

January 18, 1990

LB 37, 50, 159, 259A, 409, 422, 465
503, 503A, 543, 662, 742, 953, 1220-1242
LR 8, 244, 245

not, the question is the advancement of the A bill. All those in favor vote aye...say aye. Opposed nay. It is advanced. Mr. Clerk, do you have anything for the good of the cause?

CLERK: Mr. President, I do. Mr. President, your Committee on Retirement Systems, whose Chairperson is Senator Haberman, to whom was referred LB 953, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Haberman. (See page 397 of the Journal.)

Mr. President, I have a series of hearing notices from Judiciary Committee, Appropriations Committee, Health and Human Services and Revenue, all signed by the respective chairs.

Mr. President, Senator Kristensen has amendments to LB 159 to be printed. Enrollment and Review respectfully reports they have carefully examined and reviewed LB 37 and recommend that same be placed on Select File; LB 742, LB 662, LR 8CA, LB 50, LB 543, LB 422, LB 409, LB 503, LB 503A, and LB 465 all to Select File, some of which have Enrollment and Review amendments attached. (See pages 398-408 of the Legislative Journal.)

Mr. President, new bills. First of all, Mr. President, two constitutional amendments, LR 244, offered by Senator Schmit. And LR 245 offered by Senator Hefner. (Read brief summary of resolutions. See pages 408-11 of the Journal.)

Mr. President, new bills. (Read LBs 1220-1242 by title for the first time. See pages 411-17 of the Legislative Journal.)

Mr. President, reminder, Reference Committee will meet at three-thirty today in Room 2102, Reference Committee at three-thirty in 2102. A final reminder, Mr. President. Chairmen's meeting tomorrow morning at nine...I'm sorry, at eight-fifteen in Room 2102, Chairmen's meeting, eight-fifteen, in 2102. That's called by the Speaker. That is all that I have, Mr. President.

PRESIDENT: I understand that we have 434 new bills introduced this year. This is the last day, of course. So you might be interested in that. Senator Baack, you're close to your microphone, would you like to adjourn us until nine o'clock tomorrow morning, please.

January 19, 1990

LB 272A, 1117, 1135, 1172-1242
LR 242-245

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We are happy to have with us this morning as our Chaplain of the day, Mr. Gerry Harris, who is the Executive Secretary of the Gideons, and lives in Lincoln. Would you please rise for the invocation.

MR. GERRY HARRIS: (Prayer offered.)

PRESIDENT: Thank you, Mr. Harris. We appreciate your coming and giving us the benediction, not the benediction, the invocation this morning. Roll call, please.

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

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

CLERK: Mr. President, I have a Reference Report referring LBs 1172-1242, and LRs 242-245, signed by Senator Labedz, as Chair of the Reference Committee. Senator Coordsen gives notice of hearing for the Business and Labor Committee for February 5 and January 29. (Re: LB 1135, LB 1117.)

I have a report of registered lobbyists for the week of January 18, and, Mr. President, an Attorney General's Opinion addressed to Senator Landis regarding LB 272A. (See pages 421-24 of the Legislative Journal.) That is all that I have, Mr. President,

PRESIDENT: We will move on, Senator Lamb, are you in position to handle that confirmation report. Okay.

SENATOR LAMB: Mr. President, and members, I would offer to the body the confirmation report for Mr. Myers.

CLERK: Senator, yeah, Lawrence Myers, the Nebraska Power Review Board.

SENATOR LAMB: Yes, Mr. Myers appeared before the Natural Resources Committee about two days ago and he is a reappointment. He was appointed, I believe, late last year and there was no opposition to his reappointment, and the committee voted unanimously to recommend that Mr. Myers be appointed to

February 6, 1990

LB 164, 663, 742, 1059, 1064, 1140, 1238
LR 251

personnel please leave the floor. Senator Lamb, Senator Abboud, Senator Morrissey, please. Senator Moore, the house is under call. Senator Goodrich, please report your presence. Senator Schmit, please check in. Senator Goodrich, please. Senators Chambers and Moore, the house is under call. Senator Moore, would you check in, please. May we proceed, Senator Wesely? A request for a roll call vote in reverse order and the question is the Wesely amendment to LB 742. Mr. Clerk, proceed.

CLERK: (Read roll call vote. See pages 681-82 of the Legislative Journal.) 15 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Anything for the record? The call is raised.

CLERK: Mr. President, priority bill designation by Senator Wesely for the Health Committee, LB 1064.

Mr. President, new resolution offered by the LR 232 Special Committee. It is signed by Senators Schmit, Baack and Lynch. (Read brief description of LR 251CA. See pages 682-84 of the Legislative Journal.) That will be referred to Reference Committee.

Mr. President, Senator Withem would like to add his name to LB 1140; Senator Dierks to LB 1238, Senator Dierks to LB 1059 and Senator Beck to LB 164. (See page 684 of the Legislative Journal.)

Mr. President, Senator Scofield has amendments to be printed to LB 663. (See pages 684-85 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Landis, your light is on.

SENATOR LANDIS: Let ask what's on the...the board reveals that there is an amendment. Is there an amendment for the body...

SPEAKER BARRETT: No.

SENATOR LANDIS: It's just the bill, right? Let me take just...

CLERK: I have an amendment to the bill.

SPEAKER BARRETT: I'm sorry, we're between amendments.

February 13, 1990 LB 159, 163A, 624, 642, 862, 923, 943
976, 1010, 1086, 1090, 1091, 1141, 1171
1180, 1195, 1197, 1238
LR 239

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

CLERK: Mr. President, I do. A reminder, the Speaker would like to have a meeting of Committee Chairs tomorrow morning at eight-thirty, Committee Chairs tomorrow morning at eight-thirty in Room 2102.

Mr. President, your Committee on Education whose Chair is Senator Withem reports LB 1086 to General File, LB 1090 General File with amendments, LB 1195 General File, those signed by Senator Withem, and LB 1180 indefinitely postponed, LB 1197 indefinitely postponed. Urban Affairs reports LB 943 indefinitely postponed, LB 1171 indefinitely postponed, signed by Senator Hartnett. Banking reports LB 624 to General File, that signed by Senator Landis. (See pages 779-80 of the Legislative Journal.)

Mr. President, a series of priority bills designations. Senator Wesely as Chair of Health and Human Services selects LB 923, Senator Withem selects LR 239CA, Senator Warner selected LB 1141. General Affairs Committee selected LB 862 as one of its priority bills, that's offered by Senator Smith. Senator Dierks has selected LB 1238.

I have amendments to be printed to LB 163A by Senator Schimek. (See page 781 of the Legislative Journal.)

A confirmation report from the Education Committee. That is offered by Senator Withem.

A series of adds, Mr. President. Senator Weihing would like to add his name to LB 642, Senator McFarland to LB 1010, Senator Lowell Johnson to LB 976 and Senator Pirsch to LB 1091 and Senator Warner to LB 159, AM2372. That is all that I have, Mr. President. (See page 782 of the Legislative Journal.)

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, I move we adjourn until 9:00 a.m., February 14, Valentine's Day.

SENATOR R. JOHNSON: Mr. President, members, I've not spoken and I probably shouldn't. But I've listened to the comments this morning, and most of them have related to how...what a wonderful guy Norm Thorson is, what a well-qualified individual he is. But, you know, there is something wrong. There are sufficiencies within the compact. There are sufficiencies within our state law, which have nothing to do with Norm Thorson being confirmed here today. There is a bill coming up that we can do a knock down, drag out fight the rest of the session on, LB 1238, which Senator Cap Dierks has selected for his priority bill. We want to talk about the things that Senator McFarland and Senator Morrissey and others want to talk about, amendments to that bill. We can fight about that all the rest of the session, if we want to. But I don't see...I agree with Senator Scofield when she mentioned or made the comment, the fight here is really not the pilot, it's what flight instructions we're going to give our pilot. And I think the important thing now is that we make a decision on whether we want to select this pilot or not, and move on, and then begin the fight over where we're going to land this ship, whether it's 1238 or some other bill that was heard by the Natural Resources Committee. I've sat through most of those hearings, and they are very intense, bitter disagreements over how we got in this problem. But I'm not so worried about how we got in the problem, but how we're going to resolve the problem, I think is the question we have to ask ourselves, and I think maybe 1238 is not the absolute answer, but at least we can start the debate. But we're fighting an issue here that I think is irrelevant. The relevancy here is whether we agree that Norm Thorson is a qualified individual who can represent the State of Nebraska, and I've been voting yes that I think he is. So I would, again, ask that the body confirm Mr. Thorson and we move on.

PRESIDENT: Thank you. Senator Landis, please, followed by Senator Smith.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I want to explain my position and also give some sense of where I think the debate should go following this controversy. I voted against the bracketing. Although I did vote to rerefer, as blunt a tool as that was, I will vote for this appointment. We are choosing today our negotiator, if you will, and I see nothing in the record that says he could not do that job well. What's absent from the record, however, is what instructions we will give our negotiator, what level of authority, what demands

March 5, 1990

LB 1232, 1238

it. To bring that as a confirmation to our whole body, I think, is not right, and I just can't support it. I'll give the rest of my time to Senator Smith.

SENATOR SMITH: Thank you, Senator.

PRESIDENT: Senator Smith.

SENATOR SMITH: Thank you. I think that what we need to do...one of the points that I wanted to bring up, we talked, a little bit earlier today, about...in fact, that was one of the responses that he gave, and I think I alluded to that earlier this morning. When he says that, yes, he does see that there is still some concern about the shared liability issue, and he goes on to talk about how he has drafted a memo, and that he would like to see all the Legislatures in the compact act on this issue so that we do make sure we have a shared liability. Then he goes on to the very bottom sentence and states, as I have stated previously, the language in Section 3 of LB 1232, as amended by AM2566, contains language that I believe would serve well as Nebraska's draft proposal. And I think that that's something that we might want to make sure, as a Legislature, we do, that we do get a piece of legislation out here, whether it's LB 1238, which is the priority bill we're talking about, with its amendments, and add some other kinds of amendments in there that place some kinds of requirements, that as our compact's commissioner, Dr. Thorson, then knows that he is to aggressively pursue and receive the assurances that we, as a state, need in the role that we're going to play as the host site. That is one of the things I think it's our job to do for him. I would also, quickly in the time that I have, just read the questions that we have asked him, that we do have a response to. Number one, would Nebraska have any control over additional waste from other states being brought into Nebraska to be disposed of at the site? He answered that. Number two, does Nebraska have guaranteed shared liability on an equitable and fair basis with other compact states? Could the compact states limit their liability to say one dollar and no more? Do you have any suggestions on this liability issue? He responds to that. I think we all need to have copies of this dispersed among the members of the body.

PRESIDENT: One minute.

SENATOR SMITH: Three, what is your interpretation of your role

March 5, 1990

LB 260, 594, 923, 953A, 955, 1059, 1080
1094, 1222, 1238

CLERK: I have E & R, Senator, to 594.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 594.

SPEAKER BARRETT: Any discussion? Shall the E & R amendments to 594 be adopted? All in favor say aye. Opposed no. The ayes have it. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 594 as amended be advanced to E & R for engrossment.

SPEAKER BARRETT: Thank you. Is there discussion? Seeing none, those in favor of the advancement of LB 594 as amended, please say aye. Opposed no. The ayes have it, carried. The bill is advanced. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President. I have amendments to LB 1238 by Senator Dierks; Senator Landis has amendments to LB 953A; Senator Withem, amendments to LB 1059; Senator Conway, LB 1094; Senator Coordsen to LB 1080; Senator Byars to LB 1222. (See pages 1161-67 of the Legislative Journal.)

Mr. President, Government Committee gives notice of hearing, signed by Senator Baack. The Appropriations Committee reports LB 955 to General File, that is signed by Senator Warner as Chair of the committee. And Senator Abboud would like to add his name to LB 260 as co-introducer, Mr. President. And, Mr. President, a motion to reconsider adoption of the Wesely amendment, AM2825, to LB 923. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, I would move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until

March 6, 1990

LB 1238
LR 262, 266

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George W. Norris Legislative Chamber and to the 40th day in this 60 working day session of the second session of the 91st Legislature. Our opening prayer this morning by Harland Johnson. Harland.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you very much, Harland. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any announcements, messages or reports?

CLERK: Mr. President, I have a new resolution, LR 266 offered by the Appropriations Committee. (Read brief explanation. See page 1170 of the Legislative Journal.) That will be laid over, Mr. President.

Senator Dierks has amendments to LB 1238 to be printed. (See pages 1171-72 of the Legislative Journal.)

And, Mr. President, I have a report from the Department of Labor. And that is all that I have this morning.

SPEAKER BARRETT: Thank you, sir. Moving to item five on today's agenda, legislative resolutions, beginning with LR 262. Mr. Clerk.

CLERK: Mr. President, 262 was a resolution introduced by Senators Lamb, Scofield, Dierks and Peterson. It asks the Legislature to urge the Chicago-Northwestern Railroad to reinstate the level of service previously enjoyed by business on the Nebraska line and to maintain such level of service while negotiating in good faith for the sale of a viable rail service having access to traffic and markets beyond Chadron and Norfolk including the bentonite traffic and that the Legislature request the Interstate Commerce Commission to use its offices to insure the rail service over the Nebraska line be reinstated at a level of service previously enjoyed by businesses on the Nebraska

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of the bill please say aye. Opposed no. Ayes have it, motion carried, the bill is advanced. Have you items for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. New A bill, LB 1246A, by Senator Wesely. (Read by title for the first time. See page 1576 of the Legislative Journal.)

Mr. President, amendments to be printed to LB 1215 by Senator Lynch. Confirmation hearing by Transportation Committee. That is signed by Senator Lamb as Chair. Explanation of vote by Senator Kristensen. And, Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 1238 to General File with committee amendments attached. That is signed by Senator Schmit as Chair of the Natural Resources Committee. That's all that I have, Mr. President. (See pages 1576-77 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Richard Peterson announces 25 guests in our south balcony, third and fourth graders from St. Leonard's in Madison with their teacher. Would you folks please stand and be recognized. Thank you, we're glad you could be with us this morning. Mr. Clerk, to Item 7 on the agenda.

CLERK: Mr. President, LB 1246 was originally introduced by the Special Legislative Committee, LR 230 Committee, and it was signed by its members. (Read title.) The bill was introduced on February 21 of this year, Mr. President. At that time it was referred to the Judiciary Committee. The bill was advanced to General File. I do have Judiciary Committee amendments pending. Senator, would you prefer to do your committee amendments now, or offer your amendment to them?

SPEAKER BARRETT: Senator Chizek.

SENATOR CHIZEK: How about if I explain the committee amendments, and then offer the amendment to the committee amendments?

SPEAKER BARRETT: Chair recognizes Senator Chizek.

SENATOR CHIZEK: Mr. Chairman, colleagues, the Judiciary Committee amendments I now ask you to adopt deal straight to the