

March 16, 1989

LB 89, 222, 335, 340A, 361  
LR 57

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber so that we may continue. Please look up to see if your light is on. Please check in. Senator Ashford, Senator Baack, Senator Chambers, Senator Goodrich, Senator Labedz, Senator Hannibal, Senator Schmit, Senator Peterson, Senator Rod Johnson. Please return to your seats so that we can see who is here. (Gavel.) Please return to your seats. We're still looking for Senator Goodrich, Senator Chambers, Senator Labedz, Senator Peterson. A request has been made for a roll call vote in reverse order, but we'll wait for a moment till some of the others get here. We're still looking for Senator Goodrich, Senator Labedz and Senator Chambers. Senator Chambers is the only one not here that is not excused. The question, ladies and gentlemen, for those who were not here, is the adoption of the first part of Senator Moore's amendment. All those in favor...we'll be voting and we're going to have a...in favor voting aye and nay, but we're having a roll call vote in reverse order. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1178-79 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The first part of the amendment is adopted. We'll take up the second part. Senator Moore, did you wish to discuss that any further on the Section 10?

SENATOR MOORE: No, not right now. You go ahead and move it...move the adoption of the second part.

PRESIDENT: Mr. Clerk, did you wish to read something in? The call is raised.

CLERK: Mr. President, I do, thank you. I have a new A bill, LB 340A by Senator Chambers. (Read by title for the first time. See page 1179 of the Legislative Journal.) New resolution, LR 57 by Senator Wehrbein. (Read brief description of resolution. See pages 1179-80 of the Legislative Journal.)

Amendments to be printed by Senator Landis to LB 222, Senator Landis to LB 361, Senator Labedz to LB 335. (See pages 1180-81 of the Legislative Journal.)

March 20, 1989

LB 338A, 340A

the advancement of LB 338A. Those in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Have you all voted? Shall the bill be advanced? Senator Wesely.

SENATOR WESELY: Yes, I will ask for a call of the house, Mr. Speaker.

SPEAKER BARRETT: Call of the house has been requested. Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The motion prevails. The house is under call. Members, please check in. Return to your seats and record your presence, please. Members outside the Chamber, please return and record your presence. Senator Schimek, please. Senator Schmit, the house is under call. Senator Abboud, the house is under call. Senator Peterson, the house is under call. Senator Schmit, the house is under call. We have a request for a roll call vote. Members, please return to your seats. Senator Wesely, only Senator Schmit is absent, do you want to wait or go ahead? We can wait for a while. The word is that Senator Schmit is excused, Senator Wesely. Apparently Senator Schmit is not excused, would you care to wait or proceed? I'm sorry, Senator Wesely.

SENATOR WESELY: Reverse order on the roll call.

SPEAKER BARRETT: Reverse order on the roll call. Thank you. Return to your seats for a roll call vote in reverse order. The question is the advancement of the bill. Mr. Clerk, proceed.

CLERK: (Roll call vote read. See pages 1232-33 of the Legislative Journal.) 23 ayes, 17 nays, Mr. President, on the advancement of LB 338A.

SPEAKER BARRETT: The bill fails to advance. The call is raised. LB 340A.

CLERK: Mr. President, 340A is a bill offered by Senator Chambers. (Read title.)

SPEAKER BARRETT: Senator Chambers.

March 20, 1989

LB 340A, 378A

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill relates to the unmarked burial sites and remains bill. And what it does is appropriates money to provide temporary employees for the State Historical Society to do the work that the bill would place on them in terms of identifying the burial goods, procuring the remains, and packing various items. And in this fiscal year there would be appropriated \$13,765 because there is a date in September by which some of the remains could be turned over to one of the tribes. So if that date must be met, we would need the \$13,000 for that purpose. Next year among the people who would be hired temporarily would be archaeological technicians and museum registrars to carry on with this work should additional requests be made and that would come to \$33,000. Then an additional \$5,000 the next year may be needed to allow the society to contract for temporary employees to assist with identifying new remains which may be found and to assist with requests from individuals and tribes requesting the return of remains and burial goods in the society's possession. The amount is modest and not...the total amount will not be in a single year, but if it were, it would be very modest even at that. So I am asking that you advance the A bill.

SENATOR LABEDZ PRESIDING

SENATOR LABEDZ: Any discussion on the advancement of LB 340A to E & R Initial? Senator Chambers, there are no lights on. Senator Chambers waives closing. All those in favor of advancing LB 340A vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of 340A.

SENATOR LABEDZ: LB 340A is advanced. Mr. Clerk, LB 378A.

CLERK: LB 378A, Madam President. (Read title.) It's offered by Senator Schellpeper.

SENATOR BERNARD-STEVENS: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Madam President, and members, 378 is the rural health manpower bill that is created in the Department of Health. There is a nine-member Advisory Committee and that's what these funds are for. This will do a study and

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LB 326, 334, 340A, 340, 378A, 408A, 410  
412A, 414, 440, 441, 489, 516, 556  
574A, 714

SPEAKER BARRETT: Is there any discussion? Seeing none, those in favor of the advancement of LB 714 to Enrollment and Review please vote aye, opposed nay. Record, please.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 714.

SPEAKER BARRETT: LB 714 is advanced. Anything for the record?

CLERK: Mr. President, Enrollment and Review reports LB 340A to Select File; LB 378A to Select File; LB 408A, Select File; LB 412A, Select File; LB 574A, Select File; LB 410; LB 414, Select File. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Schellpeper, would you care to recess us until one-thirty.

SENATOR SCHELLPEPER: Yes, I will. Mr. Speaker and members, I would move that we recess until one-thirty.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Motion carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you, sir. For the record, Mr. Clerk.

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication re signing of LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441. See pages 1259-60 of the Legislative Journal.)

Senator Bernard-Stevens has amendments to LB 340 to be printed, Mr. President. (See pages 1260-61 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into the

of Standing Bear but, ironically, it would have happened about 100 years ago, 1889, and I think it was in April, and they had been sent to Oklahoma. They didn't like the land. They were tricked into an agreement that they didn't understand. He wanted to come back, Chief Standing Bear, and bury his son who had requested that he be buried near the fast rushing river in Nebraska. The soldiers were ordered to gather them up and herd them back. Standing Bear did not want to go. A general named Crook did not want him to have to go but he said he was a soldier under orders and he had to do what he was ordered to do. However, he would delay as long as he could, make the journey as slow as possible, and while this was being done, he asked the editor of the then Herald to do what he could to stir up some support for Standing Bear, and there were two lawyers whose services were obtained. When they argued, to make a long story short, the lawyer for the U.S. Government said these are not people. For the purposes of the Constitution, they are wards of the United States Government, and if the government says they cannot, then they don't even have the right to breathe the fresh air, and the representative stood and spoke for Standing Bear. He sought a writ of habeas corpus and Judge Dundy had to be called back from a hunting trip, Dundy County is named after him, to preside over this hearing. He listened to everything that was said and he said for the purposes of the Fourteenth Amendment to the United States Constitution the Indian is a person and, therefore, has standing to come before a federal court and seek a writ of habeas corpus, and there is a bust standing out there in that corridor. For the purposes of the Fourteenth Amendment, the Indian is a person. What LB 340 is saying that in Nebraska, where the trial of Standing Bear occurred a 100 years ago, for the purposes of according human decency and respect that is accorded to all others, the Indian is a human being, and I hope you will vote to advance this bill.

SPEAKER BARRETT: Thank you. Shall LB 340 be advanced to E & R Engrossing? Those in favor vote aye, opposed nay. Have you all voted? Please record. A record vote has been requested.

CLERK: (Read record vote. See pages 1348-49 of the Legislative Journal.) 28 ayes, 12 nays, Mr. President, on the advancement of LB 340.

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

CLERK: Mr. President, on the A bill, LB 340A, I have no E & R

amendments. I do have an amendment to the bill from Senator Warner.

SPEAKER BARRETT: Senator Warner, on your amendment.

SENATOR WARNER: Mr. President, the A bill was introduced. It had a total of 13,700, approximately, for the current fiscal year we are in through June 30th, and then it appropriates an additional 33,500 through the next biennium, plus another 5,000 to the Historical Society for carrying out the act. The amendment I have adds slightly to that total. That total adds up to a total of about 40...51,000, the amendment...but for actual work to be done, it adds up to about 46,000. The amendment I have would have a total of about 54,000, all of which would be appropriated during the current fiscal year so the bill is not held up. It is a deficit with the unexpended balance to be reappropriated through the following biennium. It is roughly probably about \$8,000 more than what was in the original act and the original fiscal note, which I think described, as I recall, 2.6 people. This makes the equivalent of 3 individuals to do what would be, obviously, required. In addition to that, those funds, the 54, approximately 54,000 for the personnel to do what is necessary, it also appropriates another 50,000, 10,000 of which would be available, up to 10,000 for a site acquisition, and up to 40,000 for the...correction, \$10,000 for the site selection, and up to \$40,000 for a site acquisition for burial within the State of Nebraska of those skeletal remains and other items that are to be processed. I indicated earlier that I was willing to offer such an amendment. It seems to me it is in keeping with some of the handouts we have, have had, and provides slightly more funds than the bill as it was introduced to assist in the processing for these...of the various requests, at least the Historical Society has. I would suspect that in addition that you may find other state operated museums besides the Historical Society who may find some costs that we are not acknowledging through requests, but since there is no way to really know, there is no way to make an estimate. So I would move adoption of the amendment. It would strike Sections 1 and 2 of the A bill as they are written. In total, it appropriates a little over eight...if I do my arithmetic right here, a little over 8,000 more than the original bill for the processing that will be required, and then up to 50,000 for site acquisition for a burial ground.

SPEAKER BARRETT: Thank you. For discussion purposes, Senators

Landis, Bernard-Stevens, and Schmit.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I support the amendment. I think it is offered in good faith and I think it carries out what has been the goal for the floor debate on this bill and that is a careful reasoned balancing of two very significant interests, and this A bill amendment seeks to further that to make sure that in that window of opportunity that we give people to study, replicate, and analyze our holdings that we have the means to do that so that this year can be profitable for those of us who care about science and those who want to see its work go forward as well and the analysis be completed. Towards that end, I certainly intend to support the Warner amendment.

SPEAKER BARRETT: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Senator Warner, would you answer a couple of questions that I may have?

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: If I can.

SENATOR BERNARD-STEVENS: I suspect you can very ably. I guess I am a little...I am wondering, does all of the money that you have, I guess I am specifically looking at the 10,000 for site selection and the 40,000 for the acquisition, would that money specifically go to the Historical Society, number one; and then the other question I would have for you is, if the money, which I suspect it does, if it goes to the Historical Society, would they, in fact, own the land because that will make a difference on how I view the amendment, on if the Historical Society would actually own the land that would be used for the interment.

SENATOR WARNER: I suspect, Senator, that that would be a necessity under the Constitution if you were going to have state funds used to purchase. Now I recall the handout that Senator Landis sent out, and I don't have it right in front of me, but I believe the suggestion there was that the supervision of such a site should be under...I believe it might have been a federal entity, maybe Senator Landis can recall, but, obviously, we would have no process to do that. I would assume that once a...I am assuming that the time lines that are now in effect, at least this would provide the funds in which the process could be

developed. It may well be that you would have to find a way to transfer that responsibility in some fashion to a different agency, if the Historical Society is inappropriate, but I know of no way that we could appropriate funds to a nonstate agency.

SENATOR BERNARD-STEVENS: Thank you, Senator Warner. I guess some of the concerns that I have on this particular motion on the A bill is I guess I am not convinced yet that the appropriation is necessary. I am not yet convinced that certain lands won't be donated to the Pawnee or other entities. I am not yet convinced that there might be some federal funds coming down, and I am not yet convinced that we need to put the appropriation in now, particularly since we have a delay period for study, and what have you, of at least a year. And I kind of question whether or not we need this at this particular time, and the other thing I would like for the body to at least consider on this particular issue, we have had such difficulty working with the two groups or having both groups work together that I am not quite sure I am comfortable with, if we agree to the amendment and the money goes to the Historical Society, I am not totally comfortable with the fact that they would own the land to which all of this, basically, would focus around. I know I don't have any reason not to be, it is just that I don't have any reason to think the Historical Society would not act in very good faith in these areas, but I still am relatively uncomfortable with that aspect of it now, and I am particularly uncertain as to whether or not the appropriation is necessary at this particular time. I might point out that one of the other possibilities we would have is that if we want money to go to site selection that a more apropos place for the money to go might be the Nebraska...the Indian Commission, who is certainly closer to the tribes in regards to what type of land, where, and how it would be done. But I wanted to at least express those concerns, at least initially, before we got to a vote on this particular amendment. I thank you, Mr. President.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President and members, I would concur to a certain extent at least at this time with what Senator Bernard-Stevens has said. I appreciate, and I am sure the tribes appreciate the interest and the willingness to make an appropriation for the acquisition, but on the other hand, I believe the tribes have a certain amount of pride in their own ability to fund the acquisition of the land and I am sure that



they might agree to some kind of an appropriation, but I think at least the site selection process ought not to be a responsibility of the Historical Society. The Historical Society would really not be the entity that would be most qualified to make that selection. Certainly the tribes, themselves, and, as Bernard-Stevens has mentioned, the Indian Commission would be an entity to which the money could be appropriated and then administered thereby and the particular interest of the Pawnee people, who do not at this time have a residence and presence in Nebraska, but the Pawnee tribe, plus the three tribes that are recognized in Nebraska, could exercise that site selection process, and I think in view of the particular expertise they possess would probably be the most qualified to do so. I think that the same is true for the acquisition, the actual acquisition cost. I think that the tribes would probably prefer to do that themselves and I have spoken with several of their representatives and they wanted me to be sure that Senator Warner and the Appropriations Committee understood that they do appreciate this willingness to appropriate the money, but, on the other hand, I think they have a particular desire to be more involved themselves and to be involved independently. Insofar as the salaries that we are concerned about, I would have to take a look at this again, because there would probably be some justification for some salary appropriation there to carry out some of these responsibilities and I am not sure that I have any objection to that, but I think that I would object at this time to the \$10,000 that goes to a site selection committee, small as it is, the Historical Society. I think that we have discussed many times the concern that exists between the various entities, the lack of a close working relationship, to put it genteelly, I think is well documented, and certainly I can't imagine that I would want the Historical Society to select my own personal grave site. They might find something that is not appropriate to me, if I even deserved burial, but I think that the most important thing is that these particular responsibilities, the site selection and the payment for the site, probably ought to be tribal responsibilities, unless, of course, we saw fit to appropriate the \$10,000 to the Indian Commission. I would like to talk some more and visit some more with Senator Warner and others about the 54,400. I apologize, I was not here for much of the debate but...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...that might be something which could be utilized in the process. So, at this time, I would...I could not support the entire amendment. I might, after some more discussion and debate, have an amendment for the amendment. Thank you.

SPEAKER BARRETT: Senator Warner.

SENATOR WARNER: Mr. President, in view of the conversation, there is, obviously, no way that the Historical Society could select the site and force its use. It would, obviously, have to be done with the concurrence of the tribe and their agreement or it wouldn't be effective. Unlike some of you, I have great respect for the Historical Society and I will withdraw the amendment. It was offered in very good faith, and intended to honor the past, as I think it appropriately ought to be, but I have no interest in giving further deleterious comments to the Historical Society, its members, and as an organization that I have great respect, and I, hereby, request to withdraw the amendment.

SPEAKER BARRETT: Thank you. It is withdrawn. Any other discussion on the advancement of the bill? Senator Landis, followed by Senator Ashford.

SENATOR LANDIS: Mr. Speaker, I would like to, and let me approach the bench, offer the first portion of the Warner amendment under my own name, and that is the amount of money designated for salaries and study. That provision should be adopted at this point and advanced, and I will approach the Chair to make that motion.

SPEAKER BARRETT: The body will stand momentarily at ease.

CLERK: Mr. President, Senator Landis would move to amend the bill. (See Landis amendment on page 1350 of the Legislative Journal.)

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, so that we may separate the issues, this has to do with the salaries. I thought Senator Warner's argument was excellent. I endorse it. It does not contain the material on the site selection nor the purchase of land, although I think that

discussion ought to go forward outside this body to see what kind of arrangements are appropriate. I think it is entirely possible that that, too, is an idea that with some discussion we could adopt at another time. Senator Warner's intent here I think is excellent and the body should accept it. This bill needs to balance two different interests, not simply exonerate one, and this amendment goes, in my mind's eye, towards balancing those interests by making this year a valuable year for science, as well, by paying necessary salaries to do appropriate study. I support its adoption, ask for its adoption by the body.

SPEAKER BARRETT: Thank you. Senator Ashford, would you care to discuss the Landis amendment.

SENATOR ASHFORD: Thank you, Mr. President and members. I, too, would stand in support of the Landis amendment, and would also add, along with Senator Landis, the point that the second part of the amendment, which deals with the purchase of a site for burial I think is a legitimate offer and it is a legitimate issue, I think. I believe Senator Warner did make the issue, the argument persuasively to me that this is something that needs to be looked at and I also would second what Senator Landis so rightly said, and that is that we are here not to be advocates of any particular position but are here primarily to balance various interests and come up with public policy that is fair and reasonable. I think Senator Warner has offered his amendment. I am sorry he withdrew it because I think it merited discussion, and I, too, believe, as he, that we have in this state a public policy which should be fostered and that is the preservation of historic things, and the Historical Society has in the past and continues to address that need of our state. So I would, at this point, endorse the Landis amendment and would also encourage Senator Warner to bring back the first part of his amendment at some later date so that the body, or else discuss it, this issue, at some later time off the floor so that possibly we, in the body, can be given another opportunity to take a look at it. Thank you.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the Landis amendment I don't need to discuss because it appears that there is going to be support for that to pass anyway, or to be adopted, but Senator Warner brought forth what they might

call a sticky wicket. Why couldn't the money be appropriated to the Nebraska Indian Commission if the state is insistent on doing something along that line? I would hate to see the Historical Society own the land where the disputed items will be placed because then we could just generate additional strife. But since we adopted Senator Warner's earlier amendment saying that there has been a year extension of time before these remains and burial goods have to be turned over, we have another session before that date will be reached. That date is September of 1990. So whether land can be obtained from the federal government, donated land, if all of that fails, the Pawnees would still be in a position to bury the remains and the goods outside of Nebraska. I wouldn't want us to adopt in an A bill language that seemed to mandate that the reburial occur within the state. The way the language is written in Senator Warner's amendment, it really doesn't do that. It says that they would seek a burial site, but there is no obligation on the part of the Indians to accept it nor is there an obligation under the law to rebury within Nebraska. So rather than our trying to resolve all of that by rewriting an appropriation bill on the floor of the Legislature, I would much rather, since they are weighty issues in and of themselves and there is time to properly deal with them, accept Senator Landis's amendment, let all of the talk of the site selection and the purchase of a site be reserved to another day, and not necessarily during this session. And that is about all that I have to say on that.

SPEAKER BARRETT: Senator Schmit, further discussion.

SENATOR SCHMIT: I will also support the Landis amendment, which is actually the first portion of Senator Warner's amendment and, again, agree with both gentlemen and with Senator Ashford who believes that there ought to be something done in this area. But I would like to just mention in conjunction with what Senator Chambers has said that I believe we ought to seriously consider, prior to the passage of this bill, whether or not we should appropriate the \$10,000 for the site selection committee even this year and do so, direct it to the Indian Commission, because it could very well be that we could use that time or the tribes could use that time very profitably to investigate a proper site, if it turned out that they wanted to provide for reburial within the State of Nebraska. I don't see why it would not be possible also for the state to contribute some money toward the purchase of that site, but I would have to say also that the tribes would never agree that the State of Nebraska own

the land and that is it is not impossible, of course, for that land to be acquired and placed in trust under the control of the tribes. I am sure the tribes would prefer that but I think that we would be in order to discuss further both the \$10,000 appropriation and the \$40,000 appropriation if, in fact, the body wanted to make those kinds of appropriations, but I want to emphasize that I do not believe the tribes would agree at any time to state ownership, and I think there are mechanisms in place whereby we can make those appropriations to the Indian Commission for a specific purpose and that could then be carried forward. I think it is important, however, that we do not just let the entire issue remain in abeyance because whether the skeletal remains and artifacts are reburied within the State of Nebraska or otherwise might well depend upon whether or not a suitable site might be found, and I think that that work could begin almost anytime. So I would support the Landis amendment and encourage further discussion of the second half of the Warner amendment, but, again, I want to emphasize that tribal representatives have told to me that they are deeply appreciative of this recognition of an obligation, perhaps, by the State of Nebraska toward the tribes. It is just the manner in which it might be carried out that is somewhat sensitive to them. I think insofar as we are attempting to work out arrangements between the Historical Society and the tribes, it behooves us to go this extra step and try to certainly work out an equitable and satisfactory arrangement to the tribes for the most important portion of the entire process, and that is the manner in which we determine how the ultimate burial shall take place and where it shall take place.

SPEAKER BARRETT: Thank you. Senator Landis, would you care to close on the adoption of your amendment?

SENATOR LANDIS: Briefly to tell the body the sum of money is \$59,000, that it represents \$41,000 of new money compared to what the bill originally held in it, and I would urge its adoption.

SPEAKER BARRETT: The question is the adoption of the Landis amendment to LB 340A. Those in favor vote aye, opposed nay. Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Landis's amendment.

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LB 147, 154, 155, 254, 265, 340A, 421  
619, 623, 683, 781

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Schmit. Senator Schmit, on your amendment. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Chambers, this would be your closing.

SENATOR CHAMBERS: I am not going to close. I will just move to advance LB 340A to E & R Engrossing.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of the bill please signify by saying aye. Opposed no. Carried. The bill is advanced. Mr. Clerk, anything to read in?

CLERK: I do, Mr. President, thank you. A communication from the Governor to the Clerk. (Read. Re: LB 265, LB 619, LB 155, LB 623, LB 154, LB 254, and LB 421. See page 1350 of the Legislative Journal.)

Mr. President, Senator Wehrbein has amendments to be printed to LB 683; Senator Smith to LB 781. (See page 1351 of the Legislative Journal.) That is all that I have. Mr. President.

SPEAKER BARRETT: Thank you. To the next bill, Mr. Clerk. LB 147.

CLERK: Mr. President, the next bill is LB 147. I have no E & R to the bill, Mr. President. I do have an amendment pending, however, from Senator Ashford. Senator, this is AM0891. (See pages 1351-52 of the Legislative Journal.)

SPEAKER BARRETT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. This amendment concerns the addition to the separate juvenile court bench in Douglas County of a third juvenile court judge. If I might give a brief history, there are two separate juvenile courts, three, actually, separate juvenile courts in the State

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LB 147, 279, 281, 319, 340, 340A, 410  
414, 587, 588, 733

SENATOR PIRSCH: And under the present law that...you could do nothing really.

SENATOR LANDIS: That is not embezzlement, that's right. Embezzlement is where you steal money from the firm.

SENATOR PIRSCH: Right. Thank you, I appreciate the explanation...

SENATOR LANDIS: Sure, you bet.

SENATOR PIRSCH: ...and I support this bill.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Landis, anything further?

SENATOR LANDIS: Waive closing.

SPEAKER BARRETT: Thank you. Closing is waived and the question is the advancement of LB 319 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays on the advancement of 319, Mr. President.

SPEAKER BARRETT: LB 319 is advanced. Any messages on the President's desk?

CLERK: Yes, Mr. President, I do. Senator Hartnett has amendments to be printed to LB 588, Senator Chizek to LB 279, Senator Chambers to LB 281, Senator Landis to LB 279. (See pages 1462-64 of the Legislative Journal.)

Enrollment and Review reports LB 147, LB 340, LB 340A, LB 410, LB 414, LB 587 and LB 733 as correctly engrossed. (See page 1457 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Peterson, would you care to adjourn us until tomorrow?

SENATOR PETERSON: Mr. President and members, I'd be delighted to adjourn us till tomorrow morning at ten o'clock, is that, Senator Barrett, beings we lost an hour?

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LB 303, 303A, 340A, 514, 813  
LR 88-91

vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the amendment to the amendment.

PRESIDENT: The amendment to the amendment is adopted. Would you like to put some things into the record, Mr. Clerk?

CLERK: Mr. President, very quickly if I may, thank you. Senator Chambers has amendments to be printed to LB 340A. (See page 1968 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 303 to Select File and LB 303A to Select File, signed by Senator Lindsay as Enrollment and Review Chair. (See page 1968 of the Legislative Journal.)

Mr. President, LR 88 is offered by Senator Schimek. (Read brief explanation.) LR 89 by Senators Hartnett and Schmit. (Read brief explanation.) LR 90 is an interim study resolution by Senators Hartnett and Withem. (Read brief explanation.) LR 91 by Senators Hartnett and Hall. (Read brief explanation. See pages 1969-72 of the Legislative Journal.) Those will all be referred to Reference, Mr. President.

I have a letter from Senator Labedz as Chair of the Board referring a communication the Legislature received regarding a bond issued by the University of Nebraska. That will be referred to the Appropriations Committee for public hearing.

Education Committee reports LB 514 to General File with committee amendments attached. That is signed by Senator Withem. (See page 1968 of the Legislative Journal.)

And the last item, Mr. President, a notice of confirmation hearing by the Government Committee. That is signed by Senator Baack as Chair of the committee.

Mr. President, we're now back to Senator Schmit's amendment as amended, found on page 1914.

PRESIDENT: Okay, may I introduce some guests, please, before we start on that, please. Senator Dennis Byars has 28 fourth graders with two teachers in the north balcony from Southern Elementary in Blue Springs, Nebraska. Would you please stand



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LB 336, 340A, 340

adoption please vote aye, opposed nay. Please record.

CLERK: 27 ayes, no nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Withem.

SENATOR WITHEM: Move to readvance.

SPEAKER BARRETT: Thank you. Shall the bill be readvanced to E & R for Engrossment? Those in favor say aye. Opposed no. Ayes have it. Carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to return LB 340A to Select File for a specific amendment. The amendment is on page 1967 of the Journal.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a very simple amendment. It is technical in nature. This bill, LB 340, the underlying bill, deals with the skeletal remains. On Select File there was some discussion as to the employment of staff and provision of money to do other things required under LB 340 and the A bill, because of that, has to carry an emergency clause. There also has to be a reappropriation so that money on hand at the end of this Fiscal Year will be reappropriated so that it will not lapse and it can be used for the implementation of this bill. When Senator Landis's amendment was adopted on Select File, it did not include the provision for the reappropriation, nor the emergency clause, so this amendment simply reinstates those two items to LB 340A. So I'm asking that you return 340A so that I can add this amendment.

SPEAKER BARRETT: Any discussion on the motion to return? If not, those in favor of returning the bill please vote aye, opposed nay. Please record.

CLERK: 26 ayes, no nays, Mr. President, on the motion to return the bill.

SPEAKER BARRETT: The bill is returned. Senator Chambers.

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

just for a bit more explanation, Senator Warner was putting money into the A bill so that the requirements of the bill could be carried out. He also wanted to put in some money to purchase some land. There was a discussion about that and it was rejected, so he withdrew his amendment. But Senator Landis wanted the part that related to the staffing and the additional matters carried into the A bill, so his amendment struck everything out of the original A bill and inserted that money, but, in so doing, his amendment did not carry the requirement for the reappropriation so that the money put in this year will go beyond July of this year and he also...his amendment did not retain the emergency clause. So what this bill...what this amendment will do is make the reappropriation and reattach the emergency clause, and that has to be done to the A bill so the money is available for the staffing and the other duties that the Historical Society will have under that bill.

SPEAKER BARRETT: Any discussion on the amendment offered by Senator Chambers? Senator Pirsch.

SENATOR PIRSCH: Thank you. Question for Senator Chambers.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR PIRSCH: Senator Chambers, does this go beyond or how long a term will this money be required?

SENATOR CHAMBERS: The current year, and the reappropriation will carry it into the following year.

SENATOR PIRSCH: So it's essentially two years?

SENATOR CHAMBERS: Yes.

SENATOR PIRSCH: Will it go on then for a third and fourth year? Will it have to be reauthorized?

SENATOR CHAMBERS: Well, because of the things that are to be done with this, I don't envision that. If there would be something in addition, they would have to let us know what that would be.

SENATOR PIRSCH: And come back then if there would be another issue or another staffing request.

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LB 340A, 744

SENATOR CHAMBERS: Right, because, see, originally what the Historical Society has indicated is that to do the cataloging, the research and the other things, which should probably be a one-time operation, will be done during those first two years. Then that kind of work won't have to be done anymore.

SENATOR PIRSCH: Okay. Thank you.

SENATOR CHAMBERS: Okay.

SPEAKER BARRETT: There are no other lights. Senator Chambers, anything further? Thank you. The question is the adoption of the Chambers' amendment to LB 340A. All in favor vote aye, opposed nay. Please record.

CLERK: 27 ayes, no nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. Senator Chambers.

SENATOR CHAMBERS: I move that LB 340A be readvanced.

SPEAKER BARRETT: Thank you. Shall LB 340A be readvanced? Those in favor say aye. Opposed no. Carried. The bill is readvanced. Mr. Clerk.

CLERK: Mr. President, the next bill I have is LB 744. Senator Withem would move to return LB 744. Senator, let me make...I have a note here that you had an amendment printed, you want to withdraw that earlier amendment.

SPEAKER BARRETT: Withdrawn.

CLERK: Mr. President, Senator Withem would move to return and the amendment is on page 2269 in the Journal, Mr. President.

SPEAKER BARRETT: Senator Withem, please.

SENATOR WITHEM: Thank you, Mr. Speaker and members of the body, the two amendments, the one that was withdrawn and the one on LB 2269...on page 2269 are very similar. There have been some additions that have been suggested in a conversation that I had with Senator Beck a week or two ago that have made the version on page 2269 preferable, in my mind, so that is the page on which you can find this amendment and follow along if you care

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LB 175, 228, 312, 312A, 319, 323, 336  
340A, 357, 423, 744, 761, 813, 814  
815

PRESIDENT: We're still on the machine. Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on adoption of Senator Lamb's amendment.

PRESIDENT: The Lamb amendment is adopted. Do have another one, please?

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

PRESIDENT: Yes, please.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 319 and find the same correctly engrossed, LB 175, LB 228, LB 312, LB 312A, LB 323, LB 336, LB 340A, LB 423 and LB 744, all reported correctly engrossed.

I have amendments by Senator Warner to LB 813, Senator Schimek to LB 814, Senator Nelson to LB 357, Senator Smith to LB 815, Senator Warner to LB 814 and LB 813. That's all that I have, Mr. President. (See pages 2379-87 of the Legislative Journal.)

PRESIDENT: Okay, another amendment, please.

CLERK: Mr. President, Senator Scofield would move to amend the bill. (The Scofield amendment appears on pages 2387-88 of the Legislative Journal.)

PRESIDENT: Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President, and members, I think this is a non...one of those rare noncontroversial amendments on this issue. You have a handout that's been circulated a little bit earlier. The purpose of this amendment is to put us...to slightly change our definition of low-level radioactive waste so that it conforms with what the current federal language is. Currently, our definition in the State of Nebraska we define low-level waste primarily by what it is not and the particular amendment that is being offered here would...if you will take a look at the handout, if you can find that under your materials there, under the Low-Level Radioactive Waste Policy Amendments Act of 1985 it specifically spells out

May 19, 1989

LB 132, 183, 183A, 335, 335A, 340, 340A

LB 340 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read as found on pages 2611-12 of the Legislative Journal.) Vote is 30 ayes, 16 nays, 1 present not voting, 2 excused not voting, Mr. President.

SPEAKER BARRETT: LB 340 passes. LB 340A.

CLERK: (Read LB 340A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 340A with the emergency clause attached become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read as found on pages 2612-13 of the Legislative Journal.) Vote is 36 ayes, 11 nays, 2 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 340AE passes. And while the Legislature's in session and capable of transacting business, I propose to sign and I do sign LB 132, LB 183, LB 183A, LB 335, LB 335A, LB 340, and LB 340A.

Senator Lynch, for what purpose do you rise?

SENATOR LYNCH: Mr. Chairman and members, I move we adjourn until nine o'clock on the morning of May 22nd.

SPEAKER BARRETT: A motion to adjourn. Senator Pirsch, I would recognize you for a very quick announcement, please.

SENATOR PIRSCH: Thank you, Mr. Speaker. Before we adjourn, if we adjourn, I would like to suggest a round of applause and bravos for the good work that Pat and Dick and Vicki have done this evening, as well as all the other evenings. They have a monumental task that has to be even more frustrating and worrisome than the job that we do. Thank you.

SPEAKER BARRETT: Thank you, Senator Pirsch.

SENATOR PIRSCH: (Microphone not activated immediately)..on that, Mr. Speaker? I think that a thanks is owed to our Sergeant-of-Arms, who have to track everybody down and keep us

May 22, 1989

LB 132, 183, 183A, 335, 335A, 340, 340A  
LR 219

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the last Monday morning in this the First Session of the Ninety-First Legislature. The opening prayer this morning by Rabbi Ethan Seidel of Tiffereth Israel Synagogue here in Lincoln. Rabbi Siedel. (Gavel.)

RABBI SEIDEL: (Prayer offered.)

SPEAKER BARRETT: Thank you, Rabbi Seidel. We hope you can come back with us again. Roll call. (Gavel.)

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages or reports or announcements?

CLERK: Mr. President, your Enrolling Clerk did present to the Governor Friday evening as of 10:30 p.m. bills read on...during the evening hour. (Re. LB 132, LB 183, LB 183A, LB 335, LB 335A, LB 340, LB 340A.)

Mr. President, report from the Board of Public Roads Classifications Standards. That will be on file in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To item 5, Mr. Clerk, legislative resolution.

CLERK: Mr. President, Senator Abboud offers LR 219 that's found on page 2523. (Read brief description of LR 219.)

SPEAKER BARRETT: (Gavel.) Senator Abboud, please.

SENATOR ABOUD: Yes, Mr. President, Father Bill Foster has the parish priest of St. Gerald's since the parish's inception in 1957. He has seen the parish grow under his leadership. They have a fine school there as well as a fine parish in Ralston and in 1975 they extended it into southwest Omaha so they have two...two churches now. But he has done fantastic job. He has been a real inspiration to the community and I would like the Legislature to honor him here today.

May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A  
183, 183A, 198, 228A, 228, 261, 261A, 280, 283  
285, 285A, 302, 303, 303A, 305, 309, 309A, 310  
312, 312A, 335, 335A, 340, 340A, 469, 525, 566  
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

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

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)

available as hard cover. Both the Clerk of the Legislature and the Secretary of State considered a three-volume set of session laws impractical. The committee also provided \$2,400 Cash Funds in FY'89-90 to pay for the replacement of three IBM-3180 computer terminals. This model work station has had a high breakdown rate and DAS is encouraging replacement of faulty terminals rather than repair of this model. The Cash Funds are derived from copying fees charged by the Secretary of State and the agency has enough cash in the Administrative Fund to cover these expenditures. The next agency is number 41, Real Estate Commission. The committee amended to LB 1031 increases, the FY'90-91 salary limitation by \$6,753. No Cash Fund appropriation increase is provided. The hiring of a deputy director for enforcement at a higher salary than requested amounts for \$1,312 of the salary limit increase. The balance of the increase is the result of the agency misinterpreting DAS budget instructions when they prepared their budget request, because the salary policy used to determine funding for employee anniversary dates salary increases did not provide enough funding based on actual employee anniversary dates. This request came in too late for the Governor's consideration in her budget. The next agency is Agency 54, State Historical Society, Program 541, Museum Operations. The Appropriations Committee is recommending funding of two Cash Fund requests for the Historical Society. The first item is an increase in the Cash Fund expenditure authority of \$47,191 in '89-90, and 50,000 in '90-91 to pay for contractual work performed for the Department of Roads. The Historical Society has signed three agreements for archeological excavations at road construction sites in Butler County, Knox County and Cass County. A PSL increase of 25,000 has also been approved to hire the part-time personnel needed for this project. The second item funded is for 10,000 cash to provide one-time professional services to the National Parks Service. The Historical Society is providing research and documentation for a National Historic Landmark nomination of the Wounded Knee battlefield. There is no increase PSL associated with this request. Also in Agency 54, the State Historical Society, Program 647, which is the Skeletal Remains Protection Act, the committee is recommending 20,049 General Funds to the State Historical Society to complete research analysis and documentation of the human skeletal remains and burial goods mandated to be turned over to the Pawnee Tribe by September 10, 1990. This appropriation will supplement the \$59,504 General Fund appropriation requested in LB 340A in the 1989 session and will bring the total appropriated for this purpose to \$79,553.