Mr. President, I do, thank you. I have a reference report referring LBs 374-409, signed by Senator Labedz as Chair of the Reference Committee.

addition to that, Mr. President, I have received a communication from the Chair of the Reference Committee referring the communication received from the University Board of Regents regarding the University Health Care project. been referred to Appropriations Committee for public hearing.

Mr. President, your Committee on Enrollment and respectfully reports they have carefully examined and reviewed LB 30 and recommend that same be placed on Select File; LB 31, LB 32, LB 33 and LB 34, all on Select File, Mr. President, all with E & R amendments attached. (See pages 223-26 of the Legislative Journal.)

Mr. President, new bills. (Read LBs 410-449 by title for the first time as found on pages 226-49 of the Legislative Journal.)

Mr. President, in addition to those items I have notice of hearings from the Agriculture Committee offered by Senator Rod Johnson as Chair; from the Business and Labor Committee offered Senator Coordsen as Chair; from the General Affairs Committee. That is offered by Senator Smith as Chair. Mr. President, a notice of hearing from Senator Warner as Chair of the Appropriations Committee.

SENATOR HANNIBAL: Mr. Clerk.

CLERK: Mr. President, new bills. (Read LBs 450-459 by title for the first time. See pages 236-38 of the Legislative Journal.)

Mr. President, finally, I have an announcement the Urban Affairs Committee has selected Senator Korshoj as Vice-Chair of the committee.

Senator Rod Johnson would like to add his name to LB 361 as co-introducer. (See page 238 of the Legislative Journal.)

(Read LB 460 by title for the first time. See page 238 of the Legislative Journal.)

that this body cannot solve through legislation, though Senator Wesely would try. We have an amendment that I am proposing that can say we are concerned with our young. We do want to stop sampling to our young and we hope that we can get the message across to our young, please, do not smoke cigarettes, tobacco products and use smokeless tobacco.

SPEAKER BARRETT: Your time has expired.

SENATOR BERNARD-STEVENS: If we can get it across as a nation, as a society, if people in here can also put themselves to the same test, we might get somewhere. The bill will not get us any closer. My amendment will take us a small step and I will regrettably say, it is an unfortunate small step but a small step is better than none.

SPEAKER BARRETT: Time has expired.

SENATOR BERNARD-STEVENS: Thank you, Mr. President.

SPEAKER BARRETT: Thank you. The question before the body is the adoption of the Bernard-Stevens amendment to LB 48. Those in favor please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 17 ayes, 23 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is not adopted. Messages on the President's desk.

CLERK: Mr. President, unanimous consent request from Bernard-Stevens to add his name to LB 521; Senator Pirsch to LB 441.

Your Committee on Education, whose Chair is Senator Withem, reports LB 357 to General File with amendment. Notice of hearing from Natural Resources, signed by Senator Schmit. Senator Hefner has amendments to LB 127 to be printed; Senator Barrett to LB 283; Senator Chambers to LB 165; and Senator Hall to LB 48. (See pages 523-25 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Senator Goodrich, would you care to adjourn us.

Committee, on this bill and I certainly appreciate the support of Senator Schmit and Senator Schellpeper as co-sponsors of the bill. Again, we are simply clarifying the definition of gross receipts under these statutes and specifically stating that access charges shall not be subject to a sales tax. With that, Mr. Speaker and members, I would move the advancement of LB 209.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the advancement of LB 209 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of 209.

SPEAKER BARRETT: LB 209 is advanced. For the record, Mr. Clerk.

CLERK: Mr. President, your Committee on General Affairs, whose Chair is Senator Smith, to whom was referred LB 440, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 154 General File with amendments; LB 441 General File with amendments and LB 153 indefinitely postponed, those signed by Senator Smith as Chair of the committee. (See pages 589-90 of the Legislative Journal.)

I have gubernatorial appointments referring an individual to the Parole Board and to the Game and Parks Commission. That will be referred to Reference Committee.

New A bills, Mr. President. (Read LB 338A, LB 378A and LB 412A by title for the first time. See page 590 of the Legislative Journal.) And that is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next bill, LB 459.

CLERK: 459, Mr. President, was offered by the Revenue Committee and signed by its members. (Title read.) The bill was introduced on January 13, referred to Revenue, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Thank you. To the Chairman of the Revenue Committee, Senator Hall.

SENATOR HALL: Thank you, Mr. President, members. This, Senator

until such time as he is here? We will move on to LB 441 for the time being. Mr. Clerk.

CLERK: I will read slowly, Senator. Mr. President, LB 441 was a bill that was introduced by Senator Hannibal. (Read title.) The bill was introduced on January 13. The bill was advanced to General File, Mr. President. I do have committee amendments pending by the General Affairs Committee. Senator, the committee amendments are simply the emergency clause, and Senator Smith's back here. So...

PRESIDENT: Senator Hannibal, do you wish to take those?

SENATOR HANNIBAL: Yes, I will.

PRESIDENT: Thank you.

SENATOR HANNIBAL: Mr. President and members, the committee amendments to LB 441 was simply...as the Clerk pointed out, was to add the E clause to the bill. I would just move for their adoption.

PRESIDENT: Thank you. The question is the adoption of the committee amendments which means the adoption of the E clause. All those in favor vote aye, opposed nay. Senator Hannibal. Please vote if you care to. We're voting on the committee amendments.

SENATOR HANNIBAL: Mr. President, I do realize that there are people in executive meetings. Hopefully, if we can get a little help, we wouldn't have to have any kind of further action.

PRESIDENT: Did you move for a call of the house?

SENATOR HANNIBAL: No, I did not, sir, I was just suggesting that possibly that there are some people off the floor that would certainly vote for this if they were here. However, I don't want to interrupt their...maybe, on the other hand...

PRESIDENT: Record, Mr. Clerk, please.

CLERK: 25 ayes, O nays, Mr. President, on the adoption of General Affairs Committee amendments.

PRESIDENT: The committee amendments are adopted. Now back to

the bill, Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. President, and members, LB 441 with a product called near beer and for Senator Baack's...Senator Dennis Baack had a bill that talked about LB 1089. It appears that Senator Baack is not going to be listening to me but that's all right. But we made reference to a bill he had in a committee statement some time ago that he had put down the bill of 1089 as a bill that he was trying to amend and suggested there were some imperfections in the bill. was mistaken because the bill number was not 1089 and I informed him that 1089 was my bill of last year and, in fact, it was perfectly drafted notwithstanding his objections. He suggested that probably 1089 was imperfect anyway and, as a matter fact, Senator Baack, you are correct, 1089 of last year was not a perfect bill. It was drafted well, however, it did do something kind of inadvertent. It was a bill that added many amendments out of the General Affairs Committee in the form of a cleanup type of bill into LB 1089. One of the things that it did do was it allowed that near beer...and for those of you that don'+ know, near beer is a product, a drink that has a certain amount of alcohol in it, less than one-half of 1 percent, that theretofore been controlled by the Liquor Control Commission, that is it was...it was only able to be purchased by adults, those 21 years and older, and it could only be sold in retail establishments that had liquor licenses. LB 1089 of last year addressed the problem of taxation of near and suggested that near beer, that product or any other product that had less than one-half of 1 percent alcohol by content should not be subject to taxation as other alcoholic beverages are. Therefore, that bill suggested that that...that near beer be exempt from taxation, but it went a step further and exempted it from the control of the Liquor Control Commission. What LB 441 is doing is reinstating the provisions that suggest two things, one that near beer will, in fact, under the control of the Liquor Control Commission and, therefore, not be allowed to be sold to minors, people under age of 21 years and, secondly, that it could only be sold by licensed retailers that were licensed to sell other kinds of alcoholic beverages. So LB 441 does only that and still then says it shall not be subjected to excise tax, if you will, special taxes It will be treated as other normal on alcohol. types of products, it would certainly be subject to all kinds of sales tax that we have in the localities. Simple little bill that addresses a problem that put near beer kind of on the shelf

alongside of soda pop in a grocery store. Several people objected to that, several organizations, and I opportunity to introduce the bill and do what exactly what committee was trying to do last year, what the Liquor Control Commission was trying to do, and that the beer wholesalers were also not objecting...wanted to do as far as remove it from the taxation part. I would like to emphasize that during the introduction of this bill and through all the stages of discussion that we have had great cooperation from the beer wholesalers, that they believe this is a proper thing and that it should be under the Liquor Control Commission. It was never their intention to market this as just a product like pop because, indeed, it is...it does have some other implications that suggest that it shouldn't be alongside the soda pop in a grocery store. I understand it's not a very big bill and I don't want to take a whole lot of time. I would be happy to respond to any questions you might have or listen to some comments. Failing that, I would move for the advancement of 441 to E & R Initial.

PRESIDENT: Senator Pirsch, please, followed by Senator Baack.

SENATOR PIRSCH: Thank you, Mr. President. I just rise in wholehearted, enthusiastic support of LB 441. Near beer looks like beer, tastes like beer, smells like beer and, indeed, it is beer. It's beer that is boiled the alcohol down to less than one-tenth of 1 percent. It is not a good idea to have our children weaned on near beer and this came out very clearly in the proponents of the hearing. In fact, one young girl testified that she saw a boy drinking a can of beer in the cafeteria. Indeed, I brought some to the committee hearing and opened it because it is not a regulated substance. It is good that Senator Hannibal caught this and that it be taken care of as quickly as possible. Thank you.

PRESIDENT: Thank you. Senator Baack, please. Senator Hannibal, would you like to close, please.

SENATOR HANNIBAL: Thank you, Mr. President. No further comments as long as Senator Baack is not going to comment. I appreciate that. LB 441 will advance now with the emergency clause and kind of reinstate the category of near beer and put it back under the Liquor Control Commission. I would move for its advancement.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 441.

PRESIDENT: LB 441 is advanced. We will take up LB 250 next, please.

CLERK: Mr. President, LB 250 was a bill that was introduced by Senator Hall and Senator Withem. (Read title.) The bill was introduced on January 9.

PRESIDENT: The Speaker has asked that we skip over 250. We will go on to LB 157. Is that correct, Mr. Clerk?

CLERK: Yes, Mr. President, I believe it is.

PRESIDENT: Okay.

CLERK: Mr. President, 157 is a bill that was introduced by Senator Chizek. (Read title.) The bill was introduced on January 5, referred to the Health Committee. The bill was advanced to General File. Mr. President, I have no committee amendments but Senator Chizek would move to amend the bill and that amendment is on page 808 of the Journal.

PRESIDENT: All right, Senator Chizek, do you wish to talk about your amendment first?

SENATOR CHIZEK: Mr. President and colleagues, the amendment to LB 157 is on page 108 of the Journal and, in essence, becomes the bill. This bill was here last year and was on the floor and we have done substantial negotiations, if you would, with the interested parties. Basically, the intent was to provide notice to emergency medical service providers when they have been exposed to any of fifty some three infectious communicable diseases in the course of their duties. The amendment preserves that intent while taking care of some technical matters that were raised at the hearing. As I said, since the hearing all parties concerned have worked hard to reach meaningful accord. Statutes from other jurisdictions were examined. Specifically, amendment before us proposes that the bill provide protection t.o emergency medical service providers,

February 28, 1989 LB 99, 183A, 227A, 260A, 278, 323, 329A 355, 357, 357A, 386, 437A, 441, 447 491, 511, 569, 678, 720, 724, 726 755, 781

SPEAKER BARRETT: The A bill is advanced. Messages on the President's desk.

Mr. President, your Committee on Education, whose Chair is Senator Withem, to whom was referred LB 447, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments: indefinitely postponed, those signed by Senator Withem. Committee reports LB 755 to General File with amendments. That is signed by Senator Schmit as Chair. Banking Committee reports LB 99 to General File, LB 278 as indefinitely postponed, those signed by Senator Landis Mr. President, Health and Human Services Committee reports LB 678 General File with amendments, LB 323 General File, LB 569 File with amendments, LB 720 General File with amendments, LB 355 General File with amendments, LB 511 indefinitely postponed. Mr. President, Health and Human Services reports LB 491 to General File with amendments, File amendments, LB 726 General File with with amendments, those signed by Senator Wesely as Mr. President, Enrollment and Review reports LB 781 to Select File with E & R, LB 357 Select File with E & R, LB 357A Select LB 441 Select File with E & R amendments. pages 907-13 of the Legislative Journal.)

Mr. President, new A bills. (Read LB 329A, LB 260A, LB 437A and LB 227A by title for the first time. See pages 913-14 of the Legislative Journal.)

Mr. President, I have an appointment by the Governor to the Boiler Safety Code Advisory Board. That will be referred to Reference Committee.

Notice of hearing by the Revenue Committee; notice of room change by Health and Human Services Committee for hearings; and a cancellation of hearing by the Banking Committee, those three signed by the respective Chairs. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. If the gentleman from Minden is so inclined, would he care to adjourn us?

SENATOR KRISTENSEN: Thank you, Mr. President, I'd move that we adjourn the body until tomorrow morning at nine o'clock.

amendments, that is signed by Senator Smith. (See page 970 of the Legislative Journal.)

Senator Lynch has chosen LB 89 as his priority bill. Reference report referring LBs 810 and 811 and certain gubernatorial appointees. A new resolution by Senator Rod Johnson. (kead brief explanation of LR 42. See pages 971-72 of the Legislative Journal.) That will be laid over.

Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President as of 10:10 a.m. (Re: LB 92 and LB 92A.)

General Affairs Committee gives notice of hearing, that is signed by Senator Smith, and I have a report of registered lobbyists for this week, Mr. President. That is all that I have.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Next bill, Mr. Clerk.

CLERK: Mr. President, LB 441 is on Select File. I have E & R amendments pending, first of all, Senator.

SPEAKER BARRETT: Senator Lindsay, on the amendments.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 441 be adopted.

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

CLERK: Mr. President, Senator Hall has an amendment to the bill.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Mr. Chairman, I would withdraw that amendment.

SPEAKER BARRETT: Withdraw.

SENATOR HALL: Withdraw that, please.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 441 as amended be advanced.

SPEAKER BARRETT: Shall LB 441 as amended be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 360.

CLERK: Mr. President, LB 360 on Select File, I do have E & R amendments, first of all. Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E&R amendments to LB 360 be adopted.

SPEAKER BARRETT: Shall the E & R amendments be adopted? All in favor say aye. Opposed nay. They are adopted.

Mr. President, Senator Schellpeper would move to amend the bill. The amendment is on Journal page 893.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members. First of all, let me say that this amendment is not the amendment that we discussed on General File. Then we were talking about taking the \$5,000 out altogether. This amendment does not do that. In talking to my mortician over the weekend from my local town, he said that what we should probably do is just set the date back of the \$5,000, and that is what we are We are setting the date back from 1991 to 1993, and I don't think there would be any problem with that, but what we are really doing is just leaving the \$5,000 in there, but just putting the implementation date back to 1993.

SPEAKER BARRETT: Thank you. Discussion on the Senator Schellpeper amendment? Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker, members. Senator Smith and I are the sponsors of the bill. We did talk to Senator Schellpeper since General File, and though we have talked to

March 7, 1989

LB 48, 61, 92, 92A, 147, 147A, 154 176, 298, 327, 349, 360, 360A, 391 398, 416, 441, 458, 459, 502

## PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day Reverend Steve Janovec of the People's City Mission in Lincoln. Would you please rise for the convocation.

REVEREND JANOVEC: (Prayer offered.)

PRESIDENT: Thank you, Reverend Janovec. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal this morning?

CLERK: No corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 147 and recommend that same be placed on Select File; LB 147A, Select File.

Mr. President, Enrollment and Review reports LB 154, LB 360, LB 360A and LB 441 as correctly engrossed, both those items signed by Senator Lindsay as Chair of the Enrollment and Review Committee. (See pages 1003-04 of the Legislative Journal.)

Mr. President, communications from the Governor. (Read communications regarding signing of LB 391, LB 398, LB 458, LB 459, LB 48, LB 61, LB 176, LB 298, LB 327, LB 349, LB 416, LB 502, LB 92 and LB 92A. See page 1004 of the Legislative Journal.)

Mr. President, an appointment letter from the Governor appointing Ms. Kathy Campbell to the Child Abuse Prevention Fund Board. That will be referred to Reference. (See page 1005 of the Legislative Journal.)

I have a report from the Job Training area for the Department of Labor, Mr. President. That will be on file in my office. (See page 1005 of the Legislative Journal.)

March 17, 1989

LB 155, 326, 334, 336, 440, 441, 489 516, 556, 623, 744 LR 58, 59

return to your seats, we will continue with Final Reading, please. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 556, LB 516, LB 489, LB 440, LB 334, LB 326. Okay, Mr. Clerk.

ASSISTANT CLERK: (Read LB 441 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 441 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 1205-06 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 4 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 441 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 441 with the emergency clause attached. Mr. Clerk, do you have something for the record?

CLERK: Mr. President, I do. Your Committee on Enrollment and Review respectfully reports they have carefully reviewed and examined .B 155 and find the same correctly engrossed; LB 336; LB 623, and LB 744, all reported correctly engrossed. (See pages 1206-07 of the Legislative Journal.)

 $\mbox{Mr. President, I have a report of registered lobbyists for <math display="inline">% \left( 1\right) =\left( 1\right) =\left( 1\right)$  this past week.

New resolution, Mr. President, LR 58, by Senator Rod Johnson. (Read brief description of LR 58 as found on page 1209 of the Legislative Journal.) That will be laid over. LR 59, by Senator Rod Johnson. (Read brief description of LR 59 as found on page 1209 of the Legislative Journal.) That's all that I have, Mr. President.

I do, excuse me, I do have one other item. Hearing notice, confirmation hearing notice from the Judiciary Committee. (See page 1210 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: Thank you. I would like to introduce some guests in the north balcony. Senators Barrett, Baack, Elmer, Haberman,

March 17, 1989

LB 69, 326, 334, 440, 441, 489, 516 556, 711 LR 60

only one absent, Senator Chambers, at this point. Should we go ahead, or would you prefer to wait? A roll call vote has been requested. Members, please return to your seats for a roll call vote. The question before the body is the adoption of the Chambers amendment to the Schmit amendment to LB 89. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 1213 of the Legislative Journal.) 10 ayes, 29 nays, Mr. President, on adoption of the amendment.

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

CLERK: Mr. President, new resolution. LR 60, by Rod Johnson, asking the Legislature to declare the week of March 19 through the 25th as Agriculture Week. That will be laid over. Your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning, Mr. President. (Re. LB 326, LB 334, LB 440, LB 489, LB 516, LB 556, and LB 441.) Banking Committee reports LB 711 as indefinitely postponed. Government Committee offers a confirmation report, that is signed by Senator Baack as Chair. That's all that I have, Mr. President. (See pages 1213-14 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, Mr. Clerk. The Chair would like to take just a moment to advise the membership that we will be on a full day schedule beginning Monday. This next Monday we will be on the floor all day. The second announcement that I'd like to share with you is the fact that the following Monday, that is specifically March 27th, it is my plan at this moment to convene at one o'clock, Monday afternoon, March 27th. You will have Monday morning off, that's the Monday following Easter. We will convene at one o'clock, Monday afternoon, the 27th of March, and hopefully work a little later that day than we normally would. Anything else, Mr. Clerk?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. Senator Robak.

SENATOR ROBAK: Mr. Speaker, I move we adjourn until Monday morning at nine o'clock.

SPEAKER BARRETT: You've heard the motion offered by Senator

March 21, 1989 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 mays, 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