

the Executive Board will meet in...the Reference Committee will meet in Room 2102 at three-fifteen today for purposes of referencing bills, Reference Committee at three-fifteen.

Mr. President, new bills. (Read LBs 161-189 by title for the first time. See pages 82-88 of the Legislative Journal.)

Mr. President, in addition to those items, I have requests from Senators Chambers, Nelson, Schellpeper, Hefner, Lamb, Crosby and Hartnett to add their name to LB 48 as co-introducer; Senator McFarland and Schellpeper to LB 52 as co-introducer and Senator Carson Rogers to LB 84 as co-introducer. (See page 88 of the Legislative Journal.)

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, an announcement from the Agriculture Committee and signed by Senator Rod Johnson, the Ag Committee has selected Senator Owen Elmer as its Vice-Chairperson. Mr. President, I believe that is all that I have.

PRESIDENT: Ladies and gentlemen, we're about to start the proceedings for the afternoon, and we're very grateful to have with us Father Dawson this afternoon for our invocation. Would you please rise for Father Dawson.

FATHER DAWSON: (Prayer offered.)

PRESIDENT: Thank you, Father Dawson. Please feel free to stay with us as long as you like. We're privileged to have with us this afternoon the Nebraska National Guard who will present colors. Would you please rise.

PRESENTATION OF COLORS

PRESIDENT: Ladies and gentlemen of the National Guard, we appreciate your being with us and presenting the colors today. If I might say a word to those who will be escorting the folks in today, it will be necessary that we do it a little bit different than we usually do it. When one group of ushers brings in their group, please bring them up onto the stage and then retire back to your seats until the inauguration proceedings are over with and then I will call you back one group at a time to take your group back, because if we should all come in and all stay up here on the podium, we wouldn't have

January 18, 1989

LB 162, 163, 235, 275, 374, 472, 479
598, 599

pages 282-93 of the Legislative Journal.)

Mr. President, in addition to those items, a final bill. (LB 598 read for the first time by title. See page 293 of the Legislative Journal.)

Mr. President, I have a motion to be filed by Senators Withem, Nelson, Korshoj, Lamb, Bernard-Stevens, Chizek, and Hartnett. It would move certain rules and place LB 275 directly on General File. That will be laid over. (See page 294 of the Legislative Journal.)

Mr. President, I have a series of names to add on. Senator Kobak would like to add her name to LB 472; Senator Ashford to LB 479; Senator Morrissey to LB 162; Senator Peterson to LB 374, Senator Withem to LB 163.

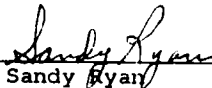
Mr. President, Senator Wehrbein would move to withdraw LB 235. That will be laid over. Mr. President, the last item I have is a new bill. (LB 599 read for the first time by title. See page 294 of the Legislative Journal.)

SENATOR HEFNER: Senator Nelson, would you like to give us a message.

SENATOR NELSON: Mr. Speaker, members of the body, I move that we adjourn until January 19 at 9:00 a.m.

SENATOR HEFNER: We are adjourned then until 9:00 a.m. tomorrow morning.

Proofed by:


Sandy Ryan

March 1, 1989

LB 54, 162, 319, 380, 381, 423, 467
476, 562, 574, 589, 651, 759
LR 14

new bills. That will be laid over.

Education Committee reports LB 562 to General File with amendments attached. That is signed by Senator Withem. (See page 927 of the Legislative Journal.)

Agriculture Committee reports LB 162 to General File, LB 381 General File, LB 574 General File, LB 54 General File with amendments, LB 589 indefinitely postponed, LR 14CA indefinitely postponed, those all signed by Senator Johnson as Chair. (See pages 930-33 of the Legislative Journal.)

Banking Committee reports LB 423 to General File, LB 380 to General File with amendments, LB 467 indefinitely postponed, LB 476 indefinitely postponed, LB 759 indefinitely postponed, those signed by Senator Landis. (See pages 933-34 of the Legislative Journal.)

Education reports LB 651 to General File with amendments, signed by Senator Withem and Banking reports LB 319 to General File with amendments. That is signed by Senator Landis. (See page 935 of the Legislative Journal.) I believe that is all that I have, Mr. President.

PRESIDENT: Senator Chambers, you have an amendment coming up. Do you wish to take that up now, or... Okay, Senator Bernard-Stevens, you have one. Do you want to try that now? We're getting close to the end of time. What do you think?

SENATOR BERNARD-STEVENS: We're going to pick it up just for a couple of minutes here.

PRESIDENT: All right, go ahead. Mr. Clerk.

CLERK: Mr. President, Senator Bernard-Stevens would move to amend the bill.

SENATOR BERNARD-STEVENS: Mr. Speaker, or, Mr. President, what I'm going to do is I wanted to briefly explain what the bill (sic) is, and then I'm going to withdraw it because I do believe we can get a vote on the bill at this particular time and I'd hate for us to have this good discussion and not have the bill advance, and I'm hoping the bill will advance. What I'll be offering on Select File is an amendment, is this particular amendment that will put in a mechanism and a procedure in place

SENATOR HARTNETT: Mr. Speaker and members of the body, the bill would amend several sections of statute within the general sections dealing with local city and county museums, Sections 51-501 and Section 51-513. This portion of statute was first adopted by the Nebraska Legislature in 1957. This bill, LB 444, would relate directly to the situation of a city contracting for the use of existing museum and would propose to eliminate the ambiguity in statute with regard to that situation. It was introduced specifically to address the situation of the City of Omaha and the Western Heritage Museum. The bill provides that the city which proposes to contract for the use of a museum already established shall not be required to hold an election for public approval of the right to contract for the use of the museum. The city council or village would serve as a museum board. This bill also exempts public museum property from execution and taxation in the same manner as other public property. And as I said, it simply deals with one situation. It kind of clears up some vague language and it simply allows a city, in the case of Omaha, for a special taxing authority if the city council in Omaha wants to use it, and that's really what the bill does and it deals with one specific thing, the Western Heritage Museum. With that, if there is any questions, I would ask for the advancement of the bill.

SPEAKER BARRETT: Thank you. Discussion? If not, those in favor of the advancement of LB 444 to E & R please vote aye, opposed nay. Have you all voted? Record, please.

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

SPEAKER BARRETT: LB 444 is advanced. LB 162.

CLERK: LB 162, Mr. President, was introduced by Senator Rod Johnson. (Title read.) The bill was introduced on January 5, referred to Agriculture, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chairman of the Agriculture Committee, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, members, I bring you, this afternoon, LB 162 which asks the state to provide financial funding for a program that has had a history in this state for a long time. It was actually adopted by the state and funded by

the state back in July 1 of 1975. For those of you in this body that remember this issue, we made several budget cutting decisions in 1985, 10 years later, and one of the programs that happened to be cut by this Legislature happened to be the Animal Damage Control Program. I'd like to go through a very brief history for you about the program and how it was funded. As I mentioned, in July 1 of 1975, the original program was funded at a level of \$63,000 and this was in cooperation with funds that were given to us in a matching share by the federal government. We had 14 fieldmen at that time that were helping provide animal damage control enforcement across the state. The high water mark of this program happened to be in fiscal year 1981 in which we had a state contribution of about \$165,000 and about a similar number of field people out in the field. But, as of July 1 of 1985, the state dropped all of its cooperative funding in this program and that funding was then assumed by several entities, mainly the federal government, but also by the Mead Animal Research Center out at MARC which has a contract with the Animal Damage Control authorities to control predator control in that area. Also, several counties banded together and tried to get a fund...to try and continue to have enforcement provided across their area. In fact, 16 counties did so at that time with a contribution of almost \$60,000. We are still without any financial dollars from the state. This bill would call for, I think, approximately \$312,000 that would fund a statewide enforcement program. I've handed out on your desk a map of the State of Nebraska that shows you on the front what current areas in the state are covered by the Animal Damage Control Program. Most of these counties that are protected by this program have done so at their own cost by making either counties providing contributions or private groups, private mostly livestock groups, providing some kind of financial benefit to keep the program going in their counties. The second page of the program shows you how the statewide program would work with 14 field people in the field, reinstating just about to the similar level of what we had back in 1975. It was the middle selection, the USDA gave me a variety, a menu of options. I selected the middle one which called for a contribution of approximately \$312,000 and I think the program is one that has received an awful lot of support by landowners, property owners, livestock people all over the state, of course, the USDA with the Mead Animal Research Center. We also have our cities who sometimes have bird control problems in their areas. Lincoln here had a problem at one time. Airport authorities have had problems. Counties have had their share of problems. Golf courses have

requested assistance in controlling predators and rodents on their facilities. The problem with this program at this particular time is, as we continue to show no interest from the state in funding the program, the federal government is showing less interest in providing matching dollars to Nebraska to keep the program going and keep their personnel here to assist us with the control of predators. It has come, I think, to a point where we now have to put our money where our mouth is. If we want the program, we're going to have to begin some sort of a contribution. I'm not suggesting that \$312,000 is the right figure. If there is a better figure that is more acceptable by the body, we'll accept that, but this particular figure is one that I think would provide a statewide enforcement program with 14 field people that would provide a uniform enforcement across the State of Nebraska. Lastly, I just say that the program, quite honestly, will have to take its place in spending priorities in this body along with all the others that we've been debating. It is my hope that, at the very least, that we could advance this bill across the board to Final Reading and then allow it to take its place in order and we'll see whether or not it is a high enough priority by the body to put it in the...either in the budget, the trailer bill or to pass this authorizing legislation. The program basically is already in effect, so it is not authorizing a new program. It is simply reinstating dollars that we once had in the program that we chose to cut out in 1985. For those that were here, you'll remember that we had to cut the program because of the funding problems we had in the mid-eighties. In that meantime we've been trying to get...limp along with the program that has received very little support, in fact, no support from the state, but there has been some assistance by private and political subdivisions on the local level that have actually kept the program going. So it is my hope that this body would see fit to advance the bill today. As I said, we can debate the figures and whether this is a priority at another time, but I think it's very important that we move this issue forward. With that, Mr. President, I would move for the advancement of the bill.

SPEAKER BARRETT: Thank you, Sir. Discussion on the advancement of LB 162, Senator Elmer, followed by Senator Wesely.

SENATOR ELMER: Thank you, Mr. President and members, as vice-chair of the Ag Committee we've listened to this legislation and through letters from constituents in our

April 3, 1989

LB 162

district I can see that we need to put this program in statewide. In my home county there has been a program going, as well as three other counties from my district. People are pleased with the animal control program and wish it to continue. The depredations from predators, especially on poultry and sheep operations, can be devastating and these people do need assistance in controlling these animals that reduce their income-producing capabilities. And as Senator Rod Johnson so ably described, the role of the federal government has been 100 percent in this area, but we are losing more and more and more and within a couple of years we will have no animal control facilities or personnel available for these people to use. I'd strongly urge your support in helping Rod and I move this to Select File. Thank you.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members, if Senator Johnson would yield to a couple of questions, I'd appreciate some clarification.

SPEAKER BARRETT: Senator Johnson.

SENATOR R. JOHNSON: Mr. President, I'll answer them as best I can.

SENATOR WESELY: Thank you. Senator Johnson, I apologize, I heard some of your comments and the history of the program which was cut in '82, was it?

SENATOR R. JOHNSON: '85.

SENATOR WESELY: '85.

SENATOR R. JOHNSON: Yes.

SENATOR WESELY: The question I have, what is the funding level as proposed under this bill versus the funding level that was deleted back at that time? And maybe you covered this but I don't recall.

SENATOR R. JOHNSON: Well, I can give you that exact figure, as a matter of fact.

SENATOR WESELY: All right.

SENATOR R. JOHNSON: When we cut the program...well, I've got the figures here but I'm scrambling to find them, but it seemed to me prior to '85 it was somewhere around \$50,000, Senator. It gradually decreased and I've got an actual printout from the USDA as to how the funding went from year to year. I'm trying to find all those figures for you.

SENATOR WESELY: Well, as you're going through that, why don't I just discuss my question.

SENATOR R. JOHNSON: Okay.

SENATOR WESELY: The program is partially federal funded and partially state funded and I was just curious if the federal funding had maintained itself, if we were asking for additional money under this bill versus what was already planned under the bill that was repealed, and just generally kind of where we're at in terms of the funding and where we're at now versus '85.

SENATOR R. JOHNSON: Okay. Well, I can give you quickly the federal funding since '76. It was \$128,000 the first year. In '77 it was 209; 200,000 in '78; 239 in '79; 220 in 1980; 248,000 in '81 and the funding has been fairly consistent. My aide has just passed me a note situated here. It says, please note that federal funding substantially exceeded state funding in all years with the exception of 1976. Some years federal funding was doubled or was double of the state contribution. Since the loss of state funding in 1985, federal money has paid for about 65 to 75 percent of the Animal Damage Control Program.

SENATOR WESELY: Okay, so if we're talking 250,000, maybe about 80,000 would be state money? Is that figure for the total budget or is that for the state part of the budget?

SENATOR R. JOHNSON: That was just the federal contribution.

SENATOR WESELY: Oh, I'm sorry. Now I'm getting a bit confused. The 300,000 is state money that we're talking about. Do you have any comparable figures on state funding?

SENATOR R. JOHNSON: Yes, I do. I've got them right here, as a matter of fact. In South Dakota the state contribution...I'll just read them to you. Nebraska state funding, zero; South Dakota, \$543,017; North Dakota, \$318,000; Oklahoma, \$384,000;

and Wyoming, \$295,000. Those are just the state funding matches. There are also other funding options, I assume. I don't know what they might be in other states, but I assume those might be local political subdivisions or, in particular, livestock organizations that have a great interest in the program. And the federal government's funding has been about fifty-fifty on those other states.

SENATOR WESELY: So is it the case that the more state funding we put in, the more federal funding we'll receive or is there some sort of match formula?

SENATOR R. JOHNSON: I think that there would be about a fifty-fifty match, Senator.

SENATOR WESELY: So the more we put in, the more they'll put in?

SENATOR R. JOHNSON: Well, I...I don't know, again, I'm not a federal official. I can't tell you what they might put in, but that seems consistent with what they have been doing with surrounding states about 50 percent...

SPEAKER BARRETT: One minute.

SENATOR R. JOHNSON: ...federal, 50 percent state contribution.

SENATOR WESELY: Okay, the only reason is in a lot of different programs I deal with there is usually a clear cut situation where state money, when there is a state/federal cooperative arrangement, there is some sort of understanding that for every dollar of state there is two federal, or 50 cents federal or something. There is no such concrete understanding at this point in this program?

SENATOR R. JOHNSON: Well, I'll just again read you the letter from Charlie Brown who is the state coordinator of the Animal Damage Control Program. He says in his letter to me, I feel confident that the federal government's funding level can be, again, increased to at least 50 percent federal, 50 percent state ratio in the future. However, success in the program has been carrying the majority of the financial burden from the federal government. They are not willing to...not going to substantially increase federal dollars to Nebraska without a serious state commitment to this program. So what I suggested in my opening, what I suggest again is...

SPEAKER BARRETT: Time has expired. Thank you. Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I rise to support this bill. I think it's very important, especially in our agriculture areas in Nebraska. I know that in northeast Nebraska we have a lot of predators and we haven't been getting too good a coverage in the last few years, in fact, not since 1985 when we cut out some state funding. Like Senator Rod Johnson says, there is many of the states that are surrounding us that do appropriate quite a little money. I think the funding in this bill now, with the A bill, would be a little over 300,000. I think this is reasonable and I realize that it would have to go along with the rest of the A bills and maybe we wouldn't be able to, in the end, fund it that much but I think that at least we ought to advance the bill at this time. I know that we need it in northeast Nebraska as well as all across the state and so I would urge you to support this bill at this time.

SPEAKER BARRETT: Thank you. Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. I did find the information I was actually looking for, in questioning Senator Johnson, and that was the level of state funding prior to the elimination of the program and the level of state funding now being proposed under the program, and, for your information, the funding state level did discontinue in '87-88 but it was 47,000, as Senator Johnson mentioned in '86, 120,000 in '85; 112,000, '84; 112,000; '83; and something similar to that in the past although it was as high as 165,000. The only question I'm raising, we've compared our state commitment to other states and I think that's legitimate and what you are saying, I think, Senator Johnson, is that level would say we're not overfunding, the 300,000 that would be comparable to these other states. I was only raising the question about when it ended and now when it's starting up again that we're really tripling or maybe doubling at least the state involvement in this area and the question I have is, you know, what do we get back for that additional commitment? Is that additional federal funding? Why do we need the additional money and the additional...has the problem gotten worse? Does the federal money bring in additional staff that we need? I guess I wasn't quite sure about that. And, in addition, I was going to ask in terms of the language that we have in the bill, is this exactly the language that we had when the program was repealed in 1985 or

how was this planned to be different than the program we had at that time?

SENATOR R. JOHNSON: Well, Senator, I think all we added here in the bill is intent language. We did not actually change the statutory language as it relates to what constitutes a predator or some form of predator control. All we...the new language you find in the bill is actually more intent than anything else. It does not necessarily add to the program or to add to the number of potential predators that might be controlled under the program.

SENATOR WESELY: Thank you. I appreciate that. And then I was just told that the reason that you don't have the program spelled out in statute is that there is already statutory language and so you're just trying to get the funding level. Well, I don't want to belabor the point. I just was curious about the funding level and what we're hoping to accomplish. Clearly, we've had a problem since the time we lost the funding for this. We've had the federal funding continue. I've been contacted, as all of you have, and I do plan on supporting the bill but I just want us to keep in mind that there is a substantial increase in the funding and, as Senator Johnson said, we ought to consider that in light of other funding responsibility. So I would support the bill at this time.

SPEAKER BARRETT: Any other discussion? If not, Senator Johnson, would you care to close?

SENATOR R. JOHNSON: Yes, just briefly. I appreciate the questions raised by Senator Wesely and the comments made by my colleagues in support of the bill. I would add that the program has done a lot of work in urban areas as well as rural areas of the state. It is available for all areas, so although I assume that most people, when they think of the Animal Damage Control Program think of it as a largely rural program, it does have...carry over into urban settings where skunks that might carry rabies or bird populations that may cause problems in downtown areas, the program is called in to address those problems. So the program is, as I said, not a new one. If you look at the funding levels, and I have them in case you're interested, there was a slow deterioration of state contribution. The federal government's contribution remained fairly consistent until we actually decided to actually end all state contribution and this basically reinstates the program and

April 3, 1989

LB 162, 162A, 319

it is my hope that we can push it across to Final and then, along with the other A bills that are being proposed, we can discuss whether this happens to fit in the budget this year. I think it does. I'd like to see it passed, so I would urge the body to advance the bill.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 162 to E & R. All in favor vote aye, opposed nay. Shall LB 162 be advanced? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 162.

SPEAKER BARRETT: LB 162 is advanced. The A bill, Mr. Clerk.

CLERK: LB 162A, Mr. President, by Senator Johnson appropriates fund; to implement the provisions of LB 162.

SPEAKER BARRETT: Senator Johnson.

SENATOR R. JOHNSON: Mr. President, I would simply move the A bill. The authorizing legislation has just been advanced and, as I said, this bill, I'm sure this A bill will take its place with the others for further discussion at a later time. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? If not, shall LB 162A be advanced? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of 162A.

SPEAKER BARRETT: The A bill is advanced. Mr. Clerk, one more bill, LB 319.

CLERK: Mr. President, 319 was a bill introduced by the Banking Committee. (Title read.) It was introduced on January 10 of this year, referred to Banking Committee, advanced to General File. I have committee amendments pending by the Banking Committee, Mr. President.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the

April 7, 1989

LB 95, 162, 162A, 247, 280, 325, 444
762, 780

SPEAKER BARRETT: I, again, would recommend we recess after reading in some matters.

PRESIDENT: All right. Mr. Clerk, matters for the record.

CLERK: Mr. President, Attorney General's Opinion addressed to Senator Dierks, and one to Senator Schmit. Enrollment and Review reports LB 780 to Select File with E & R; LB 95, Select File with E & R; LB 762, Select File with E & R; LB 280, Select File with E & R; LB 444, Select File with E & R; LB 162, Select File; LB 162A, Select File. (See pages 1580-83 of the Legislative Journal.)

Mr. President, the last item is a request to have Senators Scofield, Peterson, Elmer and Schellpeper add their name to LB 325 as co-introducers. That's all that I have, Mr. President.

PRESIDENT: Thank you. Senator Korshoj, would you like to recess us until one-thirty, please.

SENATOR KORSHOJ: Mr. President, I move we recess until one-thirty this afternoon.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Thank you.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. At 1:37 p.m., 32 members present. Congratulations. Senator Korshoj, we will look to you for a blow-by-blow momentarily. Mr. Clerk, may we proceed to a continued discussion of LB 247. Will you bring us up to speed?

CLERK: Mr. President, the next amendment I have to LB 247 is by Senator Moore.

SPEAKER BARRETT: Is anyone authorized to handle the amendment? Senator Moore, please, would you report to the Chamber to

May 9, 1989

LB 162, 469

SPEAKER BARRETT: To the bill, Chairman Warner.

SENATOR WARNER Mr. President, this bill is necessary to change substantive law in order to transfer funds that current law, which established the Social Security Contribution Fund, and that is being phased out. There was a time in which the contributions for social security was paid into a separate fund maintained, and then, as I recall, quarterly, or at least periodically, those funds were transferred to the federal government. Now it is done monthly, but in that process of placing those funds for social security in this fund over a number of years, the interest accrued to the fund itself, and there is a balance of \$880,284 in that fund. It is necessary for substantive law to be able to take that social security contributions fund and it is transferred to an Accounting Division Cash Fund which is created by the act, and the money is then appropriated for a single one-time occurring expense in the Accounting Division to start the development of an on-line entry accounting system, and it is the kind of thing, if the transfer was not made here, we, otherwise, would be faced with the issue of an appropriation of General Fund money to pay for this one-time development cost for on-line accounting system, and I would move the bill be advanced.

SPEAKER BARRETT: Thank you. Discussion? If not, the question is, shall LB 469 be advanced to E & R Initial? All in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of 469.

SPEAKER BARRETT: LB 469 is advanced. Senator Langford, for what purpose do you rise?

SENATOR LANGFORD: I move we adjourn until May, the 10th, at 8:00 a.m.

SPEAKER BARRETT: Thank you. Before we proceed with the vote on adjournment, may I ask your cooperation to attend the eight bills I mentioned earlier on Select File. Chairman Lindsay, are you prepared? Thank you. Mr. Clerk, if you would start with LB 162, please.

CLERK: Senator, on 162, I have no amendments to the bill.

May 9, 1989

LB 162, 162A, 319, 541

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 162 be advanced to E & R.

SPEAKER BARRETT: You have heard the motion to advance LB 162. All in favor say aye. Opposed no. Carried. The bill is advanced.

CLERK: LB 162A, Senator, I have no amendments to that bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 162A be advanced to E & R.

SPEAKER BARRETT: Shall LB 162A be advanced? All in favor say aye. Opposed no. Carried. The bill is advanced. LB 319, Mr. Clerk.

CLERK: LB 319, Senator, I have Enrollment and Review amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 319.

SPEAKER BARRETT: Shall the E & R amendments be adopted to the bill? Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 319 as amended be advanced to E & R.

SPEAKER BARRETT: Shall LB 319 be advanced? All in favor say aye. Opposed no. The ayes have it. The bill is advanced. LB 541.

CLERK: LB 541, Senator, I have E & R pending.

May 11, 1989

LB 137A, 162, 162A, 280, 305, 309, 309A
310, 311, 444, 467, 727, 815
LR 213

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

PRESIDENT: Okay. Senator Moore.

SENATOR MOORE: I move we advance LB 280 to E & R for Engrossment.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. Anything for the record, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Enrollment and Review reports LB 162 as correctly engrossed; LB 162A correctly engrossed; LB 311, correctly engrossed, all signed by Senator Lindsay. (See page 2313 of the Legislative Journal.)

New A bill, LB 137A by Senator Warner. (Read by title for the first time. See page 2314 of the Legislative Journal.)

LB 309 is reported to Select File with E & R attached; LB 309A, likewise; LB 467, E & R attached; LB 727, Select File with E & R; LB 305, Select File; LB 310, Select File with E & R; LB 815, Select File. (See pages 2311-12 of the Legislative Journal.)

Mr. President, new resolution, LR 213, introduced by Senators Crosby, Ashford and Langford. (Read brief description of LR 213 as found on pages 2314-15 of the Legislative Journal.) That will be laid over. That's all that I have at this time, Mr. President.

PRESIDENT: We will move on to LB 444.

CLERK: Mr. President, 444, the first item I have are Enrollment and Review amendments.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: I move we adopt the E & R amendments to LB 444.

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

CLERK: Mr. President, Senator Lindsay would move to amend.

May 17, 1989

LB 158, 158A, 162A, 162

been complied with, the question is, shall LB 158 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 2463 of the Legislative Journal.) 35 ayes, 10 nays, 1 present and voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 158 passes. LB 158A.

CLERK: (Read LB 158 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 158A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 2464 of the Legislative Journal.) 33 ayes, 9 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 158A passes. LB 162, please.

CLERK: (Read LB 162 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 162 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See page 2465 of the Legislative Journal.) 32 ayes, 10 nays, 3 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 162 passes. LB 162A.

CLERK: (Read LB 162A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 162A pass? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2465-66 of the Legislative Journal.) 33 ayes, 9 nays, 3 present and not voting, 4 excused

May 17, 1989

LB 44, 44A, 49, 49A, 134, 137A, 158
158A, 162, 162A, 175, 175A, 182, 182A
198, 228, 228A, 305, 815, 816, 816A

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on pages 2473-74 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228 passes. LB 228A.

ASSISTANT CLERK: (Read LB 228A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 228A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote as found on page 2474 of the Legislative Journal.) The vote is 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 228A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 44, LB 44A, LB 49, LB 49A, LB 134 with the emergency clause attached, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228, and LB 228A. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. Your Committee on Enrollment and Review reports LB 305, LB 815, LB 816, and LB 816A as correctly engrossed, all signed by Senator Lindsay as Chair of Enrollment and Review. (See pages 2475-76 of the Journal.)

I have a confirmation hearing report from Health and Human Services Committee signed by Senator Wesely as Chair. That's all that I have, Mr. President.

PRESIDENT: We'll move on to LB 137A.

CLERK: Mr. President, 137A is a bill introduced by Senator Warner. (Read title.)

May 17, 1989

LB 44, 44A, 49, 49A, 134, 158, 158A
162, 162A, 175, 175A, 182, 182A, 198
211, 228, 228A, 308, 309, 309A, 362
377, 429
LR 88

Mr. President, bills read on Final Reading today have been presented to the Governor. (Re: LB 44, LB 44A, LB 49, LB 49A, LB 134, LB 158, LB 158A, LB 162, LB 162A, LB 175, LB 175A, LB 182, LB 182A, LB 198, LB 228 and LB 228A. See page 2482 of the Legislative Journal.)

Mr. President, amendments to be printed, Senator Hall to LB 211, Senator Ashford to LB 362, Senator Weihing to LB 377, Senator Lynch to LB 377. (See pages 2482-88 of the Legislative Journal.)

Enrollment and Review reports LB 308 as correctly engrossed, LB 309 and LB 309A as correctly engrossed.

And, Mr. President, I have a communication from the Chair of the Reference Committee rereferring study resolution LR 88 from the Banking Committee to the General Affairs Committee. That is signed by Senator Labedz as Chair. And that is all that I have, Mr. President.

PRESIDENT: We'll go to Final Reading on number 9. We'll start with LB 429, but we need to get into our seats and get ready for Final Reading, please. Mr. Clerk, LB 429.

CLERK: The first motion...I have motions on 429, the first is by Senator Wesely. Senator Wesely would move to return the bill, the purpose being to strike the enacting clause.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: I will withdraw that amendment at this time.

PRESIDENT: All right, it is withdrawn.

CLERK: Mr. President, Senator Moore and Lindsay would move to return the bill for a specific amendment. (Moore-Lindsay amendment appears on page 2489 of the Journal.)

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Well, it's another one of those cows to the ring and see who bought her this time. This time it's one of my old rangy old cow. This one I believe in. This is the Bergan Mercy amendment. Now 429 is a bill dealing with certificate of need, 429 introduced by Senator Baack and the intention of this bill I

May 19, 1989

LB 49, 89, 162, 270, 525

people in this body are hoping we pass it to force the Governor to veto it because it would make the Governor have to veto state aid to education. They would love to have to put the Governor in that kind of position. But look at it from our viewpoint, if you pass 18 or 9, there are some A bills, if it were passed into law, that we're going to pass something for education that will not do that much for education, but look at what may be lost. LB 49, noxious weed control for \$187,000, may have to go on the chopping block...

SPEAKER BARRETT: One minute.

SENATOR BERNARD-STEVENS: ...because we spent 9 million. LB 162, animal damage control, 312,000 may have to go because we spent \$9 million. Court review of DSS placement may have to go at 251,000 because we spent \$9 million. Additional district court judges will have to go, may have to go. State takeover of indigent care will be at great risk. Increasing LB 270 benefits will be at great risks, \$287,000. Senator Nelson's incentives for nursing students would be at tremendous risk of being vetoed if we went with \$9 million. Leadership academy will be at great risk. Extending ADC payments of \$729,000; Foster Care Board legal standing \$288,000; MIRF, 4.5 million; state gaming laws, 807,000.

SPEAKER BARRETT: Time.

SENATOR BERNARD-STEVENS: You need to start looking of what you're going to cut because, if this thing passes, it will either be vetoed which is unfortunate, which means it is meaningless, or we cut it elsewhere that's desperately needed. Thank you.

SPEAKER BARRETT: Senator Warner, followed by Senators Moore and Nelson.

SENATOR WARNER: Mr. President, members of the Legislature, I rise to support the \$9 million, and not for the reason that you think, which is obvious that nine is less than 18. Now that doesn't have anything to do with it, not a thing. The first thought that occurs to me with the way we have legislation lined up, we've got 133 million that is going to evaporate in 1991 and 20 million after LB 89 will evaporate, and we add this nine here and that will evaporate, but it gives us a better base of available funds for redistribution. But the reason I'm

May 24, 1989

LB 44, 44A, 49, 49A, 162, 162A, 247
247A, 250, 250A, 277, 277A, 301, 308
813, 814
LR 115, 213, 214, 215, 217, 218, 220
221, 223

Mr. President, a series of veto messages. (Read. Re: LB 44, LB 44A, LB 162, LB 162A, LB 49, LB 49A, LB 277, LB 277A, LB 250, LB 250A, LB 247, LB 247A.) The last message, Mr. President. (Read. Re: LB 301, LB 308, LB 813, LB 814. See pages 2723-29 of the Legislative Journal.)

Mr. President, that completes the items that I have.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 115, LR 213, LR 214, LR 215, LR 217, LR 218, LR 220, LR 221. We will move on to number five, resolutions, Mr. Clerk, LR 223, please.

CLERK: LR 223 was introduced by the Appropriations Committee. It is found on page 2680 of the Journal. It asks the Legislature that pursuant to the provisions of Section 85-404 and LR 69 adopted by the Ninetieth Legislature to call for the issuance of bond anticipation notes and/or revenue bonds in the amount not to exceed \$4,925,000.

PRESIDENT: Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, I know we are all busy, a beehive of activity this morning, but this first thing out of the shoot is of some significance. You may or may not want to listen. What this is is the approval for the bond financing of Phase III of the rec center construction. Those of you that were around in 1987 will remember at that point in time when we approved the indoor practice facility, that was the first of three phases of activity in the total hyperfitness area, whatever it was called, I forget. And Phase I and Phase II have already been...Phase I and Phase II have already been either built or in the process of being built and paid for, and the university is coming down...coming back with LR 223, and if you remember back, LR 69 two years ago, it basically said...we basically said we approve Phase I and Phase II and Phase III; if on the chance that when you go to Phase III, and Phase III is rebuilding of the coliseum, which I would like to explain a little bit, if we get to Phase III, it is the university's choice to use bond financing, and they must come back to the Legislature for our approval. That is, indeed, what has occurred. That is what LR 223 is talking about. It grants the authority for the university to bond up to \$4.9 million for the UN-L recreation/athletic facility. Now as you remember, the indoor practice facility, you all remember, Phase II of that

CLERK: (Record vote read as found on pages 2766-67 of the Legislative Journal.) 33 ayes, 10 nays, Mr. President, on the override of LB 49A.

SPEAKER BARRETT: Motion prevails. The veto is overridden.

CLERK: Mr. President, the next motion I have is by Senator Rod Johnson. Senator Johnson would move that LB 162, LB 162 become law notwithstanding the objection of the Governor.

SPEAKER BARRETT: Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President and members, I'll be as brief as possible. I rise with great reluctance because all day long I've been one of the few that's been casting mostly red votes and so, as they say, you reap what you sow and I assume I reaped...I will reap a certain amount of discontent from the body for failing to go along. I suppose there's a good chance that I could have voted green all day and this bill would stand a lot better chance of being approved but, nonetheless, I hope that the body would overlook the fact that a...a battle of personalities and look more closely at the issue at hand, which is the funding of the animal damage program which the funding from the state level was discontinued during the mid special sessions that we had during the Kerrey Administration years and, quite frankly, we're at a point where we're potentially going to lose the remaining federal dollars that we have been receiving unless the state makes some form of an obligation to this program. As has been pointed out before, this program is not just a rural issue or a rural program. It's animal damage personnel serve as communities and urban areas as well as rural areas. Needless to say, the concern is most among the livestock industry of our state. A lot of people worked very hard to get this bill passed. Unfortunately, it was not one of the items the Governor felt was a priorities. I was asked prior to the Governor's vetoes what my priority were for funding as there were really three important bills that came out of the Ag Committee this year. One was LB 162 which we're discussing here, the animal...or the noxious weed program which you've just approved to override the Governor's veto on, and the pseudorabies bill, which Senator Rogers sponsored which the Governor I believe has not yet signed but is planning on doing so. My priority was that this was the most important program because it is receiving no state funding at all at this time. There is a program in effect in about 22 counties across our

state, funded largely through counties and local private citizen groups trying to keep the program alive. As I said, the federal dollars could be and should be in jeopardy because of the failure of this body to approve any funds on the state level to make a program work. Finally, I'd just say that the program, if passed, appropriates \$312,000 to the program which would then provide statewide enforcement and protection under the animal damage control program. As I said, I would appreciate your support on the bill. I hope that you'll look at the bill from its importance and determine at that point whether or not it's a priority with you and in this budget.

SPEAKER BARRETT: Senator Chambers, discussion?

SENATOR CHAMBERS: Mr. Chairman, Senator Johnson did mention various issues that come into play while we're voting on these matters, but I think he's aware that I have not supported these kind of bills anyway so I won't be supporting the override.

SPEAKER BARRETT: Thank you. Senator Korshoj. Thank you, that won't be necessary. Yours was the last light. Senator Johnson, would you care to close? Thank you. The question is then the override of the Governor's veto in LB 162. All in favor vote aye, opposed nay. Have you all voted? Senator Johnson.

SENATOR R. JOHNSON: I'd just ask for a record vote, please.

SPEAKER BARRETT: Record vote has been requested. Have you all voted? Record, please.

CLERK: (Record vote read as found on pages 2767-68 of the Legislative Journal.) 15 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, next motion I have is by Senator Withem. Senator Withem would move that LB 247A become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Mr. Speaker, members of the body, I'm going to use the opportunity speak on LB 247A to probably give the body some welcome news here. I have a total of five motions filed. The next five motions are mine. It is my intent to withdraw