

January 11, 1989

LB 112, 324-329

PRESIDENT: Any further dis... Senator McFarland, did you wish to speak about this? All right. You have heard the motion, the question is to withdraw LB 112. All those in favor vote aye, opposed nay. Please vote if you care to. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the withdrawal of LB 112.

PRESIDENT: LB 112 is withdrawn. Senator McFarland, for what purpose do you rise?

SENATOR MCFARLAND: Mr. President, I rise for a point of personal privilege. A lot...

PRESIDENT: State your point, please.

SENATOR MCFARLAND: A lot of concern has been expressed since I was locked in the bathroom on the first day of the legislative session and that's particular concern since sometimes I work down here in the evenings. If that ever happens again, I may not ever get out. But I want to assure you that I have been given a gift from our Governor today and it's wrapped in a nice bow and it's a can opener, and if ever I have the same experience again, I will be well prepared. So I'm going to keep this in my pocket and carry it everywhere I go for the rest of this session, so the rest of you won't have to worry about it. I thank you very much.

PRESIDENT: Thank you. And with the word "can" meaning so much more than it used to years ago, I am afraid to comment further. We will move on to the introduction of new bills.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 324-329 as found on pages 176-77 of the Legislative Journal.) Mr. President, that's all the new bills that I have at this time.

PRESIDENT: Senator Crosby, would you do a special task at this moment, please?

SENATOR CROSBY: Thank you, Mr. Chairman, and members of the Legislature, it's my privilege to recognize Dr. Fleischli today, of Lincoln, who is serving as doctor of the day. He is a member of my district so I'm especially pleased to see him. He's here

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LB 54, 111, 209, 268, 271, 325, 335
389-408

raised, please stay in your seats.

CLERK: 20 ayes, 21 nays, Mr. President, on the motion to rerefer.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, continue with the introduction of bills.

CLERK: Mr. President, I might announce that the Reference Committee, the Reference Committee will meet in the Senate Lounge for referring of bills now; Reference Committee in the Senate Lounge now.

Mr. President, new bills. (Read LBs 389-406 for the first time by title. See pages 206-209 of the Legislative Journal.)

SPEAKER BARRETT: The body will stand at ease while the Referencing Committee handles some more bills.

EASE

CLERK: Mr. President, new bills. (Read LBs 407-408 for the first time by title. See page 210 of the Legislative Journal.)

Mr. President, in addition to those items, I have a notice of hearing from the Government Committee, that is offered by Senator Baack as Chair. Mr. President, I have received a reference report referring LBs 324 through 373.

Mr. President, in addition to those items, announcement that the Appropriations Committee....

Mr. President. some unanimous consent requests, Senator Schellpeper would like to add his name to LB 209; Senator Rod Johnson and Senator Morrissey would like to add their names to LB 325; Senator Dennis Byars to LB 111; Senator Haberman to LB 268, and Senator Haberman to LB 271 as well, and Senator Haberman to LB 335.

SPEAKER BARRETT: If there are no objections, so be it.

CLERK: Mr. President, I have a motion filed with respect to the investigating committee formed to review the Franklin Credit Union situation. That motion will be laid over, Mr. President. It involves the suspension of the rules. Those will be laid

January 13, 1989

LB 149, 325, 461, 462

SPEAKER BARRETT: While the Legislature continues to stand at ease for a few more minutes, the Chair is very pleased to announce some guests of Senator Moore from York, Nebraska, James and Ben Kopsa, under the north balcony. Would you folks please stand and be recognized by your Legislature. Thank you. We're glad to have you as our guests today.

CLERK: One final bill, Mr. President, LB 461 by Senator Moore...I stand corrected, Mr. President, next to the last bill. (Read by title for the first time. See page 238 of the Legislative Journal. Read LB 462 by title for the first time. See page 239 of the Legislative Journal.)

Senator Nelson would like to add her name to LB 325; Senator Schimek to LB 149 as co-introducers. (See page 239 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: If there are no objections, so ordered. Messages on the President's desk, Mr. Clerk.

CLERK: I have nothing further, Mr. President.

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

SENATOR BECK: Mr. President, I move that we adjourn until Tuesday morning, nine o'clock, January 17.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn until Tuesday, January 17 at 9:00 a.m. Those in favor of that motion say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory
Arleen McCrory

February 1, 1989

LB 48, 92, 116, 140, 176, 325, 336

section analysis of everything that is in the bill. But I thought with a couple of days advance notice you might have a chance to prepare and at least feel comfortable when the bill comes up for special order on Friday and that is the purpose of the memorandum.

SENATOR LAMB: You are out of order, Senator Landis.

SENATOR LANDIS: Am I? Thanks.

SENATOR LAMB: Senator Ashford, Senator Beyer, Senator Chambers, these are some of the people that we're looking for at this point. Senator Lindsay, Senator McFarland. Please come to the Chamber and record your presence. The house is under call. I believe Senator Bernard-Stevens has indicated that we can begin the roll call, Mr. Clerk. In reverse order, there has been a request for reverse order.

CLERK: (Roll call vote taken. See page 548 of the Legislative Journal.) 20 ayes, 18 nays, Mr. President, on the adoption of the amendment.

SENATOR LAMB: The amendment is not adopted. Mr. Clerk, do you have some items?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Abboud and Lowell Johnson, or, I'm sorry, Senator Abboud would like to add his name to LB 116; Senator Lowell Johnson and Beck to LB 325 as co-introducers. (See page 549 of the Legislative Journal.)

Senator Landis has amendments to LB 92 to be printed. (See pages 549-50 of the Legislative Journal.)

Business and Labor reports LB 176 to General File with amendments. That is signed by Senator Coordsen. Education reports LB 140 to General File with amendments, LB 336 General File with amendments. Those are signed by Senator Withem as Chair. (See pages 550-51 of the Legislative Journal.) That is all that I have, Mr. President.

SENATOR LAMB: Senator Chizek, would you care to offer the motion to recess for lunch?

SENATOR CHIZEK: You don't want to come back after lunch. I

February 3, 1989

LB 48, 92A, 116, 157, 250, 289, 325
340, 342, 344, 360, 520, 603, 732

Legislative Journal.) 26 ayes, 14 nays, Mr. President, on the advancement of LB 116.

PRESIDENT: The bill advances. The call is raised. Mr. Clerk, for the record.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 342 and recommend that same be placed on Select File with E & R amendments and LB 344 Select File with E & R amendments. Those are signed by Senator Lindsay as Chair. (See pages 593-95 of the Legislative Journal.)

Education Committee reports LB 250 to General File with amendments. That is signed by Senator Withem. (See page 595 of the Legislative Journal.)

Health and Human Services reports LB 157 to General File, LB 360 General File, LB 520 General File. Those are signed by Senator Wesely as Chair. (See page 595 of the Legislative Journal.)

Government Committee reports LB 340 to General File with amendments attached. That is signed by Senator Baack as Chair. (See pages 595-97 of the Legislative Journal.)

New A bill, LB 92A by Senator Landis. (Read by title for the first time. See page 597 of the Legislative Journal.)

And, Mr. President, Senator Coordsen would like to add his name to LB 603 and to LB 289; Mr. President, Senator Smith to LB 325 and Senator Byars to LB 732. (See page 597 of the Legislative Journal.)

In addition to those items, Mr. President, I have a series of amendments to be printed to LB 48 from Senator Moore. (See pages 597-600 of the Legislative Journal.) And that is all that I have, Mr. President.

PRESIDENT: Senator Beck, would you like to say something to us?

SENATOR BECK: Yes, Mr. President, I would. I move that we adjourn until next Monday morning at nine o'clock and that is February 6.

PRESIDENT: Thank you. You've heard the motion. All in favor

March 15, 1989

LB 81, 89A, 163, 228, 270, 325, 339
427, 438A, 521, 543, 580, 603, 764
LR 2, 54, 55

CLERK: 29 ayes, 5 nays, Mr. President, on the advancement of LB...or LR 2, excuse me.

PRESIDENT: LR 2 is advanced. Do you have something for the record, Mr. Clerk, please.

CLERK: Mr. President, I do, thank you. New resolutions, LR 54, by Senator Bernard-Stevens. (Read brief description of LR 54 as found on pages 1153-54 of the Legislative Journal.) LR 55 by Senator Bernard-Stevens. (Read brief description of LR 55 as found on page 1154 of the Legislative Journal.)

Your Committee on Natural Resources reports LB 81 to General File with amendments; LB 163, General File with amendments; LB 270, General File with amendments; LB 325, General File with amendments; LB 764, General File with amendments. Those are signed by Senator Schmit as Chair. (See pages 1154-56 of the Legislative Journal.)

Education Committee reports LB 228 to General File; LB 543 to General File with amendments; LB 427, indefinitely postponed; LB 521, indefinitely postponed; LB 580, indefinitely postponed. (See pages 1156-57 of the Legislative Journal.)

Mr. President, Senator Coordsen would like to print amendments to LB 339 and Senator Lynch to LB 89A. (See pages 1160-61 of the Legislative Journal.)

Judiciary reports LB 603 to General File with amendments. Signed by Senator Chizek. (See pages 1157-60 of the Legislative Journal.)

New A bill, LB 438A, by Senators Wehrbein and Hall. (Read by title for the first time. See page 1161 of the Legislative Journal.)

Mr. President, an announcement. The Appropriations Committee will meet in Executive Session on Thursday, March 16, and Friday, March 17, at eight o'clock in Room 1003. Appropriations, eight o'clock next Thursday and Friday. That's all that I have, Mr. President.

PRESIDENT: (Gavel.) Senator Dierks, for what purpose do you rise?

March 22, 1989

LB 77, 139, 164, 253, 291, 325, 409
448, 493, 500, 508, 663, 691, 714
722

with amendments. That's signed by Senator Coordsen. Government Committee reports LB 409 to General File; LB 508, General File; LB 722, General File; LB 139, General File with amendments; LB 164, General File with amendments; LB 663, General File with amendments; LB 253, indefinitely postponed, as is LB 291, LB 448, LB 493, LB 500, and LB 691. (See pages 1286-91 of the Legislative Journal.)

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, Senator Pirsch would like to add her name to LB 325 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Kristensen, please. Would you care to recess us.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. I would move to adjourn (sic) us until this afternoon at one-thirty...recess.

SPEAKER BARRETT: I believe the motion is to recess. Thank you, Senator Kristensen.

SENATOR KRISTENSEN: No, I think I said adjourn.

SPEAKER BARRETT: Those in favor say aye. Opposed nay. Ayes have it, we are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Roll call, please. Record, Mr. Clerk, please.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. What should we do first, Mr. Clerk? Any reports or announcements?

CLERK: Yes, Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 77 and recommend that same be placed on Select File; LB 714 on Select File, both of those having been signed by

April 5, 1989

LB 46, 145, 157, 231, 231A, 237, 247
325, 379, 397, 414, 418, 640, 651
LR 73

way. I think if we still see a lot of recalls going on in this state, still seeing it being used as a harassment tool, we'll come back in and try and make it even more meaningful with maybe some stricter restrictions onto what the reasons can be for recall, but right now I think we've just got a very general statement of reasons. We've got something here that would be a very meaningful process. With that, I would just urge you to advance the bill. Thank you.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance LB 640.

PRESIDENT: LB 640 advances. LB 651.

CLERK: Mr. President, may I read some items for the record?

PRESIDENT: Yeah, please.

CLERK: Mr. President, new resolution, LR 73, by Senator Abboud. (Read brief description. See pages 1521-22 of the Legislative Journal.) That will be laid over.

I have a request...or bills read on Final Reading this afternoon have been presented to the Governor. (Re: LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1522 of the Legislative Journal.)

Senator Chambers has amendments to LB 397, Senator Hall to LB 414, Senator Withem to LB 247. (See pages 1522-29 of the Legislative Journal.)

And Senator Schimek would like to add her name to LB 325 as co-introducer. (See page 1529 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, the next bill, LB 651 is on General File. It is a bill originally introduced by Senator Hall. (Title read.) The bill was introduced on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. I have committee amendments pending by the Education Committee, Mr. President.

Langford, followed by Senator Kristensen.

SENATOR LANGFORD: Mr. President and colleagues, I rise to oppose the Scofield amendment. First, let me explain a little bit about this study business. Just last year a very expensive study was done by the State College Board. This part of the study would not have to be repeated because it was done by an outside of the state very authoritative group. Therefore, the money that is appropriated would certainly cover the study of the university system and the tech colleges. I would like to talk a little bit about my dream of the future of postsecondary education in the State of Nebraska. Kearney State College going into the university system is just a first step. It really is, in my opinion, the thing that we'll start thinking on what we should do with postsecondary education in our state. The tech colleges have sort of been a stepchild up until now that they are an integral important part of the needs of our citizens and I believe totally that they are as important as any other part of the system. My dream is that one day all of postsecondary education will be under one governing body. Governance is the important part of any institution simply because it makes policy and policy is more important than anything else because those subordinates who are under this policy must obey. No matter what they want to do, they must do what governance tells them. This leads to one more thing. Above this great board that is going to govern all of our postsecondary institutions is the Legislature and the executive branch of government, each having a part. Right now the governance from the Legislature is in great jeopardy because of the Attorney General's Opinion and his statements to the newspaper that should this come about he would have to challenge. This is exactly what we, in the Legislature, need. We need the challenge from the Attorney General so that we can actually find out what our position is in the governance of our postsecondary education. I would ask now that you do not vote for Sandy's amendment and that you vote for Senator Withem's amendment. Thank you.

PRESIDENT: Thank you. Mr. Clerk, would you like to put something into the record, please, at this time.

CLERK: Mr. President, I would, thank you. Senator...I have amendments to be printed from Senator Lamb to LB 47, Senator Wesely to LB 706, Senator Lindsay to LB 681 and Senator Hefner to LB 325. (See pages 1566-71 of the Legislative Journal.)

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

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LB 77, 84, 325, 371, 592, 643, 714

Journal.) 32 ayes, 7 nays, 3 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 592 passes. LB 643E.

ASSISTANT CLERK: (Read LB 643E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 643 with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See page 1633 of the Legislative Journal.) The vote is 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 643E passes. LB 714E.

ASSISTANT CLERK: (Read LB 714E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 714 with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See page 1634 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 714E passes. Anything for the record, Mr. Clerk?

CLERK: Mr. President, one item. Senators Haberman and Hall have amendments to be printed to LB 325. (See page 1634 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. And while the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 643, LB 592, LB 371, LB 77, LB 714. To General File, Mr. Clerk, LB 84.

CLERK: Mr. President, LB 84 was introduced by Senator Lamb with Senators Conway, Haberman, Beck, Korshoj, Rod Johnson and Carson Rogers added as co-introducers. (Read.) The bill was introduced on January 5, Mr. President. It was referred to the

addition, the unconstitutional part of the review process to continue is a mistake and I would still oppose the bill. But there is a way to resolve this and I would sure like to see the supporters of this recognize that there is an offer here, a good faith offer to try and deal with this and this bill is not the solution and should not be advanced or passed in its current form.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Shall debate now close? Those in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 25 ayes, 2 nays on the motion to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Coordsen, would you care to close?

SENATOR COORDSEN: Thank you, Mr. President, and members of the body, Senator Wesely mentioned a pledge. I have no problem between now and Select working with Senator Smith, Senator Wesely and the people who were involved in bringing this bill to me, trying to work out and for that matter the Department of Social Services, trying to work out amicable amendments that will address the problem that can be offered on Select File. So, with that, I would urge the advancement of the bill.

SPEAKER BARRETT: Thank you. The question is, shall LB 182 be advanced? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 34 ayes, 2 nays on the motion to advance the bill.

SPEAKER BARRETT: LB 182 is advanced. Anything for the record? Proceeding directly then to the next bill, LB 325. Mr. Clerk.

ASSISTANT CLERK: LB 325 was introduced by Senators Hefner, Rod Johnson, Morrissey, Nelson, Beck, Lowell Johnson, Smith, Pirsch, Schimek, Scofield and Peterson. (Read title.) The bill was read for the first time on January 11th, was referred to the Natural Resources Committee. The bill was reported by the

Natural Resources Committee to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Chairman Schmit, on the committee amendments.

SENATOR SCHMIT: Mr. President and members, the committee amendments to Senator Hefner's bill really have not changed the bill very much based upon the most recent amendments I have seen here that Senator Hefner will offer as amendments to the committee amendments. But I will briefly go through the amendments and explain to you what they do. The first portion of the committee amendments clarifies the definition of recyclable. Secondly, allows for the sale of nondegradable bags for groceries, linens, shopping, trash, rubbish, solid waste or point of sale packaging while it prohibits the sale of such bags for grass clippings and garbage, yard waste and leaves on or after January 1, 1992. And then, three, it eliminates the prohibition on sale of nondegradable personal hygiene and health care products and food containers sold at retail on or after January 1, 1993. Mr. President, LB 325 is a bill which has a lot of sympathy within the Natural Resources Committee. We have a lot of support for the bill. If you will note, the people who testified in support of it, there was some concern about those who opposed the bill. We have tried to meet those concerns, address those concerns with the committee amendments. And, as I said, there are some amendments to the committee amendments being proposed and we will have a chance to discuss those in just a little while but I do not have much objection to those, with one exception, and I will point that out to you a little later on. I would be glad to answer any questions that might be asked of the members on the committee amendments.

SPEAKER BARRETT: Thank you. Amendment on the desk.

ASSISTANT CLERK: Mr. President, Senator Hefner would move to amend the committee amendments. Senator, I have before me amendment 1349.

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Okay. Mr. President and members of the body, this is amendment 1349. This amendment was handed out to you. It's in the white copy and I will try to explain it to you. This is an amendment to the committee amendment. (The Hefner amendment appears on pages 1665-66 of the Legislative Journal.)

It strikes all the amendments in the original sections of the bill. The committee amendment eliminates bags used for groceries and shopping. This amendment adds them back in with the provision that they be biodegradable, photodegradable or recyclable. I passed one of these bags out to you a little earlier. This is from a supermarket that's using them at the present time. It is a biodegradable bill bag. It's nonleaching in landfills. It's nontoxic when incinerated. It degrades in sunlight so it would be photodegradable. It meets FDA requirements and it uses water-based inks. And this is a problem that we had with some of the inks before. Okay, then the second part says, and I will go back to the committee amendment, it allows bags for grass clippings, garbage, yard waste or leaves to be recyclable, in addition to being biodegradable or photodegradable. This amendment takes out recyclable, mandating that the bags be biodegradable or photodegradable. Then the last part, the committee amendment strikes the disposable diapers, disposable personal care products and food containers. This amendment adds diapers back in with the stipulations on availability and price. The committee amendment leaves out other health care products and I do not want to put other health care products back in because I said when I introduced this bill, and we had a public hearing, that I didn't want to put anybody out of business. And some of these hospitals are having a rough time of it, especially the small rural hospitals, and so we don't want to add any more to those problems and so we will leave out the health care products. Also, it leaves out food containers and I have chosen not to add that back in, but I would just like to read part of that amendment about the diapers. On or after January 1, 1993, a person shall not sell or offer for sale at retail any disposable diaper which is constructed of a material which is not biodegradable or photodegradable if the Director of Environmental Control determines that biodegradable or photodegradable disposable diapers are readily available at a comparable price and quality. The Director shall issue his or her determination to the Legislature on or before October 1, 1992. For the purposes of this section, readily available shall mean available for purchase in sufficient quantities to meet demand through usual retail channels throughout the state and comparable price and quality shall mean at a cost not in excess of 5 percent above the average price for the products of comparable quality which are not biodegradable or photodegradable. I have right here in my hand and I also handed out a handout that says that one company is producing these

biodegradable diapers at the present time and that's the Rocky Mountain Medical Corporation in Colorado. And they go on to say, and you can read it if you would care to, but babies will spend approximately 20,000 hours in diapers and then it goes on to say that a typical baby wears up to 9,000 diapers before he or she is toilet trained. There were more than 3.7 million births last year in the United States and nearly 85 percent of all diapers...diaper changes involved disposable diapers. This means that last year alone more than 20 billion diapers, 20 billion diapers which will not break down for hundreds of years in our landfills, they were dumped into the environment. The Environmental Protection Agency puts disposable diaper waste at some 5 million tons annually. Some cities estimate that disposable diapers alone account for more than 10 percent of landfill use. And the 5 million ton is by weight, so I ask you, what about the volume? That volume is going to be terrific. Also, in another part of your handout, and this was put out by Newsweek in the March 6 issue, 1989, the two biggest producers and manufacturers of diapers are Procter and Gamble, with their Pampers brand, and Kimberly-Clark, with their Huggies. And it goes on to say both of these companies are reportedly perfecting biodegradable models. It is hard to imagine that they could make diapers significantly better than they are today unless they come out in a biodegradable form. We do have some degradable plastic products over on the table just to the right of me under the north balcony, if you would care to look at a disposable diaper or some of the other degradable products, like the gallon milk bottle and some others. And so I believe at this time I would stop and if you have any questions, why I would be real happy to try and answer them for you.

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you for the interruption. New A bill, LB 586A by Senator Kristensen. (Read by title for the first time as found on page 1666 of the Legislative Journal.)

I have Rules hearing scheduled for Thursday, April 20.

LB 392 and LB 482 have been reported correctly engrossed. Those are offered by Enrollment and Review, Chaired by Senator Lindsay. (See page 1667 of the Legislative Journal.)

Senator Labeledz has amendments to LB 769, Senator Smith to

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LB 325, 767

LB 767. That's all that I have Mr. President. (See pages 1667-68 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Schmit, for what purpose do you rise?

SENATOR SCHMIT: Mr. President and members, I rise on a motion, the motion being to divide the question.

SPEAKER BARRETT: At what point would you...

SENATOR SCHMIT: I would like to...I would like to say that I would be glad to accept all of Senator Hefner's amendments with the exception of Section 11. I would like to ask that Section 11 be deleted from the amendments and that we vote on it separately after we vote on the adoption of the previous amendments.

SPEAKER BARRETT: And you're looking at AM1349...

SENATOR SCHMIT: That is correct.

SPEAKER BARRETT: ...the amendment offered by Senator Hefner to the Standing Committee amendments.

SENATOR SCHMIT: That is correct.

SPEAKER BARRETT: You are asking that Section 11 be divided from the rest of the amendment. That would appear to be divisible to the Chair, Senator Schmit, still leaving a proposition for decision by the Legislature on the remainder, certainly. Which...would you prefer to address all sections except 11 first?

SENATOR SCHMIT: Yes, I would prefer that, Mr. President.

SPEAKER BARRETT: All right, so be it. We are then discussing everything except Section 11 in the amendment offered by Senator Hefner. Senator Schmit.

SENATOR SCHMIT: Mr. President and members, as I have indicated, I have no objection to all of the amendments that Senator Hefner has offered to the bill with the exception of Section 11. I believe that the committee did debate and discuss those issues very thoroughly and Senator Hefner has enough interest in those

portions of the bill that he and his staff did take them back and rework them and at the present time his version of the amendment, for example, relative to grocery bags and shopping bags is perfectly amenable to myself and I believe to all members of the committee. We have gone through the rest of the amendments. I think one of the most desirable portions of the bill and of the amendment is the portion that refers to the rings holding the beverage containers together, states that they shall be biodegradable or photodegradable. I think that's important. I think also the portion that refers to the bags that are used for grass clippings, yard waste, etcetera, shall be biodegradable or photodegradable. He has dropped the provision relative to recyclable. I think that those amendments are all acceptable to us and certainly leave the original bill, 325, virtually intact and I think, very frankly, improved from its original version. And, as Senator Hefner has indicated, he was not interested in putting them out of business, did not want to disrupt the marketplace. I think that the amendments as he has proposed them, with the exception of 11, will go a long way toward accomplishing some really effective recycling and reusable and the use of biodegradable products. And I would recommend that those amendments be adopted in that form as an amendment to the committee amendment.

SPEAKER BARRETT: Thank you. Discussion on the divided question. Senator Haberman, would you care to discuss the first part of the divided question, followed by Senator Hefner.

SENATOR HABERMAN: Well, Mr. Speaker, members of the body, as I understand it, Section 11 that we're debating has to do with disposable diapers. Is that correct?

SPEAKER BARRETT: Yes.

SENATOR HABERMAN: And Senator Schmit wants to take that out?

SPEAKER BARRETT: It has been removed. That's the second part of the division.

SENATOR HABERMAN: Well, Mr. Speaker and members of the body, Tim Hall came up to me the other day and he said, Rex, he said, how do you feel about this disposable diaper issue? I said, disposable diaper, are you talking about those diapers that you hold out, they are about that big and you put them in the pot with a lid on it and let them soak for a while and then you take

them out and you wash them, and then you take them out of the washer and take them out on the line to let them dry, and then use them over again? And he says, no, I don't mean that. He says, I mean the new method. And I said, well, being a grandpa, what is the new method? And he said, well, the new method, he said, you take this diaper and you use it and when it becomes soiled you throw it away. I said, you've got to be kidding. He says, no, I'm serious. He said, that's the way they do it now. And I said, well, is this better than the old way? He said, absolutely. He said, you should live in this new day and age where you have to conform and use this new type of diaper. Well, Senator Schmit, I'm perplexed here that maybe you live in the same age that I lived in that the only diaper that you used was the kind you soaked and washed and hung out and then you used them over. So I can't see why you would...you would object to this new method of using diapers. So I would like to release...give the rest of my time to Senator Hall, who is a father and I'm a grandfather, to have him tell us where I'm going astray here and why I should support this disposable diaper issue.

SPEAKER BARRETT: Before the time is yielded, the Chair would remind members that we are on the first part of the divided question. The matter of diapers is the second part of the division.

SENATOR HALL: Well, in that case, Mr. President, all I will say is that there may be some point in time when both Senator Haberman and myself may need to use disposable diapers again for personal reasons and who knows. I will yield the balance of the time to the proper part of the amendment. Thank you.

SPEAKER BARRETT: Thank you. A reminder that we are on the first part of the division. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I think we're a little off of the subject here, Senator Haberman. But, Senator Schmit, I agree that this should probably be divisible. And so now we're talking about the first two parts and we're not talking about the disposable degradable diapers at this time. But what this would do, the first part of this amendment adds the grocery bags and the shopping bags back in with a provision that they be recyclable too and we can do that very easily and this is why we added that back in. And the second part concerns the bags for grass clippings, garbage, yard waste and leaves and

to be recyclable. That was in the original committee amendment and this amendment takes out the recyclable, mandating that these bags be biodegradable and photodegradable. So at this time I would urge that you support the first part of this amendment.

SPEAKER BARRETT: Thank you. Senator Elmer, discussion on the divided question.

SENATOR ELMER: Thank you, Mr. President. I know a lot of the members here are a little bit interested in what is biodegradable, what is photodegradable? And plastics are made from petroleum derivatives, propylene, butylene, isopropylene, isobutylene, that are made from propane and butane, primarily, which are byproducts of natural gas production, not oil production. There is a small amount of isopropylene and isobutylene that come from byproducts of refining, however, most of them do come from natural gas production. These are brought to a manufacturer such as Procter and Gamble or the firm that Elroy mentioned out in Colorado where they are mixed with a catalyst that makes the molecules of the isobutylene and isopropylene extend themselves and intertwine to form plastic of all kinds of different shapes and sizes by molding or rolling. To make these products biodegradable, a certain amount of cornstarch is added, sometimes as much as 15 to 18 percent of...by weight of the material. The addition of this starch being a hydrocarbon of natural origin from corn dissolves over a period of time in the presence of microbes and moisture in the soil, thus making the polyethylene plastics come all...come to pieces in very, very tiny little particles of the plastic material. Then these very tiny portions of the plastic material naturally can biodegrade much more rapidly than if the cornstarch were not present. And that's the basic mechanism whereby the biodegradability can be attained and over five or 10 years instead of hundreds of years. As far as the question about diapers and these other things, I would be quick to point out to Senator Hall and Senator Haberman that my wife and I were of the generation of Senator Haberman and have no experience with these disposable diapers as far as our personal use is concerned and would recommend to all of you who are using the disposables that you could save 40, 50, \$60.00 a month very easily by being a little old fashioned. And thank you, Mr. President.

SPEAKER BARRETT: Thank you. Further discussion on the first

part of the Hefner amendment. Senator Lowell Johnson, followed by Senators Nelson and Morrissey.

SENATOR L. JOHNSON: I will go now. Mr. Speaker and members of the Legislature, thank you for allowing me to make a couple of remarks on LB 325. I am pleased to join Senator Hefner and the other co-sponsors on this bill, seeking your support for the purposes of the amendment. We certainly aren't arguing that plastic has no place in our society. LB 325 only seeks to eliminate some of the negative aspects of plastics uses. Making plastic products more environmentally benign would, in fact, enhance its status in our society. The growing nuisance and the environmental threat posed by accumulating plastics in our landfill is obvious to anyone.

SPEAKER BARRETT: Excuse me, Senator Johnson. (Gavel.) The members will please desist. Senator Johnson is entitled to be heard. Proceed.

SENATOR L. JOHNSON: Thank you, Mr. Speaker. You don't have to be a PHD or have a PHD in environmental science to be alarmed and even ashamed of our blowing plastic debris or to understand that disposing of plastic waste is an extremely expensive enterprise and one that is growing more impossible each day. We no longer have the luxury of dumping everything into a hole in the ground. We can't even dig a hole deep enough to hold it anymore. To adopt the amendments without the modifications Senator Hefner is proposing would be a tragic waste of our time today and would show a total disregard for the progress made to develop biodegradable plastics. We have the Governor's research initiative, private research investments, contributions from the Corn Development and Utilization Board and some of our best university researchers engaged in solving problems associated with solid waste disposal. A very significant amount of money and creative energy has been directed towards this effort. Frankly, if we are not going to recognize some of the results of our dedicated research efforts, perhaps we had ought to give the farmers back some of their checkoff funds. It would be a cruel and demoralizing trick to play on those we have encouraged to develop degradable plastic technologies to tell them we aren't going to use what they have to offer. None of us, I think, would argue that there will not be some costs associated with converting our society to the use of degradable plastic products but there are also costs involved in not moving ahead. Many of our plastic containers in use today will be around for

centuries. It will ever be more expensive to dispose of these wastes properly. The wastes which our society consign to environmental...to the environment wash up on our beaches, collect in our road ditches and along our fence rows. It discourages tourism and invites lawsuits. It threatens the health and happiness of humans, wildlife and livestock. In fact, I recently had a letter from a constituent living near a landfill who had lost a cow that had ingested plastic litter blown into her pasture. That, to me, is a cost associated with plastic packaging regardless of who pays it. Senator Hefner's language represents a reasonable compromise. By adopting his amendment to the committee amendment, we would be phasing in the regulation of degradable plastics for personal consumption products, such as the trash bags and the disposable diapers that are used almost exclusively in the home. It would provide a fair test...

SPEAKER BARRETT: One minute.

SENATOR L. JOHNSON: ...of the biodegradable products to see if they are accepted by the general public and can be incorporated into everyday use. In a small but a significant way, we will be letting the public decide the future of degradable plastics. I would encourage each of us to support the Hefner amendments and then advance LB 325 without further amendment. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. The Chair is pleased to advise the body that we have some special guests in the north balcony. We have 47 members of the Statesmen Club from in and near Treynor, Iowa. Would you folks please stand and be recognized. Thank you. We're very happy to have you with us this afternoon. Please come back. Also, Senator Rod Johnson is proud to announce that his brother, Nick, is visiting and Nick Johnson is under the north balcony. Please take a bow, Nick. From Sutton, Nebraska, Nick Johnson. Thank you. We're glad to have you too. Further discussion on the first part of the Hefner amendment. Senator Nelson.

SENATOR NELSON: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Those in favor of ceasing debate, please vote aye, opposed nay. Shall debate cease? Record, please.

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CLERK: 26 ayes, 1 nay, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Hefner, would you care to close on the divided question?

SENATOR HEFNER: Mr. President and members of the body, just a few brief comments and this is on the first part of the divided question. This deals with the plastic bags used for groceries and shopping and it would add the word "recyclable" in there, plus "biodegradable and photodegradable". On the second part of that it deals with our garbage bags, our grass clipping bags and our leaf bags and it would say...it would take out "recyclable" because it's real hard to recycle those and it would mandate that these bags be biodegradable or photodegradable. I feel that this is a reasonable amendment and would urge your support on this part of the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the first part of the Hefner amendment to the committee amendments to LB 325. All in favor vote aye, opposed nay. Record.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the first portion of Senator Hefner's amendment to the committee amendments.

SPEAKER BARRETT: The motion prevails. Back to Section 11 of AM1349. Senator Hefner. (The second part of Senator Hefner's amendment appears on page 1670 of the Legislative Journal.)

SENATOR HEFNER: Mr. President and members of the body, this is the second part of the amendment and it takes care of the photodegradable disposable diapers. It says that by January 1, 1993 that no person shall sell or offer for sale at retail any disposable diaper which is constructed of material that is not degradable. And it says if the Director of Environmental Control determines that the biodegradable or photodegradable disposable diapers are not readily available at a comparable price and quality, then the director has the right to say that these retail establishments or these persons shall not have to offer them for sale. I think this is a reasonable time. This amendment was initially agreed by everybody but a little later some of the opposition said they couldn't live with it. But the reason that I would like to have degradable disposable diapers in the bill is because they represent a lot of the waste that is

going into our landfill. I just feel that we need to take a step, we need to nudge these manufacturers to start producing those. Like I said in my opening remarks, we do have a company in Colorado and I believe there is other companies that have developed them that are producing them and when they get into mass production there will be more of these degradable diapers available. And so I would just urge you to vote for this and if you have any questions, I would be real happy to answer them for you.

SPEAKER BARRETT: Thank you. Discussion on Section 11 of Senator Hefner's amendment. Senator Morrissey, would you care to discuss it? Followed by Senator Moore.

SENATOR MORRISSEY: Yes, Mr. Speaker and members of the body, I would like to thank Senator Hefner for bringing this bill to the Legislature as a bill I had initially looked at the concept to bring this year and found out that Senator Hefner had already done all the hard work on it and I would like to thank him for that. It's something I am very interested in. I definitely think this is the direction the state needs to take on mandating what the future products will look like in this state. We all know of the problem with waste disposal. We all know that biodegradable is the wave of the future. Plastics, as opposed to being the answer to the future, has now become a large problem. As...I would urge your support of Section 11 because the biodegradable diapers, as Senator Hefner said, is a large part of the volume in our landfills at the present time. Personally, I don't think this bill goes far enough and I think we should have gone farther but I am willing to go with it as it is to get started and let the people know, let the manufacturers know that if they want to sell products in the State of Nebraska, they will be working toward this end. As far as eliminating Section 11, I can see no argument in favor of eliminating biodegradable diapers just so Kimberly-Clark or Procter and Gamble can have the time to catch up with the small company in Colorado that is presently producing these diapers. I say that if those companies want to sell diapers in Nebraska, we let them know that by in 1993 they better be ready and that 1993 is plenty of time for them to develop the technology. I don't think we need to offer them any concessions because the product is now available. It's over on the table if you want to go look at it, it's there, and I can see no argument whatsoever for eliminating diapers, especially in light of the large volume of the waste that they produce. I would support Section 11,

support the bill. And, again, I say I don't think we're going far enough with it but I say let's get started on it and address it in the future and let everyone know that if they want to sell their products in this state, that they will be responsible for the waste that their products produce and the degradability of those products. Thank you.

SPEAKER BARRETT: Thank you. Senator Moore, followed by Senators Wesely and Abboud.

SENATOR MOORE: Yes, Mr. Speaker, and members, I rise to oppose Section 11 of the Hefner amendment, though I'm not a father yet and I someday may be and I guess I want to preserve the right to use disposable diapers if I so choose at some point in my life. And so, for that reason alone, I guess I rise to oppose the amendment. But one quick question I have of Senator Hefner on your facts and figures. You talk about 5 million tons of dirty diapers being buried throughout the United States every year? Didn't you say that in your opening, Senator Hefner?

SENATOR HEFNER: Yes.

SENATOR MOORE: That 5 million tons, is that before or after? What tonnage are you talking about there?

SENATOR HEFNER: I don't know. This report just gave the tonnage.

SENATOR MOORE: Okay, regardless of that...

SENATOR HEFNER: And that was by weight not by volume.

SENATOR MOORE: Okay. On a more serious note though, I understand what you're trying to do, Senator Hefner, but are you aware of any state that is doing quite...going to this extent to try and encourage the private companies to make just biodegradable diapers, just...are we treading on new ground with this?

SENATOR HEFNER: I don't know of any states that have this. There's a lot of states that have banned certain plastic products.

SENATOR MOORE: You're not aware of any other state that has put it into statute...and I understand where you're putting it a few

years out so we...the companies have time to catch up if they're not already there, but, to your knowledge, no other state has a law on the books similar to what you're trying to put on the books in regard to diapers?

SENATOR HEFNER: I don't know of any other state but I do know that several cities now are banning...

SENATOR MOORE: They're banning plastic products but none...

SENATOR HEFNER: ...plastic products, yes.

SENATOR MOORE: ...none...I mean, there's a lot of like your fast food wrappers and things like that, but you're not aware of any city ordinance that ban...goes as far as banning diapers?

SENATOR HEFNER: It just says they ban certain plastic products.

SENATOR MOORE: Okay. As I said, I rise to oppose Senator Hefner's amendment, and for a variety of reasons, the one...it's one of those things, I may, like I say, sound like Senator Hefner when I make this argument because Senator Hefner is often the one that says that...talks about free enterprise and letting industry catch up with what the mood of the people is but it's usually Senator Hefner that wants to do that. He's not usually the one that wants to use big government to put the hammer on people and I guess I'm kind of surprised that Senator Hefner wants to do this in this fashion. It's kind of out of Senator Hefner's character even though I do laud his efforts in this area. The fact of the matter is that if you adopt Section 11 of this bill, Nebraska will become the...to my knowledge, at least, will become the only state to actually ban these type of diapers. And I know, I fully understand what Senator Hefner is doing but I think the Legislature is going a little too far when we say put in statute that you cannot sell anything but a disposable diaper in this state that is biodegradable because you're limiting competition, for one, that's an argument that Senator Hefner usually makes. I don't want to use it to make it but I think it's going a little too far by putting that particular item in statute. And, for that reason, I would oppose Section 11 of this bill and urge the body to do so and remind them that if for whatever reason you would adopt Section 11, Nebraska would become the first state and, as far as we know, the first city of any...the first ordinance of any kind that totally bans these diapers. I don't think that's

something Nebraska wants to be known for.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Mr. Speaker and members, I rise as an expert on the issue of diapers and have spent a great deal of time working with them in the last few months as both the five-year-old...my five-year-old daughter just had a birthday yesterday. She, of course, has been out of diapers for some time but I had that initial experience and since have had a second baby who is now five months old. Let me assure you that I do not want to return to the olden days, perhaps, of Senator Haberman, ooh, that came out wrong. No, it didn't. But he discussed the old methods of handling that problem and the practices involved and I certainly do not want to go back to those days. I do, however, rise with a great deal of feeling of guilt because it is a convenient thing to use disposable diapers. It is, I think, far and away the practice used by most people my age with children. It is not something we're going to turn back the clock on and the better course of action is to take Senator Hefner's initiative and I applaud him for it, set a time line off in the distance and tell those manufacturers of disposable diapers we don't want them to continue to clutter up our landfills, not be biodegradable and to cause future generations problems, that we think it's inappropriate and irresponsible for those companies to not act on this issue. You know, we got into these battles before about, oh, pop tops, if you remember, they had the pop tops on pop cans and they took them and then they flipped them off and they went into the screens and the gutters and the lawns and across the state and we had legislation that said that we wanted them to be the kind that stay on the can, which Senator Landis has an example of right in front of us. They came up with that with an amendment...with a bill, I can't remember who the senator was, that now you can open them and it stays on the can, as Senator Landis is demonstrating for all of you, and we're able now to not have litter from pop tops on pop cans. That came about when the industry was opposing that bill. We pushed the bill forward and they came back and said, you know what, I think we could come up with a solution to this problem but it takes leadership, it takes vision and it takes action on this Legislature's part and other Legislatures' part to stop this problem from continuing. I think, clearly, we send a message and it's a message that will be heard and, hopefully, followed by other states. And I, for one, would like to see this deadline placed off in the distance, a goal set and

pressure applied to the companies to come up with biodegradable diapers. Now let me tell you that I want, for the record, to indicate, Senator Hefner, that if I'm still here in a couple of years and they haven't come up with a biodegradable diaper, I'm going to move to repeal or delay that deadline because I don't want to take away the right to have disposable diapers. But I think once set and that goal is articulated, I think you will see a response to it and I think we can come up with a solution. I don't think it's impossible, it's just simply not being pursued because enough pressure has not been applied. And I can tell you, as a parent, I haven't written to the companies saying, you ought to do something about this. I haven't said I have guilt feelings and bad feelings about this, let's do something about it. And I certainly buy enough products that maybe they would listen to me if I did contact them. But, nevertheless, you don't find the consumer out there expressing the kind of concerns that I think need to be expressed. This body is a policymaking body for the state. We know it's bad to have these diapers out there in our landfills not biodegradable and our way to do something about it is to help Senator Hefner and adopt this amendment and do something about the problem. It's a reasonable attempt to set a goal and move toward it and I would ask your support for the Hefner amendment.

SENATOR LAMB PRESIDING

SENATOR LAMB: The Chair recognizes Senator Abboud.

SENATOR ABOUD: Mr. President and colleagues, you know, this is an interesting problem. It's interesting because of the long term environmental impacts that these plastics are posing to our future. It's a problem but it's a problem that no one ever knows about because we bury the problem. We put the diapers in a plastic bag, that plastic bag goes to a landfill and the landfill...in the landfill it gets buried under dirt and other debris. So it isn't a problem that we see every day. It isn't a problem like they're having up in Alaska with spilled oil all over their shoreline, killing fish, seals, destroying the environment. But it's a time bomb. It's something that's going to be buried in our earth and it's not going to...it's not going to be biodegradable. And maybe that's why we haven't had a lot of constituents contacting us about a problem. If those diapers were left out on the street and they saw the diapers being piled up and piled up and piled up, we would have a lot of constituents contacting us, but that's not the case because we

bury it beneath the earth. Now this isn't probably going to be the most important issue that we're going to be debating here as far as constituents are concerned but I feel it's going to be an important issue that...for the future of those babies that we're talking about. It's an issue, I think, that's important to us not only environmentally but also from a farmer's perspective it will lead to higher corn prices. And, with that, I would like to ask Senator Hefner if he would yield to a question. Mr. President.

SENATOR LAMB: Senator Hefner.

SENATOR ABBOD: Senator Hefner, what will be the result of using corn in these products? Will we see higher corn prices as a result of disposable diapers?

SENATOR HEFNER: Senator Abboud, I would hope so. It's been estimated that there would be around 300 million bushels of corn used if we go from just regular plastic to degradable plastics.

SENATOR ABBOD: Thank you.

SENATOR HEFNER: And I've seen other figures like that too but they also said it could raise the corn price some. I don't know what amount, maybe 10 or 20 cents a gallon.

SENATOR ABBOD: Thank you.

SENATOR HEFNER: Or not a gallon but a bushel.

SENATOR ABBOD: I think this is really a no-lose situation as far as with this particular bill. We have a problem. It isn't a problem that's easily noticed by the general public but it is a problem and the solution to the problem will lead to more economic prosperity for the farmers across this state. And I would be very proud to be the very first state to enact a law like this which will help to increase corn prices for our farmers and in turn will increase the amount of economic prosperity for the state. Let's be at the forefront of this issue environmentally and I think that other states will soon follow. I urge the rejection of the Schmit amendment. I urge the adoption of this particular amendment. Thank you.

SENATOR LAMB: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, we're making, I think, rather light of this issue because it is a very serious one and I added my name to LB 325 because there were some particular areas that I had of interest of this issue because it starts us down the path of tackling basically two fundamental problems that this state has. The first, of course, the most obvious happens to be the environmental concerns that I think are beginning to spread around the state with the contamination of groundwater and our soil. The second is, of course, the surplus of grain that we have and the potential of using a grain...or a corn-based product in an alternative way other than feeding it to cattle or making ethanol of it. Here is another alternative source for us to use our commodity in a different way than we do currently. So we're tackling two basic problems. And I think that Senator Hefner should be commended. I know that the Nebraska Corn Board has taken...or Corn Growers Association has taken a very active interest in this issue and has led for its support. We're making light of the diaper aspect of this and that's maybe a rather significant or insignificant aspect of the bill but, to me, at least it seems that as we recognize that Nebraska does have some contamination problems and they are contamination problems that don't always relate to agriculture, as some people would suggest that the most contamination comes from that area, we have a lot of city municipality landfills that are causing contamination around the State of Nebraska and if this can help resolve some of those problems, whether it includes or does not include diapers, I think it's a meritorious piece of legislation to move forward. I have had a lot of you come up to me, I guess, since I'm the newest father on this floor, and ask me about the biodegradable diapers and have we used them. The answer is, yes. Does my wife like them? The answer is, not really, but that doesn't mean or doesn't reflect that the product is not a good one. It's simply not yet at a quality, I think, that the commercial purchaser of that product may want, at least that's the consumer side of what my wife has told me. And I make no representation that it's a bad product, it's simply a different kind of product than the other types that are on the shelves today. And if we feel that this is a high enough priority that we feel it's important to pass the bill, then I suggest that we include it. If you feel that the production level of providing biodegradable diapers on our shelves cannot be met by 1993, I think is the way the amendment reads, then I don't think we should mandate that. But I'm still listening to debate. I'm still trying to find out whether or not production schedules can be met so that the state

can meet this obligation. But, please understand, I'm no diaper king, I don't understand all of this and I've had a lot of you ask me whether they're good or bad. I would suggest have a child and find out yourself. Thank you.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Senator McFarland, please, additional discussion.

SENATOR MCFARLAND: I will yield my time to Senator Haberman.

SPEAKER BARRETT: Senator Haberman.

SENATOR HABERMAN: Well, Mr. President and members of the body, I would just like to make a comment, if I might. I...I hope that everyone appreciates the fact that this body is so flexible. Yesterday we spent \$120 million and today we're standing here discussing diapers and I just want to tell you that that takes some doing and I'm proud of my colleagues that we can switch gears, like we have, from 120 million expenditures to discussing diapers. Thank you, Mr. President.

SPEAKER BARRETT: Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. Senator Hefner's amendment has considerable flexibility. It has considerable time. Things are coming along in this industry quite well. We can have an industry that consumes a great deal of our corn products. I'm not sure whether the technologies of the major companies are ready for a 1993 deadline. However, with the stipulations relative...relative to the product that would have to go through the criteria as proposed in the bill, it seems somewhat reasonable that we should pass this amendment. There is one other area that has come to my attention that I would like to have a correct answer to sometime if one of you would...if anyone here knows, and that is that we're talking about the diaper itself in the landfill but I have heard that the contents of the diaper, strictly interpreted from a legal standpoint, may not be legal to take to landfills. And I wonder if anyone can enlighten me on that. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Nelson.

SENATOR NELSON: I'm so tempted to call the question but I guess

I won't. I'm like everyone else. And I'm sorry, I disappointed Senator Haberman, I think we all know where we stand on this and, hopefully, we all support it and so on. But I guess that this is too important an issue for me not to try to get my...or at least a minute or two in on it. I think there is something else that we have not discussed today and we think of the disposable diapers as young babies and children and so on. Another concern are the hospitals today and the 50 percent of the elderly that use diapers in institutions. These, again, are affected by the same problem. Another thing that we have not talked about today is the nondisposable diapers, the viruses that they may contain and the live viruses, these things are, of course, possibilities. Disposal of the human excrement in residential garbage is prohibited by solid waste regulations and yet it is...is not carried through and it is not enforced. So I would be very happy to think, as Senator Moore says, why do we want to be the first? Why not be the first state that takes this step forward? Senator Abboud asked about the amount of corn that may or may not be used. We're probably talking about 70,000 bushel a day in each one of these products that we're talking about. This comes from the...let's see...well, it's the one...the ag group that I happen to belong to, Consumers for Agriculture, and, again, we're talking about a 150 to 300 million bushels of corn, not a lot in the corn market, and so on, but if we can increase that corn price by five cents or six cents and, again, help ourselves, I see no reason not to do it. It just...it makes sense and other states, Iowa has...February the 13th, Governor Brandstadt gave out an order effective July 1st, starch-based plastic products, biodegradable foam products, other disposable ones that do not address diapers. But this is a major problem and our landfills are filling up far too rapid and this is just one simple thing that we can do to help address it. Thank you.

SPEAKER BARRETT: Thank you. The Chair is pleased to announce some special guests under the south balcony from Dawson County, Mr. John Morrison, Mr. Bill Bodroza and Mr. Emil Fout. Please stand and take a bow, gentlemen. Thank you. Additional discussion on the divided question, part two, Senator Schmit, followed by Senator Hefner.

SENATOR SCHMIT: Mr. President and members, I would have to rise in opposition to the present Hefner amendment for many of the reasons given by Senator Moore and several others and I would just like to say this. First of all, I'm not even sure that a

diaper, a disposable diaper, as such, is legally disposable in a solid waste site. I think there is something about that. Secondly, I know that if you can add that much to the value of a corn crop by the use of disposable diapers, then I'm all in favor of it but I want to say this, you are going to have to sell a lot of corn to pay for the diapers. If they cost \$1,700 per child for each diaper, Senator Hefner, I think Senator Rod Johnson and these younger men here will take a second look at that also, which is one reason why, with my family, we never got into that too much, I guess. I just want to say that for 18 years I have been trying to encourage the use of ethanol as a fuel additive and I have made some small amount of progress, as most of you have assisted me in that, but I don't think Senator Hefner would want me to outlaw the use of unleaded gasoline unless it contained ethanol by the year 1992. Even though we know that it works, the product is here, it is economical, it's feasible, it is environmentally clean, it prevents an awful lot of problems that we have from the other nonblended fuels. But if we're going to go with the diaper route, mandate the use of a certain type of diaper, then why don't we go that extra step and really step up the market for corn and mandate that we use nothing but ethanol blended fuels in the State of Nebraska? And I do appreciate the enthusiastic support of the Corn Growers for this project. I would hope that they would not forget where the original idea came from and how many times I had to drag them kicking and screaming into the fold to keep them coming on the ethanol thing. I just want to say that the last thing, I think, it would be kind of ridiculous. I suggested to Senator Tim Hall, if you will read the amendment, the Director of Environmental Control is going to decide if there is a sufficient supply of biodegradable diapers available for the marketplace. Maybe Senator Hall or Rod Johnson or these other younger fathers, by that time... Senator Abboud, could be chief of the diaper division of DEC. That would be quite a title, I think. You could probably handle it right along with the job we have here and you could get to the bottom of things in a hurry. I'm going to just say at this time, I'm willing to listen to these arguments on Select File. I appreciate the work that has been done by the introducers of this bill. They have done a... they've come a long, long way and I do appreciate it and I do agree there is a tremendous market out there for additional cornstarch products. I'm going to give the rest of my time to Senator Doug Kristensen and I would just have to at this time oppose the amendment but I keep an open mind.

SPEAKER BARRETT: About a minute and a half, Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. Thank you, Senator Schmit. Senator Rod Johnson, I hope that you're not requesting that I go out and try to find a child to try out those diapers with. I'm deeply concerned about tough laws and biodegradability. And, certainly, through some of the studies that we have had with low level waste disposal and so on it's come to my attention that there is a strong need for legislation on all types of disposal and particularly solid waste disposal and biodegradability is just one phase of that. However, I don't think that the 49 of us ought to be sitting here on a day to day basis deciding what goes into a landfill and what shouldn't because the next day we will debate a whole other issue, whether it's diapers one day or toothpaste tubes the next day, or colored toilet paper, or whatever.

SPEAKER BARRETT: One minute.

SENATOR KRISTENSEN: I think that those are properly done through administrative hearings where we have the chance to sit down and look at the whole procedure and not make those legislative debates item by item what should go into a landfill, what shouldn't, those things should be done as a matter of course for administrative hearings and the Department of Environmental Control are the people that ought to be looking at this instead of us on the floor of the Legislature. I commend you, the sponsors of this bill, biodegradability is the way of the future. Let's keep it that way. Let's have a broad approach and a framework but not get bogged down in the diaper disputes. I mean, this is what gives us a bad image if we sit and start talking about piece by piece of what we're going to sell and what we're not and what's going to go to a dump and what's not going to go in and I guess I would urge us to frame these sorts of bills to give us some guidance and administrative procedure so they can study the technology, so they can study what the wave of the future is going to be...

SPEAKER BARRETT: Time.

SENATOR KRISTENSEN: ...and do it in a logical way and not piece by piece on the floor of the Legislature. Thank you.

SPEAKER BARRETT: Senator Hefner. Thank you. Senator Schellpeper. Senator Schellpeper moves the previous question.

Five hands? Yes, I do. Those in favor of ceasing debate, please vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Hefner, for closing.

SENATOR HEFNER: Mr. President and members of the body, I would like to answer a few questions that were asked during the discussion. I think we have had a very good discussion. This is a very, very serious amendment but I do have a note here that says that Iowa, Illinois, Indiana are working on the same programs that we are working here in the Nebraska Legislature. And, Senator Schmit, I want to go on record that I would support using 10 percent ethanol in our unleaded gasoline, in fact, I will support using it in all gasoline because I think the time has come that we need to take some of these steps. If we can't get some of these companies to do it, we need to work with them. We need to keep nudging them to do some of those things. But getting back to the diapers and this is what this amendment is all about, the technology is there, the process is there. The process is there to produce degradable diapers so why aren't we producing more of them? We need to keep nudging these companies along a little bit more. Time is running out on us and so we need to do it. There are several large companies that can produce these. They say they have the technology to do it but they're not producing them in large enough quantities. The Colorado company that we talked about has increased their sales tenfold in the last year and I'm sure that the next year will be many more. If we pass this bill with this amendment on, maybe we can get some of these companies to locate in Nebraska. But, like I said again, I think we need to work with these companies. We do have in this amendment, I think, some protection. We say that if they are not producing enough diapers by January 1, 1993, we will delay this and if I'm here in the Legislature and see that we cannot do it, well, I'll certainly introduce a bill to repeal this section of the law. But I think we do have. And I would like to yield the rest of my time to Senator Morrissey.

SPEAKER BARRETT: Senator Morrissey.

SENATOR MORRISSEY: Thank you, Senator. Mr. Speaker and members, if you heard a good argument here today against Section 11, I would like somebody to come over and remind me of it. Senator Moore said it could discourage competition. I say

if you want to discourage competition, vote down Section 11. If you want to crush the chances of any new company in our state to develop these new diapers and hand it all over to the large companies, to Procter and Gamble, give them the chance to catch up on what these small innovative companies have done, then vote against this. If you want to give...if you want to give the people of our state the chance to get in on this process, vote for this amendment. If Procter and Gamble come to me and guarantee me that they want to hold back on this because they want to site a factory in Nebraska, well, then maybe I'll think about it. I would sure hate to think that we would be one of the first states to get into this business and, as Senator Hefner said, all these other states are now in this business, they're all looking at this bill, Minneapolis, Minnesota is another one, they banned...are banning all plastics. They don't say diapers in particular but they are made of plastic. If you're looking for the alternative use of our crops, this is one way to do it. And what Senator Kristensen said, we're not making a list of what goes into the landfill but how long it will be there. This is a good amendment. I say again the technology is available, give these small corporations an edge over these large corporations and allow this alternative use of our crops in this state. Thank you.

SPEAKER BARRETT: One minute.

SENATOR MORRISSEY: Senator Landis would like one minute, maybe.

SPEAKER BARRETT: Forty-five seconds.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, as far as I know, one of the things that happened here is that somebody in New York City called up Walt Radcliffe and paid him a couple thousand dollars to come down here and persuade the Legislature that we should have Procter and Gamble diapers in this state. And I will tell you this, as funny as this has been today, the solid waste problems of this state are far too important to have this much good humor about. The materials that are put into our ground, close to our groundwater and the fact that they are not biodegradable and the fact that they have a toxic quality, the fact that we have a chance to do something about it but we don't, we sit down here and instead we make a good joke...

SPEAKER BARRETT: Time.

SENATOR LANDIS: ...to help some guy who is a 1,000 miles away who does his...all his business by long distance telling us what we can or should or shouldn't do and puts his money behind it, really is a way of turning your back on the future and failing to recognize that solid waste in this state has a big set of problems and the best way to attack them is biodegradable products and this is your chance, I think, to make a good statement on that behalf, and I intend to support Senator Hefner in this endeavor. I hope you do too.

SPEAKER BARRETT: The question is the adoption of the second...the second part of the Hefner amendment, Section 11. Those in favor please vote aye, opposed nay. Have you all voted? Record.

CLERK: 21 ayes, 9 nays, Mr. President, on adoption of Senator Hefner's amendment to the committee amendments.

SPEAKER BARRETT: The amendment is adopted. Next amendment.

CLERK: Mr. President, Senator Hefner, the next series of amendments are yours, Senator. You want to withdraw.

SENATOR HEFNER: Withdraw.

CLERK: Mr. President, Senators Hall and Haberman would move to amend.

SPEAKER BARRETT: Senator Haberman.

CLERK: Want to withdraw?

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Withdraw it.

SPEAKER BARRETT: It's withdrawn.

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

SPEAKER BARRETT: To the committee amendments, is there any discussion? Anyone care to speak to the committee amendments? Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I would like to have asked for a call of the house and a roll call vote on that amendment. I just think that sometimes...but I didn't do it because I think that sometimes, as we have said many times on this floor, you have to learn to live with what you've got. It's easy to talk about, you know, let's do something for the environment. It's easy to talk about let's do it now, let's get in a big hurry. Let me report...repeat again, I believe it's illegal to take a disposable diaper to the dump, in plain language. Do you want to expose your sanitation workers to that sort of material? I don't think so. You're talking about something you don't know a damn thing about. You are hauling things to the dump which don't belong there. Now that's fine with me if you want to do it. I have had more experience with diapers than most of you in this room and more than Senator Morrissey and a number of others all put together and I really don't care what you do with the thing because, as I have seen it happen many times, we have spent most of this session so far correcting mistakes from '87, '88 and maybe even as far back as '86. So if you want to come back after a while and correct the problem, that's fine with me. Number two, there are portions of the disposable diaper, when they break down, which in themselves may find...you may find in the water supply, the underground aquifers, which are much more detrimental than the plastic itself. And so you ought to learn a little bit about what you're talking about. We get a bunch of instant experts on the floor relative to diapers and most of them, like myself, haven't ever touched one and aren't probably going to do it, and so we have a lot of solutions. Makes no difference to me, ladies and gentlemen, I commend Senator Hefner for his interest and I commend him for his latent support of mandating use of gasohol but he opposed me on this floor for 10 or 15 years on that same issue. I'm glad he's seen the light. When you get that brilliant all at once though then it carries over into diapers and sometimes I wonder how much we know about it. I really think this, that the issue is not going to bother us too much, an issue that is so important ought not to have to wait until 1992. I would suggest that we have an amendment on Select File to make it 1990. If it's going to be good, why wait? We've got the stuff right here that says they're available right now. And so I'm going to offer an amendment on Select File that we bring them in on 1990 and I hope that we have that much enthusiastic support for that amendment. I would hope that you would take a look at these things. We talked about the pop top cans, and so

forth, how the industry opposed that. Industry did not oppose the pop top can. Senator VonMinden, that's his claim to fame, he sponsored that bill on this floor here and it became a matter of law, but the industry did not oppose it. Industry opposed the fee on the pop cans, as I well recall. I just want to say this, I encourage you to go back and check the record. It's not an issue...Senator Landis is right, it should not be joked about. It should not be joked about either pro or con. I have no concern, ladies and gentlemen, with how you vote as long as you have enough information to make the...to make the right decision. Last of all, will you check with the Department of Environmental Control, Senator Hefner and Senator Morrissey and the rest of you who are so concerned about this issue, to find out today if a disposable diaper and the contents...I assume you're not going to rinse it, will qualify as toxic waste. If it does, I don't believe you can dump it in the city dump. Now you may have have just solved one problem and increased the market for us farmers, but I'll tell you where the diapers go then.

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: They go along the road ditch in Section 1630, Range 2, by Bellwood, and I don't like that. I've mowed through enough of those things that I don't like to have those diapers dumped in the road ditch. And so when they are dumped in the road ditches and along the cornfield and the fences we know who will be picking them up. It will be the farmer again. It won't be my good friends from the city. So will you please check on that and we will determine on Select File just how tough we want to be. Thank you very much. I support the bill. Very frankly, I hope it speeds along with great haste. Thank you.

SPEAKER BARRETT: Thank you. A reminder that we are on the committee amendments. I have a number of lights on. If you don't care to speak to the committee amendments, please waive off. Senator Dierks.

SENATOR DIERKS: Question.

SPEAKER BARRETT: It's a little premature, as much as I would like to recognize it. Senator Haberman, would you care to speak to the amendments?

SENATOR HABERMAN: No.

SPEAKER BARRETT: Senator Abboud.

SENATOR ABBODD: Well, Mr. President, I will say a few words and, hopefully, someone will call the question after I get through. I would like to say that...well, apparently we haven't had any discussion and the only way we're going to be able to call the question is if we have some discussion. I think that the committee amendments are in good form. I would like to see the body advance those committee amendments and advance the bill today. Thank you.

SPEAKER BARRETT: Thank you. I will continue going through the board. Senator McFarland.

SENATOR MCFARLAND: I will call the question.

SPEAKER BARRETT: I won't recognize it at this point. Thank you, Senator McFarland. Senator Chambers, do you wish to discuss the committee amendments?

SENATOR CHAMBERS: Mr. Chairman, for these kibitzes I never call the question, I never vote to call the question so your hopes can fall if you think that's ever why I've got my light on. Mr. Chairman and members of the Legislature, I listened downstairs to the discussion and my only comments are these. Whenever you see farm area senators talking about the environment, you know there's a dollar sign attached to it and they're going to make money. They were so afraid about the Communists taking over America till they found out that there were products that they could sell to the Communists and suddenly they weren't so worried about them anymore. Wheat deals with China, I'm talking about. Wheat deals with Russia. That's why you don't have to worry about a nuclear holocaust, those five-year wheat deals are insur...grain deals, various types of grain, they are insurance policies. Every time there is a grain deal in effect, there is not going to be a nuclear war. So when you see America and Russia, America and China working out these grain deals, it goes much further than that. But farmers tend to be so short-sighted and their representatives even more short-sighted they don't take the broad view and understand that those wheat deals and other grain deals represent insurance against nuclear holocaust. But on this issue I can see the dollar signs. But if we talked about the kinds of chemicals that go on the products that will be

consumed by urban people, the farmers aren't so quick to say ban all these chemicals. The first thing they want to say is, well, you've got to eat 10,000 apples in five hours to get cancer, or we're not going to contaminate the groundwater, everything to resist those substantial moves that will protect the environment and protect the populace as a whole. But when there is a way to target a certain group and line the greedy farmer's pocket then here they come boogity, boogity, boogity. If they had this much concern for the environment, then we wouldn't...we know we would have a much different type of farming going on in this state. We wouldn't have anybody with a crop-dusting airplane. We wouldn't have Senator Elmer able to stand up here and talk about all his chemicals this and all his chemicals that. Why, when I was downstairs I thought that...who was that guy with the mustache down here, Frankenstein's brother, Einstein, I thought Albert Einstein had been reincarnated and was up here lecturing to the body...butane, isopropylene, things I had never heard of before. I thought he was speaking German and then I caught onto what the discussion was about and he was actually naming byproducts of natural gas, he said. We have very intelligent people in this body but we also have self-seeking, greedy people. And I think a lot of you saw that picture with Michael Douglas in it who said, greed is good, greed works. And when it comes to certain aspects of solid waste greed is good, greed does work because greed is the motivating factor behind this bill, but we don't care about the motivation. If the end is good, we don't care about the means. The end justifies the means and the end is to make some money. The secondary end is that certain types of solid waste may be prohibited but I would like to see that same concern extend to the chemicals that might be a greater hazard while they're producing these crops that are going to produce products to replace those nonbiodegradable substances that are being discussed. I'm going to watch but I already know what's going to happen because I have been here too long. "Baron Hefner", you've got a basically good bill. The goal of it is laudable...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...but attacking the babies and those who have babies, I think, is not a wise thing, but since that's been put off till 1992, or whatever, it will be changed before then. But I don't think the...1993, I don't think the message is even good. While people were standing on the floor talking about babies, I have washed diapers by hand. I fed my children when

they were small with a bottle, washed the bottles, took my children on walks, then I went to the other types of diapers, the Pampers, and I could probably put them on tighter and faster than anybody in this body, not excepting Senator Loran Schmit. I would challenge any of them. Right now, anybody who's got a baby and would be willing to let that baby serve as the exhibit, I will challenge anybody in this body, best three out of five, putting those diapers on and I will win all of them.

SPEAKER BARRETT: A reminder, the discussion is still on the committee amendments. Senator Hefner, followed by Senator Elmer.

SENATOR HEFNER: Mr. President and members of the body, I thought maybe we better get back to the committee amendment. Is that all right with you, "Toe Crusher Chambers"? Okay. But I will take you up. I believe that I can change diapers faster than anybody on this floor, but that's beside the point. But let me explain the committee amendment to this body now, just so we know what's in it. Okay, the first part takes care of the plastic rings, the degradable plastic rings for the six and 12-packs of beverage...of beverages, and that would say that they have to be degradable by January 1, 1991, the plastic bags by January 1, 1992 and the degradable diapers by January 1, 1993. The committee amendment does strike the degradable food containers and the Styrofoam cups because we thought we better go along a little bit with the Natural Resources Committee. And so I would just urge, at this time, that you support the committee amendments as amended.

SPEAKER BARRETT: Thank you. Senator Elmer.

SENATOR ELMER: Mr. President, I thank Senator Chambers for his comments about the chemical lecture that I gave up here a short time ago about biodegradability and would also address some of the environmental concerns about chemicals. As far as I'm concerned, if they banned chemicals in the United States entirely, especially for us people that have to handle them and distribute them, it would be a tremendous asset. You can't make money on them. They're hazardous to your employees, they're hazardous to the environment and they really are only beneficial to the agricultural people themselves and that's why there is the demand. And, with that, thank you very much.

SPEAKER BARRETT: Senator Rod Johnson.

SENATOR R. JOHNSON: Question.

SPEAKER BARRETT: The question has been called. I do see five hands? Shall debate now cease? Those in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Anything further, Senator Hefner? Senator Schmit. Senator Schmit, to close. He's excused. We'll waive closing. We'll go directly to the vote and the question is the adoption of the committee amendments to LB 325. All in favor vote aye, opposed nay. Record, please.

CLERK: 31 ayes, 1 nay, Mr. President, on the adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Anything further on the bill?

CLERK: Nothing further on the bill, Mr. President.

SPEAKER BARRETT: Thank you. Senator Hefner, would you speak to the advancement?

SENATOR HEFNER: Mr. President and members of the body, I move for the advancement of the bill.

SPEAKER BARRETT: Thank you, sir. Any discussion on the advancement of the bill? There are a few lights on left, I will go through them. Please waive off if you don't care to talk. Senator Morrissey, would you care to waive or speak? Advancement of the bill. Thank you, sir. Senator Moore. Thank you. Senator Abboud. Thank you. Senator Rod Johnson.

SENATOR R. JOHNSON: Thank you. Thank you, Senator Chambers. Mr. President and members, I do have something to say. I wish to basically come back to what Senator Chambers talked about which was the environment and the fact that we're motivated solely by the dollar of any issue and I take exception to that particular point. I think that you will note Senator Chambers serves on the Agriculture Committee. I think he had an opportunity to hear the bill, LB 161, which is the FIFRA bill which has been bracketed this year but does deal with farm

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

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

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

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

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

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

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

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

but is one we cannot ignore and must address, and the one initiative that we have before us at this time, the certificate of need initiative, one that we have to recognize plays at least a role in trying to contain health care cost and needs to be changed and improved but can't be weakened or gutted to a point where it is not effective any longer in dealing with those problems of duplication of services and excessive expenditures beyond what is reasonable. Now I know as we go through this and talk about the amendments, that there will be an easy and a hard way for you to go...

SENATOR HANNIBAL: One minute.

SENATOR WESELY: ...and the easy way will be for you to vote against this amendment and perhaps some other amendments because I can tell you, and I know the lobby has got a number of representatives there from the hospital, nursing homes, perhaps the physicians. They are very much in agreement and want to see the bill go through as it is, although we're continuing to negotiate. The Department of Health and the health and insurance industry cares about this question, but are neutralized and unable to participate in helping us to contain the costs of health care and get involved in this issue, and who is left on the other side? Well, that's us really, representing the consumers, the public, the taxpayers of this state. That is who we are here to represent, that is who we are here to try to serve and in my estimation this bill is inadequate in meeting the concerns of the consumers, the public and the taxpayers because it too far weakens the certificate of need process and with reasonable amendments which I am offering at this time we can get back to a change in the bill that improves the legislation and still maintains the oversight we need on this very important matter.

SENATOR HANNIBAL: Thank you, Senator Wesely. Before we proceed, I understand we will have an amendment to the amendment, but, Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Senator, just one item, Senator Lindsay would like to add his name to LB 325 as co-introducer. (See page 1681 of the Legislative Journal.) That's all that I have, Mr. President.

SENATOR HANNIBAL: Senator Wesely, would you care to recess us for the noon hour?

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this go on about the possibility down the road of some kind of discussion down the line of the two entities, namely, the local monitoring committee and DEC, under its rules and regs, getting into a dispute over was the money properly expended, and maybe we need a better agreement right up front on how that process is going to work. We are about out of time and we may want to come back to that. That is the question I want to raise and I think we have got, at least, some intent here into the record, and I would not want to see this unnecessarily tie the hands of a local monitoring committee that might have legitimate reasons to wish for more data or a different analysis of data. Thank you.

SPEAKER BARRETT: Time has expired. Any other discussion? Any closing, Senator Schmit?

SENATOR SCHMIT: I have no closing, Mr. President.

SPEAKER BARRETT: Thank you, sir. The question is the adoption of the Schmit amendment, AM1403. Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Schmit's amendment.

SPEAKER BARRETT: The amendment is adopted. Mr. Clerk, for the record.

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate Standing Committee for confirmation hearing. I have a series of appointment letters from the Governor. Those will be referred to the Reference Committee, Mr. President.

Enrollment and Review reports LB 182 to Select File, LB 325 Select File, LB 247A, LB 651A, LB 603, LB 603A, all to Select File. Enrollment and Review reports LR 2 as correctly engrossed, Mr. President. A series of amendments to be printed, Senator Coordsen to LB 89; Senator Lynch to LB 89, Senator Lynch to LB 89A; Senator Lamb to LB 84 and LB 84A. (See pages 1726-33 of the Legislative Journal.)

Mr. President, the next amendment I have is by Senator Schmit. Senator, I have AM1417 in front of me. (See page 1733 of the Legislative Journal.)

SENATOR COORDSEN: Just move the bill, Mr. President.

SPEAKER BARRETT: Thank you, Sir. The question before the body is the advancement of LB 182 to E & R Engrossing. Those in favor say aye. Opposed no. The ayes have it, the bill is advanced. LB 325.

CLERK: Mr. President, 325 is on Select File. The first item I have are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: (Microphone not activated) ...LB 325.

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments to LB 325. Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, Senator Baack would move to amend the bill.

SPEAKER BARRETT: Senator Baack, for an amendment to 325.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, I will...I understand that Senator Hefner has an amendment coming up so for right now I will withdraw that amendment, and if his amendment is adopted, I will probably just withdraw it altogether. So we'll just withdraw that for right now. Thank you.

SPEAKER BARRETT: It is withdrawn. Thank you.

CLERK: Mr. President, Senator Hefner would move to amend the bill. (The Hefner amendment appears on page 1878 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I do have an amendment that I wish to offer. It's a compromise amendment. I would like to ask a Page to pass these out. This amendment was worked out with some of the opponents and this is the amendment to an amendment that we adopted the other day. We strike "January" and insert "October". So the effective date would be delayed from January 1993 to October 1993. We also put

a definition of "quality" in the bill. The definition of quality shall say, "The determination of quality shall include a study of environmental impact and the fate of such disposable diapers." I feel that we do have the technology and the process to manufacture disposable, degradable diapers but there are some companies involved that feel that they do not have a good technology yet. And, like I said in my opening statement when this bill came up on General File and I also said at the public hearing that I did not want to put any company out of business. And so I want to hold to my word. There is a Colorado company that are manufacturing these diapers and they're having a real good response. In fact, their sales have increased tenfold just recently. So I feel that we do have it, but in order to help these other companies that say that they believe that they would have a problem with it, I want to certainly try to help them out too. And so I offer this amendment in good faith and hopefully there will not be any more amendments to this bill. So this is a compromise amendment and I wish that you folks would support it.

SPEAKER BARRETT: Thank you. Discussion on the Hefner amendment? Senator Nelson, would you care to discuss it? Senator Korshoj, would you care to discuss the amendment?

SENATOR KORSHOJ: Mr. Speaker and members, I would like to ask Senator Hefner a question. You referred several times to a compromise. Who were the parties in this compromise?

SENATOR HEFNER: I, as an introducer of the bill, was one of those and the company that we were working with was Procter and Gamble.

SENATOR KORSHOJ: And all this does is set it back ten months or nine or so?

SENATOR HEFNER: Yes.

SENATOR KORSHOJ: Otherwise does not really change the bill any to speak...

SENATOR HEFNER: Well, it also spells out the definition of quality. They thought we ought to put a definition of quality in the bill. I don't think it was necessary, but if this makes them happy and they will not oppose the bill, well, I'm willing to go with it.

SENATOR KORSHOJ: You don't think it will harm the bill any, that...

SENATOR HEFNER: No, I don't.

SENATOR KORSHOJ: Okay, thank you. That is all.

SPEAKER BARRETT: Thank you. Senator Morrissey.

SENATOR MORRISSEY: Yes, Mr. Speaker and members, thank you. Senator Hefner, I've got a couple of quick questions too. I hadn't seen this amendment and it doesn't look to be too much of a problem. You stated that you stated early on we don't want to run anyone out of business. Now it's not Procter and Gamble that we're looking to run out of business, is it by...are they worried they might go under if we do this?

SENATOR HEFNER: They didn't say that. They just said that they were having...they were having problems with the way the bill was drafted and so I agreed to meet with them, and I said if we could come up with wording that would help them and wouldn't hurt the bill too much, and I don't think it does, certainly it delays the implementation nine or 10 months but I don't think that's too bad.

SENATOR MORRISSEY: Did they...

SENATOR HEFNER: I don't have any problem with the definition of "quality".

SENATOR MORRISSEY: Did they state a specific reason for having to delay this nine or 10 months or is that so they could get their technology in line so they would be ready to jump in the market when we're ready?

SENATOR HEFNER: This was one concern that they needed a little more time. They didn't feel that they did have the technology to produce a good quality disposable degradable diaper, and before they went on the market with one, well, they wanted to be sure that it was the one that they wanted to put on the market.

SENATOR MORRISSEY: Okay, and the determination of quality shall include a study of environmental impact and fate of such disposable diapers. Did they elaborate on their concerns with

that, having to put that language in there?

SENATOR HEFNER: Well, when I...when I met with them this morning, I told them that I didn't want the degradable diaper on any different terms than the nondegradable diapers and this is the reason we put that wording in.

SENATOR MORRISSEY: Oh, that's all...okay, all disposable diapers. Okay. Well...

SENATOR HEFNER: Yes, if I may, this would...

SENATOR MORRISSEY: Go ahead.

SENATOR HEFNER: ...treat all disposable diapers the same way, whether they were degradable or nondegradable.

SENATOR MORRISSEY: Well, I guess I always said all along that I didn't think we were going quite far enough. I would hate to hamper the bill in any way so I guess this amendment is kind of all right. Thank you.

SPEAKER BARRETT: Thank you. Senator Elmer, please, followed by Senator Hall.

SENATOR ELMER: Thank you, Mr. Speaker. Looking at the amendment that Senator Hefner has offered, saying the determination of quality shall include a study of the environmental impact and fate of such disposable diapers, addresses one concern that I have had about the whole biodegradable plastic issue. That is if you put a 100-pound block of plastic in the ground that's not biodegradable and you put a 100 pounds of plastic in the ground that is biodegradable and the biodegradable degrades into many small, tiny even molecular size pieces of polyurethane and polyethylene, how is that going to compare with this big block of plastic that's not? And this will address that. I wholeheartedly support this amendment and the passage of the bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Hall.

SENATOR HALL: Thank you, Mr. President. If Senator Hefner would respond to a question.

SPEAKER BARRETT: Senator Hefner, would you respond?

SENATOR HALL: Senator Hefner, the amendment would...the October from January date, what exactly does that put off? I have...with regard to the bill and there has been so many amendments and everything, can you lay that out for me just to explain that date again, Elroy?

SENATOR HEFNER: Okay, delaying the date from January 1, 1993 to October 1, 1993 is for the disposable degradable diapers only. Referring back to the rest of the part of the bill, the first part of the bill takes care of the plastic ring holders like you...

SENATOR HALL: All right, that's far enough, that answers, I think, my question...

SENATOR HEFNER: Okay.

SENATOR HALL: ...except now since we're delaying this, Senator Hefner, for 10 months and we're looking at 1993 which is how many years away? A good four years almost?

SENATOR HEFNER: Four years.

SENATOR HALL: Yeah. If there is, I guess, the technology that's developed between now and sooner than 19...October of 1993, would you be willing to come in here and amend the section of statute that would, I guess, have the date...call the date forward a little bit? I mean, because it's possible that even though we pass this into statute, we pass this into law, another state may not want to give Procter and Gamble, or whomever, four years to develop this type of technology. Would you be willing to come in here, say if we find out that some communist state like Minnesota might move it up to '91 and Procter and Gamble is required to provide for disposable or biodegradable diapers by that time frame, would you be willing to come in and take a look at that and bring Nebraska up to meet those same standards?

SENATOR HEFNER: I certainly would but just let me qualify that answer. The bill, as it stands now, the report, the study from the Environmental Control would have to be in our hands or have to be done by October 1, 1992, I believe.

SENATOR HALL: Uh-huh. Uh-huh.

SENATOR HEFNER: Then the next session would start in January of '93, so if we would have to repeal the law, this is why we gave (interruption).

SENATOR HALL: Elroy, I understand that, but my point...my point is, is that I think that they can do it a lot sooner than that and they very well may. I would like to see us take a look at moving that date up at the point in time that's it appropriate...

SENATOR HEFNER: Yes.

SENATOR HALL: ...because I don't think it's going to take them near the amount of time they're asking for here. I will agree to support the amendment but I sure hope that we keep track of this because I think we're going to see the ability or the technology there to provide for this product much sooner than the time frame that we're adopting into the bill. So I...

SENATOR HEFNER: Okay, yes.

SENATOR HALL: ...I would appreciate that. Thank you very much.

SENATOR HEFNER: My answer is yes.

SENATOR HALL: Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Hefner, would you like to close?

SENATOR HEFNER: Mr. President and members of the body, maybe I should clarify this just a little bit more why we delayed the date nine months. And the reason for that is that because in talking to some of the chemical engineers and they certainly...and the scientists, they certainly don't all agree and here I'm caught in the middle of this. And so I...I want to be fair with them. I want to be fair with these companies and give them a little extra time. Now, certainly, if this technology and this process comes along quicker for these larger companies, yes, then I'm certainly willing to support legislation that will make them produce it a little quicker. But I think that they will anyway because we have this one Colorado company and, as I understand it, there may be other companies that are manufacturing these degradable diapers now. So I feel that they certainly want to get in on the bandwagon

April 24, 1989

LB 325, 588, 683

and I think when we see this process work, well, these companies certainly will try to produce a degradable product sooner. And so I would urge you to support this amendment and then support the advancement of the bill.

SPEAKER BARRETT: Thank you. The question is the adoption of the Hefner amendment to LB 325. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 4 nays, Mr. President, on the adoption of Senator Hefner's amendment.

SPEAKER BARRETT: The Hefner amendment is adopted.

CLERK: Nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 325 as amended be advanced to E & R for Engrossing.

SPEAKER BARRETT: You have heard the motion to advance 325. Those in favor say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Just one item, Mr. President, amendments to be printed to LB 588 by Senator Hall. (See page 1879 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next bill, 603, and the A bill will be passed over until tomorrow morning, as is the case with the next bill, LB 429; 603, 603A, and 429 are to be passed over. Mr. Clerk, to LB 683.

CLERK: Mr. President, 683, the first item I have are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

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

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments to 683. Those in favor say aye. Opposed no.

April 27, 1989

LB 325, 586A, 588, 611A, 683, 683A, 811
812

LB 325, LB 586A, LB 611A, LB 683, LB 683A, LB 811, LB 812 all reported correctly engrossed. That's all that I have, Mr. President. (See pages 1978-79 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Pleased to announce that Senator Dennis Byars has some guests in the north balcony from Diller High School. Would you people please stand and be recognized? Thank you for being with us this afternoon. Also some special guests under the north balcony, from the North Platte area, and guests of Senator Bernard-Stevens, we have some champions and runners up from an auto mechanics class and their teachers, from North Platte High School. They've just won the Plymouth AAA Troubleshooting Contest. Would you four students and your two teachers please stand and be recognized. Thank you, we're very pleased to have you with us and congratulations to all of you. Let the record also indicate that Senator Moore had 27 third and fourth graders from Staplehurst and Ulysses in the north balcony. They have just left the Chamber. Mr. Clerk, to the first bill on General File. LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18, referred to the Government Committee. The bill was discussed, Mr. President, on March 29. It was discussed again on April 10. At that time the committee amendments were defeated. There was then a motion offered by Senator Conway to indefinitely postpone the bill. Senator Chambers agreed to lay the bill over, Mr. President. That motion is currently pending.

SPEAKER BARRETT: Senator Conway.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: I'm sorry.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: We are not certain.

SENATOR CONWAY: Does he have someone designated to represent him on this bill, or will we just pass it over?

SPEAKER BARRETT: The Chair recognizes Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

May 4, 1989

LB 84, 325, 330

Mr. President, Senator Barrett would like to ask unanimous consent to add his name to LB 84 as co-introducer. That is all that I have, Mr. President.

PRESIDENT: Thank you. I would like to introduce two guests that we have in the north balcony. We have two groups of students, one group as guests of Senator Warner, we have 48 students in the fourth grade from Norris School and three teachers with them. Would you students and teachers please stand and be recognized. Thank you for visiting us today. Senator Rogers also has a group with us, there are 38 seventh grade students from St. Paul Public Schools in St. Paul, Nebraska, with their teachers. Would you folks please stand and be recognized. For those of you that will be here for a few minutes, we will be doing Final Reading in a moment or two, and that is a situation where the Clerk must read the bills prior to their being voted on at the final stage of the bill going across the board. So they read quite fast and you will have to listen closely to understand it, but we are happy that you are with us today. Mr. Clerk, are we ready to start on Final Reading? Will you please take your seats so that we may start Final Reading. (Gavel.) Please return to your seats so that we may start on Final Reading, ladies and gentlemen. Mr. Clerk, will you please read LB 330.

CLERK: (Read LB 330 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 330 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read. See pages 2094-95 of the Legislative Journal.) 41 ayes, 0 nays, 4 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 330 passes. LB 325.

CLERK: (Read LB 325 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 325 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

May 4, 1989

LB 325, 811, 812

CLERK: (Read record vote. See page 2095 of the Legislative Journal.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 325 passes. I would like to introduce some guests in the north balcony of Senator Warner. We have 50 fourth grade students from Norris at Firth with their teachers. Would you folks please stand and be welcomed by the Legislature. Thank you for visiting us today. Mr. Clerk, LB 811 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 811 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 811 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 2096 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT: LB 811 passes with the emergency clause attached. Mr. Clerk, LB 812 with the emergency clause attached.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Hall would move to return LB 812 to Select File for specific amendment, that being to strike Section 8 as found on page 6 and 7 of the bill.

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. This is the bill, as you know, the deficit appropriations bill that deals with the issue around specifically in Section 8 that the amendment would strike on the Pharmacy College at the University of Nebraska Medical Center. We had discussion and debate on the issue both at the first and second stages of debate and I had offered an amendment at that time that would have appropriated money for an independent study, would have set aside the funding so that the money would have been appropriated but not until the Legislature had the opportunity to get an independent study. Studies to date have, as I said earlier, in my opinion been studies that one could call incestuous in that they were done very often by folks who had an interest in the facility or

solid decision, a solid, good public policy decision that is going to make sense. Obviously, we would like both parents to be notified in an ideal world. And I suggest to you that in most cases, if you have a one parent requirement, if that minor girl is going to make the decision to notify one parent, she'll notify both of them, that's her desire. But if it's...if the requirement of notifying two is going to dissuade her from notifying at all, that encourages abortion. The two parent requirement in 20...out of the Minnesota experience, in 20 to 25 percent of the cases encourages abortion, encourages judicial bypass, which is an easy road to abortion. I really wish you'd listen to this and think through this on your own without necessarily following what the lobbyists may be telling you to do on this, because this really makes sense. So I would encourage you, please, to adopt this amendment at this time. This is the only amendment I'm going to offer on General File. On Select File, consistent with the concerns that Judge Urbom had with confidentiality and the concerns that the court had with Hodgson, with the 48-hour rule, I believe it should be 24 and not 48, but I'm not going to argue that today, but I do think that the one parent makes good, solid sense. It answers some of the concerns that I believe Senator Lynch and maybe some of the others, Senator Hannibal and others may have raised in their very, very well thought out comments on this bill. So let's relieve some of the pressure here and let's pass an amendment that is good public policy, because it is good public policy and makes good sense. Thank you.

PRESIDENT: Thank you, Senator Ashford. We'll try to have better attention for you when you close. While the Legislature is in session and capable of transacting business, I propose to sign and do sign engrossed LB 330, LB 325, and LB 811. I'd like to introduce a special group up in the north balcony today. Senator Moore has a group of 52 fourth grade students from Willard Elementary School in York, Nebraska. They are accompanied by their teachers. Would you folks please stand and be recognized, students and teachers. I want to draw your attention to Senator Moore's necktie, ladies and gentlemen, if you'll turn around and show us. As I understand it, when the students in this school read a book they get a, is that a flag, Senator Moore, and all the...you'll notice the great number of flags. So apparently you're learning to read, which is an important thing for all of us. We're happy that Senator Moore gracefully wears the tie. Thank you for visiting us today. Senator Haberman, please, on the Ashford amendment. Senator

May 4, 1989

LB 132, 323, 325, 330, 769, 811
LR 116-121

Senator Ashford amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please. Record vote has been requested.

CLERK: (Read record vote. See pages 2099-2100 of the Legislative Journal.) 32 ayes, 4 nays, Mr. President, on the adoption of the amendment.

PRESIDENT: The Ashford amendment is adopted. Do you have anything else on it, Mr. Clerk?

CLERK: I do, Mr. President. May I read some items into the record?

PRESIDENT: Yes, you may.

CLERK: Mr. President, the Enrolling Clerk has presented to the Governor bills read on Final Reading this afternoon. (Re: LB 330, LB 325, LB 811.)

A study resolution by Senator Withem. (Read brief explanation of LR 116.) It will be referred to the Reference Committee. LR 117 by Senator Johnson. (Read brief explanation.) LR 118 by Senator Johnson. (Read brief explanation.) LR 119 by Senator Rod Johnson. (Read brief explanation.) LR 120 by Senator Johnson. (Read brief explanation.) LR 121 by Senator Johnson. (Read brief explanation. See pages 2100-04 of the Legislative Journal.)

Senator Schmit has amendments to be printed to LB 132; Senator Landis to LB 323. (See page 2104 of the Legislative Journal.)

Mr. President, the next amendment I have to LB 769 is an amendment from Senator Lindsay. Senator, I understand you wish to withdraw this amendment, however, and substitute another amendment, is that correct?

SENATOR LINDSAY: That is correct.

CLERK: And, Senator, the amendment you would like to substitute is the one that reads on page 5, lines 22 and 23, strike the original language and insert the following, a new Section 9, is that right? (See Lindsay amendment found on pages 2104-05 of the Legislative Journal.)

May 9, 1989

LB 325, 330, 588, 811, 814

That is all that I have, Mr. President. (See pages 2207-17 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: I move we recess until one forty-five, Mr. Speaker.

SPEAKER BARRETT: A motion to adjourn, or recess, I am sorry, until one forty-five. All in favor say aye. Opposed no. Carried. We are recessed until one forty-five.

RECESS

PRESIDENT NICHOL PRESIDING

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

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

CLERK: Mr. President, I have a communication from the Governor addressed to the Clerk. (Read communication regarding LB 330, LB 325, and LB 811 as found on page 2218 of the Legislative Journal.)

Mr. President, I have amendments to be printed to LB 588 by Senators Withem and Hartnett. That's all that I have, Mr. President. (See page 2218 of the Journal.)

PRESIDENT: All right, we'll turn over the page to number 11 and start on LB 814.

CLERK: Mr. President, the Legislature considered 814 yesterday. It's the capital construction bill. Mr. President, the... Senators Hartnett and Korshoj had offered an amendment to the bill, Mr. President. That amendment was subsequently divided. When the Legislature left it, I believe, they had acted on several of the amendments. I believe the next one, Mr. President, is an amendment to strike Section 29 from the bill. Senator, is that consistent with where you are?

SENATOR HARTNETT: That's great, yeah, yeah.

That's kind of what you're doing with this. Last year Senator Hefner passed LB 325 that dealt a blow to the whole diaper industry by saying that you have to come up with a degradable product by 1993, and I think with this amendment he's trying to kick them one more time while they're down, which is fine and I know Senator Hefner is sincere in his beliefs, but I hope the body doesn't go along with him. The first reason, as Senator Rod Johnson stated, I think it's going to damage the bill. Secondly, you know, if forgetting policy, the fact of the matter is you're talking about a new tax you've had no hearing whatsoever on. I mean, those are all old arguments you can use on a lot of things. But, primarily, as I said, you know, last year we passed a bill, we served notice to the industry that they have to do something and I think they are trying to do some things and the Director of the Department of Environmental Control will have the ability to come in in October of '92 to determine whether or not they have done their job and have an alternative product. And I think, at that time, if indeed private industry cannot come up with something to suit Senator Hefner, maybe at that time Senator Hefner should introduce...if he is still around, and he probably will be, in the '93 session should introduce a bill, have a hearing and then talk about it. But, at this point in time, I think it's surely unwise. What you're doing, you're putting the tax on a segment of society that arguably certainly can least afford to pay it. Now, Senator Hefner mentioned tires. Well, I don't know of any alternative product on the horizon to drive my car on. That's why you have a dollar tax on tires, it's a problem now and it's going to be a problem in the future and we know that. Diapers, it's our hope, thanks in many ways to the efforts of Senator Hefner, that we're going to turn the corner and find a way to do away with his nemesis in the years to come. We're not there yet. There's not an alternative there, and by adding this tax on, you damage the bill, you institute a tax here on Select File that the public has had no input on whatsoever. I think you're just moving ahead a little too fast. As I said, you're kicking an industry, kicking them while they're down. I don't think that's a fair thing to do. I could go on a lot longer but I'm hoping we can dispose of this amendment before noon and I just simply ask the body to defeat it.

SENATOR LABEDZ: Senator Crosby, on the Hefner amendment.

SENATOR CROSBY: Thank you, Madam President, and members, I stand to oppose this amendment for several reasons. I echo what

disposal of our solid waste in this state, and, Senator Hefner, I believe, has championed many of these diaper issues from last year, and this year, again, and I think he is following the right track. It is just that I don't want to see this particular amendment adopted to the bill. In our discussions prior in the private meetings that we had, we just simply came to the conclusion that this is one area that no one could agree upon. Rather than take a lot of time, I would just say that I, personally, oppose the amendment, and would ask as principal sponsor that this amendment not be adopted. If it is, obviously, I will live with it but I just don't think it is a good idea at this particular point.

PRESIDENT: Thank you. Senator Moore, you are the next speaker but may I introduce some guests, first. We have as guests of Senator Elroy Hefner under the north balcony, Richard Bean and Mary Yonkers from Omaha. Would you folks please stand and be recognized? Thank you, we also have guests of Senator Beck under the south balcony, Dr. Ed Leiman and Mr. T. O. Haas of Lincoln. Would you gentlemen please stand and be recognized. Good to see you both again, and under the north balcony, Senator Warner has a guest, Dr. Dale Michels, who is our doctor of the day. Dr. Michels, will you please stand. He must be in his office but anyway we will recognize him. Thank you. Senator Moore, please.

SENATOR MOORE: Yes, Mr. President, and members, we did have, on one of the occasions that LB 163 came up at eleven-thirty, we debated this amendment briefly before and never got to it. I will just take a minute to reiterate my comments at that time. The thrust of my opposition to Senator Hefner's amendment, I will once again state that I admire Senator Hefner's tenacity on this issue. He keeps coming back, keeps trying to dig the stake, dig the diaper one a little bit deeper in the ground I guess in the landfill but the fact of the matter is we dealt with this issue last year. The Legislature passed LB 325 and we, basically, started the time clock saying, diaper manufacturers of the world, you have got until 1993 to come up with something different or we are going to start banning the use of those things. Now, in 1993, the Department of Environmental Control will look at the progress we have made. As Senator Hefner mentioned, we are working towards some diapers that are more environmentally...better for the environment, and their ability to degrade. I think we are working towards that, and, Senator Hefner, we worked on this issue last year. If you