please. In the north balcony Senator Byars has 80 fourth graders from Anderson Grove

April 20, 1989

LB 47, 66, 99, 135, 206, 247, 247A
324, 372, 381, 392, 395, 401, 482
506, 546, 548, 582, 582A, 608, 611
637, 777, 790
LR 81, 82

advancement of LB 247.

SPEAKER BARRETT: LB 247 is advanced. Anything for the record? The call is raised. Senator Withem, would you like to handle the A bill at this point? (LB 247A)

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

SENATOR WITHEM: Move the advancement of the A bill.

SPEAKER BARRETT: Thank you. Any discussion? If not, those in favor of the advancement of the A bill say aye. Opposed no. Carried. For the record.

CLERK: Mr. President, thank you. Communication from the Governor to the Clerk. (Read communications regarding LB 135, LB 206, LB 324, LB 381, LB 392, LB 482, LB 395, LB 47, LB 66, LB 372, LB 401, LB 506, LB 546, LB 548, LB 582, LB 582A, LB 608, LB 637, LB 777, LB 790, and LB 99 as found on pages 1809-10 of the Legislative Journal.)

Study resolution, Mr. President, by Senator Goodrich and some other members regarding a review of state institutions where there is a permanent residence population. That will be referred to Reference Committee. (LR 81.) LR 82 is a resolution by Senators Pirsch and Lindsay asking the Legislature to applaud the efforts of 120 students in the...for their academic achievement. That will be laid over. (See pages 1810-12 of the Journal.)

Mr. President, Government Committee gives notice of confirmation hearing for May 4. That is offered by Senator Baack as Chair. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Proceeding then to the next bill on Select File, LB 611.

CLERK: Mr. President, the first item on LB 611 are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 611 be adopted.