

January 16, 1990

LB 163, 240A, 259, 259A, 397, 534, 601
730, 818-820, 834, 853, 1043, 1044, 1057
1076, 1098, 1148-1157

guess it is the third Beck amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 14 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The third Beck amendment fails. Mr. Clerk, do you have anything for the record?

CLERK: I do, Mr. President. Mr. President, reminder, Reference Committee will meet in Room 2102 upon adjournment; Reference Committee, Room 2102.

Mr. President, new bills. (Read for the first time by title: LB 1148-1157.) Mr. President, a new A bill, LB 240A by Senator Hall. (Read for the first time by title. See pages 340-43 of the Legislative Journal.)

Retirement Systems Committee, whose Chair is Senator Haberman, reports LB 834 to General File. Appropriations Committee offers notice of hearing, as does Urban Affairs, (Re: LB 853, LB 1043, LB 1044, LB 1057, LB 1076, LB 1098) signed by Senators Warner and Hartnett as Chairs, respectively. (See pages 343-44 of the Legislative Journal.)

Mr. President, Committee on Enrollment and Review reports LB 259 to Select File with E & R amendments, LB 259A Select File with E & R, LB 534 Select File with E & R, LB 601 Select File with E & R, LB 730 Select File with E & R, LB 818 Select File, LB 819 Select File, LB 820 Select File. (See pages 345-46 of the Legislative Journal.)

And, finally, Mr. President, I have amendments to be printed by Senator Hefner to LB 163. (See pages 346-47 of the Legislative Journal.) And, Mr. President, a request from Senator Weihing to add his name to LB 397; and Senator Schimek to LB 163. That is all that I have, Mr. President.

PRESIDENT: Senator Wehrbein, would you like to say something this morning about adjourning until nine o'clock tomorrow. Wait a minute, we will turn you on. Now.

SENATOR WEHRBEIN: Yes, Mr. Speaker, I would do that. I move we adjourn until nine o'clock tomorrow morning, January 17.

January 18, 1990

LB 161, 1136-1171, 1181-1194

Mr. President, finally, I have a reference report referring LBs 1136-1171. (See pages 373-74 of the Legislative Journal.)

Mr. President, announcement, the Speaker would like to hold a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. The Speaker is calling a chairmen's meeting tomorrow morning at eight-fifteen in Room 2102. That is all that I have, Mr. President.

PRESIDENT: Do we have some new bills, Mr. Clerk?

CLERK: Mr. President, new bills: (Read LBs 1181-1194 by title for the first time. See pages 374-77 of the Legislative Journal.) That's all that I have at this time, Mr. President.

PRESIDENT: We'll move on to General File, LB 161, Mr. Clerk.

CLERK: Mr. President, LB 161 was a bill that was originally introduced by Senators Rod Johnson, Scofield, Coordsen, Baack, Weihing, Schellpeper and Elmer. (Title read.) The bill was introduced on January 5 of last year, Mr. President. It was referred to the Agriculture Committee for public hearing. The bill was brought to the floor with committee amendments attached. It was considered on April 5, Mr. President. At that time Senator Johnson made a motion to bracket the bill until January 1 of this year. I have pending the committee amendments. They have not been adopted yet, Senator.

PRESIDENT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, the committee amendments are relatively straightforward. It is simple but I would like to share them with you and indicate that hopefully they are noncontroversial. There are four parts to the committee amendment. The first requires the Department of Agriculture to use other agencies when enforcement is necessary in the question of water quality. The Department of Agriculture is the lead agency in implementing this bill, but in many cases we have expertise, especially with water quality and other areas including the Department of Environmental Control, through their work; the Department of Health for the Safe Drinking Water Act and the State Resources Office and there is just a variety of different agencies that I think the department could turn to for assistance and I think the important thing is to make sure that

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The opening prayer this morning by the chaplain of the day, Pastor Fred Lessten of the Immanuel Bible Church here in Lincoln. Pastor Lessten.

PASTOR LESSTEN: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Lessten. We hope you're able to come back again another day. Roll call.

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

SPEAKER BARRETT: Any corrections to the Journal?

CLERK: Mr. President, one correction. (Read correction as found on page 482 of the Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Any reports, announcements or messages?

CLERK: Yes, Mr. President. Your Committee on Enrollment and Review respectfully reports they've carefully examined and reviewed LB 821 and find the same correctly engrossed. LB 822, LB 823, LB 824, LB 825, LB 826, LB 827, LB 828, and LB 829, those all reported correctly engrossed. (See page 483 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 240A and LB 662A to Select File.

Mr. President, Senator Morrissey would like to announce that he's selected LB 1151 as his priority bill this session. I have received reports from the Department of Education filed pursuant to statute, as well as a series of audit reports...I'm sorry, actuarial valuation reports for three of the retirement systems. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Mr. Clerk, moving to Item 5, confirmation report.

CLERK: Mr. President, the Natural Resources Committee would report on the appointment of Mr. James Eatmon to the Oil and Gas

February 27, 1990

LB 445, 662, 854, 923, 945, 976, 1023
1042, 1057, 1062, 1146, 1147, 1151, 1212
LR 233

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 18 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, record your presence, please. Those outside the Chamber, please return. Senator Lynch, please. Senator Nelson, please. Senator Haberman. All members return to your seats for a roll call vote. The question again is the indefinite postponement of the resolution. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken. See pages 998-99 of the Legislative Journal.) 17 ayes, 19 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Urban Affairs reports LB 945 indefinitely postponed, and LB 1057 indefinitely postponed, those signed by Senator Hartnett. Judiciary Committee reports LB 445 to General File; LB 854 to General File; LB 976 to General File; LB 1023, General File; LB 1042, General File; LB 1147, General File; LB 1212, General File; LB 1062, indefinitely postponed; LB 1151, indefinitely postponed, those all signed by Senator Chizek as Chair of the Committee. (See pages 999-1003 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed. Senators Lynch and Wesely have amendments to LB 923, Senator Conway to LB 1146, and Senator Scofield to LB 662. (See pages 1003-07 of the Legislative Journal.)

Mr. President, Senator Hall would like to announce that the Revenue Committee will meet at one o'clock this afternoon for their hearings as opposed to one-thirty. Revenue Committee, one o'clock, as opposed to one-thirty. That's all that I have, Mr. President.

SPEAKER BARRETT: We are back to the motion to advance the bill or the resolution. I have only one light. Senator Landis, would you care to....

SENATOR LANDIS: If we wish to run over it, I will be happy to

March 28, 1990

LB 976, 1059, 1062A, 1141, 1151

SPEAKER BARRETT: Time.

SENATOR LANDIS: Each of them is precious. I would urge you to adopt this amendment. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you, sir. All present but Senator Peterson. Senator Landis, may we proceed with the vote? Thank you. The question is the adoption of the Landis amendment to the Johnson amendment to LB 976. All in favor of that motion please vote aye, opposed nay. Have you all voted? Please record. Senator Landis.

SENATOR LANDIS: Can I...pardon me, pardon me, nothing, Mr. Speaker.

SPEAKER BARRETT: I understand. Thank you. Record.

CLERK: 23 ayes, 14 nays, Mr. President, on the adoption of Senator Landis's amendment to Senator Johnson's amendment.

SPEAKER BARRETT: The amendment is adopted. I believe at this point, ladies and gentlemen, before we raise the call, we should announce that we have an annual proceeding which will take place momentarily in this Chamber, something that we look forward to every year, but before asking Senator Morrissey to make the appropriate motion and read some items into the record, the Chair would advise you that tomorrow morning we will begin our proceedings on the floor at eight o'clock with Final Reading; Final Reading tomorrow morning and we do need at least 30 members present to start our Final Reading. So I would ask for your cooperation. Hopefully, we will read on final until noon, at which time we will then proceed to the processing of additional senators' priority bills. Mr. Clerk, have you items for the record?

CLERK: Yes, Mr. President, I do. Mr. President, a communication from the Governor to the Clerk regarding a gubernatorial appointment. A new A bill, LB 1062A by Senator Bernard-Stevens. (Read for the first time by title. See page 1669 of the Legislative Journal.)

Amendments to be printed to LB 1151 by Senator Dierks; Senator Coordsen to LB 1141; Senator Withem to LB 1059. Two Attorney General's Opinions, Mr. President, one to Senator Nelson

bills that need to be considered in this particular sequence. The ones that I think are important, I think the informed consent bill is an important bill. I think from my perspective it is one that should be passed, because I think it will assist in placing a limit upon the number of abortions that are obtained. And I think you will have children born that would have never been born had not a bill like this been passed requiring that a young woman or other woman who is considering abortion have a time, a 24-hour period, to think about it and to realize exactly what is being done. The other bill I think is very important is the 1151 bill, and that has to do with the liability act concerning the radioactive waste disposal. There is a real problem in our state in that the radioactive waste facility is going to be installed, and there is no sharing of liability right now. There is nothing to force or to compel other states to have to pay their appropriate share of the cost if, in fact, some kind of nuclear waste, nuclear leak occurs at the facility that appears to be scheduled to be built in Boyd County. These are important items. It seems to me if there is going to be a sorting out process, then that can be done on Select File. And, in fact, you can debate those issues at that time. And the votes can be taken at that particular time concerning whether you want to advance or amend or reject those particular proposals. It is unfortunate that we have to take a step like this. It's unfortunate that we have run out of time, and that unless we do this these important bills will not be considered. I've received a lot of cards and letters and statements from people indicating, particularly on the nuclear waste bill, that that needs to be passed. And I think Senator Scofield has mentioned it here on the floor that there needs to be something done concerning radioactive waste and insure that all the other states will be held accountable, because right now under the present system it appears that all...if a nuclear waste accident would occur within the State of Nebraska, Nebraska would in effect share sole and total responsibility for any liability for damages done.

PRESIDENT: One minute.

SENATOR McFARLAND: And I don't think that was the intent when people entered into the nuclear waste compact. I don't think it is appropriate that Nebraska share all of that responsibility, and therefore I think it is important to advance that bill. Some of these bills I might vote against on General File. However, I believe that I'll have the chance on Select File to

consent file without anyone ever debating it. No offense, Senator Byars, but that was a very, very bad bill. I would suggest there is going to be a lot of argument here about the quality of these bills. In all honesty the quality of the bills, as we know, has nothing to do with the motion. There are a number of bills there that are extremely controversial. Senator Lindsay's bill, LB 1151, I'm going to support the motion and I'm not too concerned about what will happen to those bills. I hope that on Final Reading we will read the bills, if they ever get there. I hope that at some point in time the body would recognize what we've been warned many, many times by our Speaker and by our President that when we spent hour, after hour, after hour in frivolous debate, that the time will come, as it always does at this point in the session, when we're all trying to crowd into the finish line. Well, ladies and gentlemen, there are many times in the early part of the session when we had short schedules and a low quality agenda. Didn't make any difference, we used up most of our time anyway. So, today we are now forced into this situation which none of us really like, which we will find ourselves apologizing for from time to time, which we will try to explain and justify, and we can do it, we can justify our actions whenever we want to.

PRESIDENT: One minute.

SENATOR SCHMIT: But the facts are that I'm afraid, ladies and gentlemen, that you're only going to jump half way across the pond. And when you jump half way across the pond you usually drown. Nonetheless, my best wishes to you, and maybe some of you can swim the rest of the way to the bank. I hope you can. I would have preferred, as I said earlier, that the motion would have said go to Final Reading. But once again, ladies and gentlemen, you prefer to follow your own advice and think that you know the rules better than others. The facts are it doesn't make any difference. If you're going to suspend the rules, you just as well suspend the rules and go all the way to Final. There is no morality, no higher morals than going only to Select. You might have just as well gone the whole way. If you're going half way, that means you're probably not going to make it because Senator Chambers will demonstrate his ability to tie this body up...

PRESIDENT: Time.

SENATOR SCHMIT: ...and tie this body up for a long period of

FRESIDENT: We'll continue with the debate. Senator Lamb, followed by Senator Dierks and Senator Labedz. Senator Lamb, did you wish to speak? Senator Lamb, did you wish to speak?

SENATOR LAMB: Mr. President and members, I rise to support the motion. I think the best argument for the motion is Item 6 on your agenda, if you'll look at your agenda. There is a motion down there to suspend the rules to permit Final Reading of bills without further amendment, motion or debate. It occurs to me that if that is a proper procedural tactic, then certainly it's proper to do a similar thing on General File. As Senator Schmit mentioned, I'm not sure that anything is going to be accomplished, but there is a possibility that there will be. Some people said, well, with this motion this is going to use up the day, but this very well could expedite the day as Senator Labedz has pointed out. If those bills go over to General File, we get onto Final Reading, and then, as she mentioned, we may be able to get down to the committee priority bills which are later on the agenda. I see nothing wrong with the motion, I would urge you to support it.

PRESIDENT: Thank you. Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, I'm supporting this motion, too. And I do it for a number of reasons. I think that you probably know the foremost reason, as I mentioned, anxious to get to this LB 854. I think that it's vital for the people of this state to know how we actually will vote on this, and we haven't had the opportunity to do that. There are some other bills on General File that are of vital interest to me, too, and I think you should all know that. LB 1151, of course, is dealing most directly with me, more directly with me than anybody else in this Legislature. And I think that if you can read you understand we've got some problems concerning nuclear waste siting in this state. I have a clipping right here that came from the...I believe one of the Lincoln papers that describes how Doctor Markam's house was shot into by persons unknown. Dr. Markam is a veterinarian from Spencer who's chairman of the monitoring committee for Boyd County. And you know it gets to be more than serious, I think, when there were, I believe, six or seven bullets shot into his house 4:00 a.m., Sunday morning. I wonder if we shouldn't be talking about some of those things. We really haven't had the opportunity this year. I think that's of vital concern to all

of us, it's even of more vital concern to me. I can't believe that we have to have some of the acrimony that we have in Boyd County, but it seems like it's there and it seems like it's going to be there. We need to address some of those problems. One of the problems is that they're going to run out of money to pay their bills on that monitoring committee. That was due to an error that happened last year when we didn't put an A bill through with one of those bills, and now we have to take care of that. But until we get to that bill why we won't. Another thing we need to do is talk about liability, and I think that bill does that. Many of you have come to me, right from the start of the session, and said, well we feel for you, if there's anything we can do to help you with this situation, we sure want to do that. This will be an opportunity for you to help me. We tried a year ago to get some help and were not able to do that. We tried several times to get some help and were not able to do that. I hope that we can get some of that help this year. It's vital that we provide some sort of help in this whole area of nuclear waste siting in Boyd County. I think that the opportunity for us to do that will come on Select File when 1151 is there. So I urge your support of this motion. I think that if you want to, like you have said, help me, why this is the opportunity for you to do that. Thank you.

PRESIDENT: Thank you. Senator Labeledz, please.

SENATOR LABEDZ: Thank you, Mr. President. I urge the members of the Legislature to look on the back of page 1 to page 2, and look at the 1990 committee priority bills. I think almost each and every one of us are concerned that some of those bills will not see the light of day today. I'm very interested in LB 862 which creates a gaming commissioner for bingo and other gambling. I think that's vitally needed. And, if we don't get to the priority bills today, and I'm sure we probably won't, it would be a shame that some of these bills, Senator Wesely has the 1113, which is to prohibit certain discriminatory actions relating to housing, and that happens to be Senator Chambers' bill. I certainly believe that when we get to Final Reading there will be a long time of debate before we get even through the first motion, which is the Speaker's to suspend the rules to permit Final Reading of bills without further amendments, motion or debate. The...As Senator Dierks has mentioned, I believe that 1151 is vitally important to both he and Senator Morrissey. Senator Wesely's bills, LB 989, the...trying to find the ones that I think are most important on General File for the

about it. Well, we can't, that's the rules, and people are smart enough to understand the rules, they can use the system like they are, whoever we are. But, in any case, and in this case the rules are being used, unfortunately, to offset that sort of thing. So, if anybody is guilty of doing anything wrong or right, usually we react, and in this case this effort, which is unfortunate and, in my opinion, terrible is a reaction of what's happened previous to this. And so I intend to support it. I might as well join in the stupidity along with everybody else around here.

PRESIDENT: Thank you. Senator Schimek, please, followed by Senator Schmit and Senator Smith.

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. I don't really know how I'm going to vote on this particular proposal. I know what the arguments are. I just have some things that I guess I'd like to express on the floor and maybe ask on the floor, so that somebody who comes after me, maybe like Senator Schmit, would be able to respond to it. It's just...I'm just asking the questions in general. Have we...is this setting a precedent? Have we done...have we done rules changes like this before at the last of the session? Surely we've had these same kinds of problems before in other sessions. I don't know if that makes any difference or not, but I'm just curious as to whether we've had this kind of a precedent before. The other thing is, I guess, I have some problem moving a bill which I think is definitely outright unconstitutional, and of course I'm referring to LB 854. It's hard to bring myself to vote to move a bill off of General File which I feel won't pass muster in the court system. And then, thirdly, I'm wondering if we will face this same problem tomorrow. What happens when we get to Select File tomorrow and we have Final Reading after that, or maybe we'll reverse the order tomorrow, I don't know, but what happens? Aren't we just putting off the inevitable? And would not a better solution to this be, and this just occurred to me, because I heard Senator Korshoj say as long as we don't extend the session, well, maybe that's what we need to do is extend the session so that we can take care of these bills that we really need to see through. And, Senator Dierks, I would agree with you, we need to get to LB 1151, we need to get to some of these other bills. We have known for weeks that we were going to be in a jam at this particular time, and so it should come as no surprise to all of us. I wish we could find another way out of this solution. If anybody's got another

in the last few days, quite honestly. And I think the people of the State of Nebraska deserve better than the way we've been acting on this floor, so that's the reason I can't support this. You know looking at my agenda here, I think to myself, we have a lot of important issues, that's true, to follow. We all knew this before we started doing the kinds of things that have been going on on this floor. You know, I was raised to believe that you follow the rules. And it's been really hard for me to be able to deal with this kind of stuff that has been going on in here, because I have that thing about me that says I was taught, we have rules, we have this book here that tells us this is what we're supposed to do. And then to see the kinds of tactics that have been going on in here have really contributed to the way I feel. And I'll tell you that the public feels about this body right now. I had eggs and issues last Saturday, and the people in my district were absolutely disgusted with the way we're acting. I just think it's time for us to sit back and look at what we're supposed to be doing down here. This isn't fun and games, folks, this is actually dealing with people's lives. The laws that we make in here need debate, but they need to be debated by the rules. And I understand both sides felt they had...they were legitimate because they were retaliating against each other. I hope that I wasn't really a part of either of those sides, although I may have a concern about any of the issues that we talk about. You know, I'd like to remind you, Senator Schmit, I think that you have a bill on here, LB 854, and that's your priority bill. You said your priority bill is not up, but I believe this is your priority. And that's an issue that I'm concerned about and one that I would support. LB 1151 definitely is a bill that should be debated and actually should be on Final right now, or even have been passed by now, because we need to deal with the issue of low-level radioactive waste, the siting in our state, and all of the controversy that surrounds that. LB 866, Senator Lamb's bill, is something that I would have liked to have seen up there to have had the opportunity to deal with. I'd remind you that the history, people have been talking with me, well we've done this before. Yeah, we did it before, we did it last year I believe it was, but we did it with consent calendar bills, bills that in the first place wouldn't have come out of committee and been voted across in 15 minutes on the floor if they had had amendments or had been something that was controversial in the first place. And even by doing that, we were criticized severely by the people of the State of Nebraska, and I think rightfully so. In addition to the fact that, you know, this is something that I

and pretended to be something that I'm not. Others seem to be in that category though by having to condemn certain stratagems through the rules and now they use them. I'm pleased to see it being done.

PRESIDENT: One minute.

SENATOR CHAMBERS: It's a tribute. Tributes come in different varieties. I've heard people on this floor take little slams at me, like someone will say, if you've got a second grade education, you can do this with the rules. Well, if a second...if it takes only a second grade education to do it, certainly a legal education should be able to stop it. Isn't that right? Sure it's right. And in great, good spirits, I'm going to continue, Senator Dierks. You all will do what you want to do, and I will do what I must, and I expect to continue. And, Senator Lynch, I still thank you for that pop you gave me the other day, and I drank it, and there was nothing in it that harmed me. And I'm going to reciprocate, because we are going to be here for a good while today. Thank you.

PRESIDENT: Thank you. Senator Nelson, please, followed by Senator Schmit and Senator Morrissey.

SENATOR NELSON: Mr. President, I, too, am like, I guess Senator Schimek and Senator Gr...or I liken this to maybe my vote on Commonwealth the other day, outwardly I know my people at home and so on and so forth, no way could I have supported Commonwealth. Inwardly, something told me it was the right thing to do, and I tried to go by that, and that's what I did. My vote was in favor of Commonwealth. I am in the same dilemma here. I cannot help but pass, though, when people offered those amendments and, for example, the prime interest of Senator Dierks, of course, is the radioactive waste, LB 1151. They obviously knew that they would not just go through unnoticed and in a very few minutes time. So I don't think that any one of us can blame anyone else specifically, because I know that a number of parties had a lot of do with the debate that we've had over 10 or 11 or 12 days. But at this point two things tell me, I'm not sure which way. But, for the record, I see Senator Schmit is on the phone, but if he would answer a question for me, please. Senator Schmit, somewhat for the record, and I was a little troubled, you mentioned just a little bit ago that some of these bills on Final Reading had not been debated by the body and had not been discussed and so on. Boy, that's not to my

cause me to rack my brain for a couple of hours this morning, as I came in and heard the debate about eight-fifteen. I sat in my office and listened and listened, couldn't decide what to do. Still haven't completely decided. LB 1151 is a very important bill, I agree. We need to put the generators and the developer of the facility of radioactive waste on the hook. A lot of people don't agree with me, including the Governor. She doesn't feel these folks need to be on the hook, because I haven't gotten any support from her on this bill. Another aspect that I think is pretty important is something I was going to do...was going to amend some of Senator Scofield's language on to get the shared...guaranteed shared states liability up and running this year, use the heavy hand to tell these states that we want it and we want it now. Again, no support from key people on that. So I guess they're not too concerned about 1151, I am. I really think it needs to be done and be done this year. But part of the process, or part of the problem with the waste issue in the past has been moving bills without discussion. And I have criticized that on the floor, I criticized it quite a bit on the floor last year. So now, just because one of the bills is my bill that I think needs to be done, should I endorse the process that I criticized last year? I really don't think I can, I think it's very important. The guarantees that we have been told are in that waste compact are not there. You can have people tell you that they are there, and you can believe them, or you can take the compact and read it and see that they're not there. You can do it however you want. But if the Governor is not worried about it, and I have to fight the weird coalitions out in the lobby that get together against protecting the citizens of Nebraska and the taxpayers of Nebraska, it's pretty frustrating at times. And I really don't think 1151 can help Senator Dierks' situation per the shooting this weekend. If we want to help that situation, I passed out a study of siting of controversial facilities in Canada that addresses that. And, if we want to do that, we'll have to start all over. We want to address that issue of violence and community consent and proper siting procedures. You can read that study and see what the points they have made, and we'll have to stop and start all over, if we want to do it that way. But 1151 won't ease that pressure, it won't ease that tension up there, because it's existing and it's real. And whoever shot those bullets into that house and garage, whether they be proponents or opponents of the facility, 1151 isn't going to change their thinking any. They're really not too concerned, I don't think, in Boyd County right now. A lot of them are, but the main thing isn't putting

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LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

adopt Senator Labedz's motion, the issue will not be completely laid to rest but it will come closer to having...Senator Schmit is messing with me, it will come closer to having been laid to rest than if we don't. If we don't...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...defeat Senator Labedz's motion, then other things will be set in motion which will lead us to who knows where. The Far Side cartoon that was handed around might carry a hint of it, but I hope, indeed, that you will vote for this reconsideration motion.

SPEAKER BARRETT: Thank you. The question is the adoption of the reconsideration motion of the vote taken on the previous motion. Those in favor please vote aye, opposed nay. Record.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: Motion fails. Have you items for the record?

CLERK: No, I do not, Mr. President.

SPEAKER BARRETT: Next motion, please.

CLERK: Mr. President, Senators Labedz and Schmit would move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and place LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A on Select File without amendment or debate.

SPEAKER BARRETT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. Speaker. I certainly will not go into a long, lengthy discussion on the motion to adopt the motion that I have up there, which is to suspend the rules with no further amendments or debate. And it will require another 30 votes, and then we can go on to Final Reading. Or, I should correct myself, Mr. Speaker, we will go on to your motion to suspend the rules with no further amendments or debate and read all the bills on Final Reading. And, as I said before, I have at least 40 or 50 amendments on some of the bills on Final Reading, but I will vote in the Speaker's favor to read the bills without further amendments or debate. And I will relinquish the rest of my time to Senator Schmit, and hopefully

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LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

Chambers motion to return all bills on Select File to General File? Senator Chambers, any further statement? Thank you. The question is the return of bills on Select File to General File. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers. Thank you. Have you all voted? Please record.

CLERK: 1 ayes, 15 nays, Mr. President, on the motion to return the bills to General File.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a motion to overrule the Speaker's order and consider a motion by Senator Chambers to return specified bills to General File. That motion is to return LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, before I begin, there might be a question as to whether this is a reconsideration, so the person that wants to raise the issue, I will let them raise it, but these are the bills that were included in the package yesterday that were all advanced to Select File on one vote without amendment or discussion.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: And, Mr. Chairman, before I go into my opening, I will go ahead and we can dispose of the question that Senator Bernard-Stevens wants to raise.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am going to raise the question and ask for a ruling. I would assume that this would be a reconsideration motion then of what we did yesterday. Is that the Chair's understanding as well?

SPEAKER BARRETT: Senator Chambers, have you any comment?

SENATOR CHAMBERS: Well, it really wouldn't be that because it is not saying vote again on what was done yesterday. That action was done. This is taking it back. I had misunderstood

continue to do that today. I know I have a motion pending a little bit later on that may help us get some of these things done as well, as well as still not avoid the major decision or major issue that will be before us today. So I would urge you not to support the Chambers motion at this particular point. Thank you.

SPEAKER BARRETT: Thank you. Senator Withem, please. Senator Withem, for purposes of discussion. Senator Morrissey, followed by Senator Chambers.

SENATOR MORRISSEY: Thank you, Mr. Speaker, and members. I voted against bringing the bills up yesterday and I explained my reasons, the history of the low-level issues skipping from General File to Final Reading without benefit of discussion, and today Senator Chambers is, basically, I guess putting a kill motion on these in a way. I understand his reasonings and I completely agree with him on the bill on drug crimes. I think that is a pretty big step for us to be taking up with only one stage of debate. And also, LB 1151, my Radioactive Waste Disposal Liability Act, that is a pretty radical concept, pretty radical concept. It is asking you all to look out for the taxpayers of the State of Nebraska, take them off the hook, and put the people that profit off the low-level waste on the hook. I realize that is really something you need to look at a long time, whether you want to protect the citizens or protect the generators of the waste. It is a tough decision. But the biggest problem we have in the low-level right now is the community accord or lack of that in Boyd County, and LB 1151 is not a local county issue, not an issue for Boyd County. LB 1151 is a statewide issue, impacts all the citizens of this state. There is an amendment to LB 1151 that, in all seriousness, is a very controversial amendment that does go to concerns of some of the local citizens, the rebuttable presumption. It is something that most of the citizens are for and have asked for and, again, something the power industry, the developer of the facility, and all other people in that little camp are against. So if we want to do something about community concern and divisiveness that we have in that community, I think we need to address it fairly quickly, and I think LB 1151 is a good vehicle to address those concerns. Now is not the time to be restricting community control and the control of the local folks. Now is the time to be increasing that. Senator Schmit spoke yesterday of the death squad in the Revenue Committee, the executioners in the Revenue Committee, but he never spoke once of the prison camp of the

Natural Resources Committee or bills addressing these issues are dying a slow lingering death without benefit of discussion of any sort, other than one of seven bills heard one day in a committee hearing. The subject of community accord is very vital. We see now that violence has started to take place. I offered to you folks a couple of weeks ago a Canadian study that showed how they sited controversial or attempted to site controversial facilities by simply going out and touting the benefits of the facility and the technical aspects of the facility, and how they failed miserably and how they ended up with violent situations in those communities. They started over, folks. They started over with community involvement, increased community involvement. They didn't throw the process out the door as some attempts will possibly be made in this state to limit community input, but they started over increasing input, and increasing community involvement, and making these people feel much more secure with the process, and now they are having a successful siting effort going on in Canada, much more successful, much less tension, fear in the communities involved. The communities have almost...

SPEAKER BARRETT: One minute.

SENATOR MORRISSEY: ...complete control and can get out of the process at any time they feel that they have been shortchanged or losing control of the facility. I think LB 1151 is something that can be used to address that, looking beyond the initial reasons for LB 1151 and to the amendments that will be offered that we'll hopefully increase local control and help that process and, thus, I will now have to oppose Senator Chambers motion.

SPEAKER BARRETT: Thank you. Senator Chambers, there are not other lights on. Would you like to close on your motion?

SENATOR CHAMBERS: I don't want this to be the close unless I run out, because if I run out of time, then I would want to be able to go on.

SPEAKER BARRETT: Proceed with your regular five minutes.

SENATOR CHAMBERS: Okay. Thank you. Mr. Chairman, I would like to ask Senator Morrissey a question, if I may.

SPEAKER BARRETT: Senator Morrissey, would you please respond?