

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880
LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

January 16, 1990

LB 240, 514, 718, 855, 972, 1140-1147
LR 239

CLERK: (Roll call vote taken. See pages 330-31 of the Legislative Journal.) 16 ayes, 18 nays, Mr. President, on the advancement of the bill.

PRESIDENT: LB 514 fails to advance. Anything for the record, Mr. Clerk?

CLERK: Just one item, Mr. President.

PRESIDENT: The call is raised. Did you want to enter some bills, Mr. Clerk?

CLERK: Mr. President, I do. Thank you. Mr. President, new bills. (Read LBs 1140-1147 by title for the first time. See pages 331-33 of the Legislative Journal.)

Mr. President, in addition to those items, I have a new constitutional amendment, LR 239CA, offered by Senators Withem, Warner, Lindsay, Barrett and Weihsing. (Read brief summary of resolution. See pages 333-37 of the Legislative Journal.) That will be referred to Reference.

Finally, Mr. President, I have a notice of hearing from the Agriculture Committee, that's signed by Senator Rod Johnson as Chair of the committee. (Re: LB 855, LB 972, and LB 718.) That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Baack is not here at the moment, so we'll go to LB 240.

CLERK: Mr. President, LB 240 was a bill introduced by Senator Hall. It is on Select File.

PRESIDENT: Senator Hall, please.

CLERK: Mr. President, I do have an amendment. Senator, you want to take up your amendment, or you want to refresh the body as to the bill?

SENATOR HALL: Whatever you think is appropriate, Mr. Clerk.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. If I could

January 24, 1990

LB 369, 855, 1124, 1161, 1213, 1231

reports LB 855 to General File. (See page 491 of the Legislative Journal.)

Mr. President, I have hearing notice from Natural Resources signed by Senator Schmit as Chair. (LB 1213 and LB 1231. See page 491 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Kristensen.

I have amendments to be printed, Mr. President, by Senator Lamb to LB 369, and, Mr. President, the last, I have requests from Senator Smith to add her name to LB 1124 and Senator Hefner to LB 1161 as co-introducers. That's all that I have, Mr. President. (See pages 492-93 of the Legislative Journal.)

SENATOR LAMB: The motion is to adjourn until tomorrow morning at 9:00 a.m. All those in favor say aye. Those opposed. We are adjourned until tomorrow morning.

Proofed by:


LaVera Benischek

February 15, 1990 LB 688, 855, 896, 918, 924, 930, 940
969, 970, 972, 974, 1016, 1017, 1055
1094, 1115, 1118, 1222

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the day, Pastor Sid Raymond of the Florence Presbyterian Church in Omaha. Would you please rise for the invocation.

PASTOR RAYMOND: (Prayer offered.)

PRESIDENT: Thank you, Pastor Raymond, we appreciate your being here and giving us the invocation this morning. Please come back. Roll call, please.

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

PRESIDENT: Mr. Clerk, any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 896 and find the same correctly engrossed, LB 918, LB 924, LB 930, LB 940, LB 969, LB 970, LB 974, LB 1016, LB 1017 and LB 1118 all reported correctly engrossed, those signed by Senator Lindsay as Chair. (See page 799 of the Legislative Journal.)

Mr. President, an Attorney General's Opinion addressed to Senator Elmer regarding LB 1115. (See pages 800-06 of the Legislative Journal.)

Priority bill designations. Senator Lindsay has selected LB 688, Senator Hartnett LB 1222, Senator Haberman LB 1094, and Agriculture Committee, chaired by Senator Johnson, has selected LB 855 and LB 972 and Senator Goodrich has selected LB 1055. (See page 806 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Very good, thank you. We'll go on to the confirmation report.

CLERK: Mr. President, the Health and Human Services Committee, chaired by Senator Wesely, reports on the series of appointments

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,

the Nebraska Sheep Council, Nebraska Poultry Industry, in strong support of the bill. We had no one opposed to the bill. We had University of Nebraska Extension and Department of Agriculture in the neutral position for information. This bill is much needed to assure continuation of federal funds. It provides assistance to both urban and rural interests in controlling unwanted wildlife such as starlings in the metropolitan areas, unwanted rodents and various types of wildlife that tend to congregate around airports, to keep the airports safe for landing, to protect young livestock against predators and I don't think that you need too much more. All of you were here last year when we debated this and I would urge the advancement to Select File, and if there are any questions from anyone, I'd be pleased to try to answer them.

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

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 855.

PRESIDENT: LB 855 is advanced. LB 855A.

CLERK: 855A, Mr. President, offered by Senator Rod Johnson. (Read title.)

PRESIDENT: Senator Owen Elmer, please.

SENATOR ELMER: Thank you, Mr. President and members, the accompanying A bill to 855, LB 855A, is identical to the A bill that we had last year, provides funding at a minimum level to assure continuation of the federal support of our programs across the state and I would urge that you advance it to Select File to accompany LB 855.

PRESIDENT: Thank you. If there is no further discussion, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? We're voting on the advancement of the bill. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 855A.

PRESIDENT: LB 855A is advanced. LB 1090.

February 23, 1990

LB 844, 853, 855, 855A, 903, 919, 960
960A, 1022, 1086, 1167, 1183, 1216

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Pastor Duane Doremus of the Faith Lutheran Church in Hebron, Nebraska. Would you please rise for the invocation.

PASTOR DUANE DOREMUS: (Prayer offered.)

PRESIDENT: Thank you, Pastor Doremus, for your prayer this morning. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 853 and recommend same be placed on Select File, LB 1086, LB 1216, LB 1167, LB 903, LB 844, LB 919, LB 1183, LB 960, LB 960A, LB 855, LB 855A. Those were reported to Select File, some of which have E & R amendments attached. (See pages 942-44 of the Legislative Journal.)

Mr. President, a series of Attorney General's Opinions, one to Senator Wesely on LB 1022; and Senator Haberman has an opinion regarding Judicial Nominating Commission procedures; Senator Wesely has an opinion on Federal Fair Housing Amendments being proposed; and Speaker Barrett an opinion regarding gubernatorial confirmation procedures. (See pages 944-56 of the Legislative Journal.)

Finally, Mr. President, I have a report of registered lobbyists for the week of February 17 through February 23. That is filed pursuant to statute, and that is all that I have, Mr. President.

PRESIDENT: We will move on, please, to the confirmation reports.

CLERK: Mr. President, the Banking, Commerce and Insurance Committee, chaired by Senator Landis, reports on the

March 5, 1990

LB 855, 855A, 923, 1032

under call. Senators Moore, Ashford and Hartnett, the house is under call. While we are waiting, there are about eight bills which could be voice-voted across before adjournment this evening. If you would like to follow along, it would include LB 885 and the A bill, LB 1032, LB 1236, LB 260 and 260A, LB 571, and LB 594. Correction, the first bill mentioned was 855, 855 and 855A. Senators Ashford and Hartnett, the house is under call. Senator Wesely, may we proceed?

SENATOR WESELY: Yeah.

SPEAKER BARRETT: Thank you. Members, return to your seats for a roll call vote. The question is the adoption of the Wesely amendment. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1160 of the Legislative Journal.) 17 ayes, 1 nay, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, I would like to proceed to LB 855 at this point.

CLERK: Mr. President, on LB 855, I have no amendments to the bill.

SPEAKER BARRETT: Chairman Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 855 be advanced to E & R for engrossment.

SPEAKER BARRETT: Is there discussion? If not, those in favor of the advancement of 855, say aye. Opposed no. Carried. The bill is advanced. To the A bill.

CLERK: LB 855A, Mr. President, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 855A be advanced to E & R for engrossment.

SPEAKER BARRETT: Discussion? Seeing none, those in favor of the advancement of the A bill, please say aye. Opposed no. The ayes have it. Carried. The bill is advanced. LB 1032.

March 8, 1990

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

pipeline and Minnegasco and has no plans to seek for additional municipal customers for the service of this pipeline. I would also remind senators that under the terms of LB 851, any service tap must receive approval of the Lincoln City Council, as that body regulating the pipeline. It is inherently difficult to determine appropriate statutory language to restrict service off the pipeline. The foregoing statement is for the purpose of sharing those concerns that Minnegasco intent is limited to and that it's not...does not have a hidden agenda based on this legislation. With that, I would withdraw the pending motion and ask that the bill be read.

SPEAKER BARRETT: Thank you, sir. It is withdrawn. Members, return to your seats in order to read the bill. While waiting for members to return to their seats, Senator Beck announces some guests in our south balcony, 83 eighth graders from St. Pius and St. Leo's in Omaha with their teacher. Would you people please wave and be recognized. Thank you, glad to have you with us this morning. Members are to be in their seats during Final Reading, our rules. Mr. Clerk, read the bill.

CLERK: (Read LB 851 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 851 pass? Those in favor of that motion please vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1931-32 of the Legislative Journal.) 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 851 passes. LB 855.

CLERK: (Read LB 855 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 855 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1932-33 of the Legislative Journal.) 38 ayes, 4 nays, 4 present and not voting, 3 excused and not voting, Mr. President.

April 5, 1990

LB 855, 855A, 896A, 896

SPEAKER BARRETT: LB 855 passes. The A bill, Mr. Clerk.

CLERK: (Read LB 855A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 855A pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Read record vote. See pages 1933-34 of the Legislative Journal.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 855A passes. LB 896.

CLERK: Mr. President, the first item I have on 896 are amendments to be withdrawn from Senator Lynch and Withem, I have a note that they wish to be withdrawn.

SPEAKER BARRETT: They are withdrawn.

CLERK: Mr. President, Senator Haberman has an amendment.

SPEAKER BARRETT: You are withdrawing, Senator Haberman? Thank you.

CLERK: (Read LB 896 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 896 pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Read record vote. See pages 1934-35 of the Legislative Journal.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 896 passes. The A bill.

CLERK: (Read LB 896A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 896A pass? All in favor vote aye, opposed nay. Have you all voted? Record, please.

April 5, 1990

LB 720, 720A, 834, 851, 855, 855A, 896
896A, 923, 960, 960A, 980A, 1183

business, I propose to sign and I do sign engrossed LB 720, LB 720A, LB 834, LB 851, LB 855, LB 855A, LB 896, LB 896A, LB 923, LB 960, and LB 960A. Mr. Clerk, LB 980A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Schmit would move to return the bill to Select File for specific amendment.

SPEAKER BARRETT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I had hoped very earnestly that this bill would come up yesterday. I believe that this is one example of why perhaps we ought to seriously consider abolishing consent calendar. I was not on the floor at any time during the period of time that LB 1183 was discussed, either on General File or on Select File. I came on the floor during the reading of LB 1183 and was somewhat shocked to follow the reading and discover that this Legislature was in the process of making it a felony, a Class IV felony if any corporation or company failed to pay its taxes on time, and I discussed it just briefly with some of my fellow legislators, and they said, well, this is just personal taxes. But upon a very close reading of the bill, it did not appear to me to be that it only applied to personal taxes, and even then, I would have been opposed to it. My deep concern is that we have by the passage of this bill made it a felony, punishable by a \$10,000 fine and each day is a new offense, ladies and gentlemen, punishable by a similar type of fine, if you do not pay your taxes when due. Now there may be some of us in here who believe that it is easy to pay taxes, either personal or real, but that is not true. It is frequently true that we are not able to pay our taxes on time, and for that reason, we have required that a 14 percent interest charge be assessed against delinquent taxes. That, in itself, is a serious enough penalty in my estimation. What is even more concern to me is that we would indicate by this bill that there is a decision process left up to the local county attorney, I would...I suppose, if the situation is to be prosecuted or not because it says that if such officer willfully fails to pay the tax due to the county treasurer when so notified, he or she shall be guilty of a Class IV...felony, changed from a misdemeanor. It also says that he may be prosecuted. Now, ladies and gentlemen, we have seen enough of the preferential treatment that can happen to certain individuals in the commission of crimes without extending it to this kind of an act. I would suggest that if anyone of us in

April 9, 1990

LB 42, 42A, 571A, 834, 843, 843A, 855
855A, 880, 880A, 896A, 920, 1004, 1004A
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?

April 9, 1990

LB 855, 1059A

PRESIDENT: Thank you. The question is, shall the veto on LB 1059A be overridden? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 2044 of the Legislative Journal.) 31 ayes, 15 nays, Mr. President, on the motion that LB 1059A become law notwithstanding the objections of the Governor.

PRESIDENT: The veto on LB 1059A is overridden. LB 855, please.

CLERK: Mr. President, Senator Rod Johnson would move that LB 855 become law notwithstanding the objections of the Governor.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, probably again an inopportune time to bring another veto override, but LB 855 has really been an issue that has been a crusade of mine since 1985 when we were in the midst of some economic recessions in this state. We went through a process of cutting budgets during the Kerrey administration during some special sessions and one of the programs, unfortunately, was repealed or funding was cut out was the funding for the Animal Damage Control Program. Now quite frankly, agriculture hasn't fared real well in this session as far as policy decisions that have an impact on agriculture and its producers, but this is one program that not only serves the Nebraska ag producer, whether it be a cattleman, a sheep grower, a wool grower, a pork producer, poultry grower, whatever might be. It also serves urban areas with their problems that they might have with rodents and other problems that do occur at airports, golf courses and so forth. So rather than get into a long litany of problems, I just simply say this is \$312,000 to fund a statewide enforcement program, the State of Nebraska has put no money in this program for the last almost five years and almost every year I brought a bill in. This is the second year in a row I've passed the bill and, again, for the second year in a row it has been vetoed. It is my hope at least that this minor amount might help fund a program that serves, I think, a very good public purpose in dealing with predator problems that do prey upon a lot of our livestock industry and poultry industry in this state, so I'd ask for the votes to override this veto.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Warner.

SENATOR SCHMIT: Mr. President and members, I think Senator Rod Johnson said it pretty well. Agriculture is not going to fare very well in this session. In fact, as a farmer, notwithstanding the fact that I just received my valuation notices this past week and I should be rejoicing because I've just had a substantial increase in my net worth, I really don't feel too good because my valuations on my property have increased by 17 to 51 percent and on average of somewhere around 24 or five percent, do not anticipate that kind of reduction in my levies, and so it is very likely that in the next year or so the contribution of Nebraska agriculture will be substantially greater towards the tax burden of Nebraska than it has been in the past. This amount of money here is minuscule when contrasted with the budget. It's almost embarrassing, Senator Johnson, to ask for such a small amount but as we have learned in the past you have to be satisfied with small goals, apparently. It is an important program. It's an important program, more important in some parts of the state than others, but nonetheless, an important program and I hope you fund the bill.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, if my hasty addition is correct with the override of 1059, is around 2 million, 2.1 million of additional override that could be done and still stay at the very minimal 3 percent reserve, but with 1059 we would be below a 3 percent reserve at the end of the next biennium slightly. As I have indicated before with the growth of 6.5 percent that next year which is...could well be optimistic and that is with no A bills, no new legislation, no new programs on either the '91 or the '92 session. As I was adding up what was left on overrides, it looks like it's around 3.5 million, and if they're all done, obviously we will be below the statutory required 3 percent reserve this year and that obviously would be a mistake. There may be one or two bills left out of the nine that you would wish to veto override, but I would hope we do very little more. If we go much lower than we are, it's inevitable that we will create problems and it will be very difficult for the state two years or a year from now, or commencing a year from now, and I would hope you would use a lot

of thought about any further overrides beyond where we are now.

PRESIDENT: Thank you. Senator Rod Johnson, did you wish to close?

SENATOR R. JOHNSON: Mr. President, and members, annually we get to this point where after a big bill has passed and a lot of money has been expended, we suddenly realize that there is little left in the cupboard for the remaining bills coming up behind those more important votes, and that was the case that happened to me last year with this same proposal, and almost every year since, and I guess I just would say I would like to complete I guess my term in this body by getting something reestablished that I have worked five years to try and do, and I appreciate the votes you gave me today on LB 163, but this one is more...we did one for environment, I guess I am asking can we get one done for agriculture on the other side here today. I thought the Governor was going to sign this bill. I misread that but it is my hope this body will choose to reinstate this program and I hope we get a statewide enforcement program rather than individual counties contracting as we do. I think 25 counties currently are contracting for the services in their counties, but we have a lot of counties outside of that area that the animal damage control specialists work in and those counties are being unprotected. And with a number of rules and regulations that prohibit the kinds of control mechanisms or methods that I use as a farmer or livestock person, you need the help from these folks to deal with some of the problems they might have with animals that cause damage to others. So I would ask for the override.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. The question is, shall LB 855 become law notwithstanding the Governor's veto? All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, please.

CLERK: (Record vote read. See page 2045 of the Legislative Journal.) 23 ayes, 21 nays, Mr. President, on the override.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, Senator Baack would move that LB 843 become law notwithstanding the objections of the Governor.