

January 5, 1989

LB 1-80

will meet for a brief Executive Session, in Room 1003, upon recess to select a Vice-Chair. Appropriations Committee upon recess in Room 1003 by the Appropriations Committee.

Mr. President, I also have the Committee on Committees report as offered by Senator Lowell Johnson and the Committee on Committees. Also an acknowledgment, Mr. President, that Senator Beyer has been selected...Senator Emil Beyer has been selected as Vice-Chair of the Committee on Committees.

PRESIDENT: The Chair recognizes Senator Lowell Johnson. Could we have your attention for just a moment, please. (Gavel.) Could we have your attention just a moment, ladies and gentlemen. If we could have your attention just a moment, we won't request your attention too long today, but Senator Lowell Johnson has an announcement.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, your Committee on Committees met yesterday, and after careful deliberations completed the committee roster, which you find on your desks, which has been placed there by the Clerk. The report was unanimously adopted by the Committee on Committees, and I, therefore, move at this time that it be accepted and approved by the Legislature.

PRESIDENT: Is there any discussion? If not, the question is the adoption of the report. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Committee on Committees report.

PRESIDENT: The report is adopted. Back to you, Mr. Clerk. We're ready for the introduction of new bills. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB 1-80 by title for the first time. See pages 44-61 of the Legislative Journal.)

PRESIDENT: If I could have your attention just a moment, please, we'll introduce a couple of guests. Over under the north balcony, our first doctor of the day for this year is Dr. Dale Michaels of Lincoln, Nebraska. He's from Senator Warner's district. He's here to take care of us on behalf of the Nebraska Academy of Family Physicians. So would you welcome Dr. Michaels. Would you please stand, Doctor. Thank you for

January 20, 1989

LB 35, 36, 38, 45, 53, 57, 79
123, 158, 168-170, 189, 190

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, I have a report of registered lobbyists for the week of January 19, as prepared by my office.

Mr. President, Business and Labor offers notice of hearing; Natural Resources Committee offers notice of hearing, signed by the respective chairs.

Natural Resources Committee reports on a confirmation hearing of Mr. Lawrence Myers.

Your Committee on Natural Resources to whom is referred LB 45 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 168 General File; LB 169 General File; LB 170 indefinitely postponed, those signed by Senator Schmit.

Enrollment and Review reports LB 190 to Select File; LB 35 to Select File with amendments; LB 36, Select File; LB 38, Select File with amendments; LB 158, Select File; LB 79, Select File; LB 53, Select File with amendments; LB 57, Select File and LB 123, Select File, those signed by Senator Lindsay as Chair, Enrollment and Review. (See pages 370-71 of the Legislative Journal for above announcements.)

Mr. President, the next amendment I have to LB 189 is offered by Senator Haberman. (Amendment appears on page 372 of the Legislative Journal.)

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Would you like to read the amendment, Mr. Clerk?

CLERK: (Read Haberman amendment.)

SENATOR HABERMAN: Mr. President, members of the body, the bill, LB 189, said, in essence, the chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature. That's fine. That's what we did. I agree with that. But now we reach the point that in 1991 should it or should it not be a standing committee? So let's examine the issue. If you will look on the work sheet dated January 20, 1989, there are 14 bills referred to General

Withem, any comment? Thank you. Any discussion? Seeing none, we will proceed to the vote. The question is the suspension of Rule 3, Section 13. Those in favor vote aye, opposed nay. Record, please.

CLERK: 0 ayes, 28 nays, Mr. President, on the motion to suspend Rule 3, Section 13.

SPEAKER BARRETT: Motion fails. Proceeding then to the suspension of Rule 3, Section 19. Senator Withem. Thank you. Any discussion? Proceeding then to the vote. The question is the suspension of Rule 3, Section 19. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 0 ayes, 30 nays, Mr. President, on the motion to suspend Rule 3, Section 19.

SPEAKER BARRETT: Motion fails. Anything on the desk, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, I have a motion from Senator Warner as Chair of the Credentials Committee. That will be read and laid over, Mr. President.

Mr. President, I have a series of gubernatorial appointments. Those will be referred to Reference. (See pages 395-97 of the Legislative Journal.)

Mr. President, hearing notices from the Transportation Committee, from the Banking Committee, from the General Affairs Committee, all signed by the respective Chairs.

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 60 and report the same to Select File; LB 126, Select File; LB 207 to Select File, and LB 189, Select File; and LB 51, all reported to Select File, Mr. President. (See pages 398-99 of the Legislative Journal.) That's all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File. LB 45. Mr. Clerk.

CLERK: Mr. President, LB 45 was a bill that was introduced by Senator Bernard-Stevens. (Read title.) The bill was introduced on January 5 of this year, referred to Natural Resources. It

was advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The gentleman from the 42nd legislative district, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President. Members of the body, I won't take much time. This bill was heard before the Natural Resources Committee. There was no opposition to it. This bill will not make a new law, in fact, it will take some of the existing laws off of the books so we will be helping along that matter. In essence, what we had is a few years ago you had fees established for intentionally stored water and also the incidentally stored underground water that has caused a lot of conflict, at least on the incidentally stored water. To this date, no requests have ever been made to levy fees by anyone. The Central Nebraska Public Power and Irrigation District passed a resolution themselves in favor of the resolution...or in favor of LB 45, so there is, in general, harmony to take away the fees but also eliminate much of the frustration felt by people that have had incidentally stored water. And that's exactly what this bill would do. It's 50 cents per acre and that would be removed. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the bill. Senator Wesely.

SENATOR WESELY: Thank you. Thank you. Mr. Speaker, members, although it sounds like everybody is pretty happy with this piece of legislation, I think it would be helpful for Senator Bernard-Stevens or Senator Schmit, probably more likely, since he was around when we passed this, but try and remember this was part of a fairly controversial bill and, remember, we had some battles over this and I guess I wonder what became of it. I'm trying to recall exactly the context in which this issue was debated. You have kind of said that there was this problem and now there's not a problem but could you give us a little more history on that? Because either from you or Senator Schmit, I recall this as being a little more significant issue than you have just portrayed it as, at the time it was passed.

SENATOR BERNARD-STEVENS: Mr. Chairman, I would be glad to enlighten that a little bit. The McFarland bill we had the other day kind of scared me a little bit about taking too much time because you never know what's going to happen at some

point. And Senator Schmit will have a much better background than I will on this particular bill but what I have been able to establish on the history of the bill that there was a very, very complex water bill issue that was coming through and it did divide the body quite extensively. There was a dollar fee per acre for incidentally stored water in the bill and the committee took it and changed that to zero. And then in the context of the discussion on the floor, a compromise was reached at 50 cents of which, even at that, it was feared that the bill itself, because of other potential problems, would not pass, but the bill did pass with the 50 cent per acre in there. Since that time, Senator Wesely, people that have had, for example, in my area and really throughout the state that have had incidentally stored water, what's happened is the water table has risen in their areas through no dealings of their own, maybe it's seepage through a canal system, what have you, and there is a fee on the books that says that another entity can charge them 50 cents an acre for pumping of water that they didn't have anything to do with it being there in the first place and has caused a lot of controversy. When the ranchers and farmers have gone to the areas that...where the agencies or entities, if you wish, that would be able to charge the fee, the entities say, we do not want to charge the fee, we will never charge a fee, for the most part, so we were stuck with the idea of, okay, if people were upset that there might be a fee, let's go ahead and remove it. And all the areas that were affected by this came to a conclusion that this is, in fact, the way that we wanted to go. If, in the future, there would need to be a problem or somebody would need to file, then we would have to go back years and put a fee, but right now neither side really wants that particular fee in there. All the other fees that were a part of that bill, by the way, you are referring to will remain intact.

SENATOR WESELY: What I recall in carrying on...

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: Thank you. Central Nebraska Public Power and Irrigation, I think, was the primary sponsor of this incidental fee question and I think it must have been about six or seven years ago. But, evidently, what's happened is what they thought was a circumstance that they needed this authority, they no longer feel that now or in the future that will be a necessity, so they're...and the confusion is now causing everybody involved just to decide not to even get into this issue. Is that right?

SENATOR BERNARD-STEVENS: I think there's a couple of things involved here but, number one, yes, the frustration on some of the farmers and the realization by Tri-County, for the most part, that they will not use the fee nor do they want to, they have simply come to the conclusion that we'll go ahead and get rid of it and it will kind of ease the tension between some of the two groups.

SENATOR WESELY: Yeah.

SENATOR BERNARD-STEVENS: I might also...Central Nebraska Public Power and Irrigation District did come this time and testify in favor of the bill.

SENATOR WESELY: Yes, as I recall, this really only affected your area of the state, that Platte Valley and on down a little ways.

SENATOR BERNARD-STEVENS: Actually, the incidental affects a few more portions than that throughout the state but particularly the reason I brought the bill up was for Keith, Lincoln and Dawson Counties and those areas where it was extremely effective. However, there are other areas where there have been bubbles under underground water that have incidentally stored water.

SENATOR WESELY: All right.

SENATOR BERNARD-STEVENS: This is not, by the way, if it's planned or intentional storage, those fees are all still within the system that we have.

SENATOR WESELY: Okay. Well I didn't mean to imply that incidental recharge doesn't occur anywhere else but just that the issue itself and the fee itself was focused primarily in the middle part of the state.

SENATOR BERNARD-STEVENS: That is correct.

SENATOR WESELY: Okay, thank you very much. Appreciate that explanation. If Senator Schmit had anymore to add, I would appreciate hearing from him on this but I think I understand where we're coming from.

SPEAKER BARRETT: Thank you. Any other discussion on the bill? Any closing statement, Senator Bernard-Stevens?

SENATOR BERNARD-STEVENS: Just that we advance the bill at this point, Mr. President.

SPEAKER BARRETT: Thank you. You have heard the motion to advance LB 45 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance LB 45.

SPEAKER BARRETT: LB 45 is advanced. LB 168.

CLERK: LB 168, Mr. President, introduced by Senator Schmit. (Read title.) The bill was introduced on January 5, referred to Natural Resources, advanced to General File. I have no amendments to the bill.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Natural Resources Committee, Senator Schmit.

SENATOR SCHMIT: Mr. President and members, this bill eliminates language which authorizes the shooting of crows, hawks and wolves on reservations and sanctuaries. It's technical in nature. Actually, there haven't been many wolves in Nebraska for quite a few years and so the language wasn't really necessary. It boils down to the fact that it says you can't shoot crows on game reserves and there are not very many of those in the State of Nebraska. But the Game and Parks did have a series of these bills which they wanted introduced for the purpose of cleaning up language. It's almost a redundant bill but I took it out of courtesy to the Game and Parks Commission. I would be glad to answer any questions and if not, I would assume that the bill could be moved forward.

SPEAKER BARRETT: Thank you. For purposes of discussion, Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. Speaker and members, I would have one question for Senator Schmit if he would yield.

SPEAKER BARRETT: Senator Schmit, would you respond?

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LB 45, 97, 168, 169, 229, 230, 232
233, 341

have it thoroughly considered, that all three bills should be considered at once since they deal with the same section. So I'll ask you for your vote to rerefer LB 341.

SPEAKER BARRETT: Thank you, Senator Pirsch. Discussion. Any discussion on the motion to rerefer LB 341? If not, Senator Pirsch, anything further?

SENATOR PIRSCH: Oh, I move for the adoption of the motion.

SPEAKER BARRETT: Thank you. The question is the rereferencing of LB 341 from Judiciary to Government. Those in favor of that motion please vote aye, opposed nay. Record, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to rerefer the bill.

SPEAKER BARRETT: LB 341 is rereferred. To General File, Mr. Clerk, LB 97.

CLERK: Mr. President, if I might right before that, some items for the record?

SPEAKER BARRETT: Certainly.

CLERK: Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 45 and recommend that same be placed on Select File with E & R amendments; LB 168 to Select File with E & R attached; LB 169 Select File, LB 229 Select File; LB 230 Select File; LB 232 Select File; LB 233 Select File, all signed by Senator Lindsay as Enrollment and Review Chair. (See page 412 of the Legislative Journal.)

Mr. President, the first bill for consideration this morning is LB 97. It was a bill introduced by Senator Landis. (Title read.) The bill was introduced on January 5, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes the Chairman of the Banking Committee, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, I promised that I'd try to do a little better job

SPEAKER BARRETT: The bill is on General File. The motion prevails. The bill is killed. I would like to ask for your indulgence for the movement of three bills on Select File. Anything for the record first, Mr. Clerk? Let's proceed to LB 45, Mr. Clerk.

CLERK: Mr. President, on LB 45, Senator Lindsay, I have E & R amendments pending, Senator.

SPEAKER BARRETT: Senator Lindsay.

CLERK: E & R amendments, Senator.

SENATOR LINDSAY: Mr. President, I would move that the E & R amendments to LB 45 be adopted.

SPEAKER BARRETT: Shall the E & R amendments to LB 45 be adopted? Those in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 45 be advanced.

SPEAKER BARRETT: You have heard the motion to advance LB 45 as amended. Those in favor say aye. Opposed no. Carried. The bill is advanced. LB 168, Mr. Clerk.

CLERK: LB 168, Senator, I have E & R amendments pending.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 168 be adopted.

SPEAKER BARRETT: Thank you. Shall the E & R amendments be adopted to LB 168? All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

January 26, 1989

LB 43, 45, 113, 133, 134, 168, 169
171, 172, 255, 257, 277, 295

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the George Norris Legislative Chamber, the opening of the 15th day in this, the First Session of the Ninety-first Legislature. For our opening prayer the Chaplain of the day, the Reverend David Quam, Central Alliance Church in Lincoln. Pastor Quam, please.

REVEREND DAVID QUAM: (Prayer offered.)

SPEAKER BARRETT: Thank you, Reverend Quam, hope you can come back again. Roll call.

CLERK: Twenty-nine members present this morning, Mr. President.

SPEAKER BARRETT: Thank you. With a quorum present, any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 134 and recommend the same be placed on Select File; LB 255, LB 257, LB 295, LB 133, and LB 277, those on Select File, some of which have E & R amendments attached. (See page 449 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 45 and find the same correctly engrossed; LB 168 and LB 169, also correctly engrossed.

Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, to whom was referred LB 43 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 113, LB 171, LB 172, all advanced to General File, all signed by Senator Schmit as Chair.

Mr. President, a hearing notice from the Natural Resources Committee for Thursday, February 2. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To item number five on the agenda,

February 7, 1989

LB 45, 168, 169, 207

Legislative Journal.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused, Mr. President.

PRESIDENT: LB 207 passes. LB 45.

ASSISTANT CLERK: (Read LB 45 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 45 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 623 of the Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 45 passes. LB 168.

CLERK: (Read LB 168 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 168 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 624 of the Legislative Journal.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 168 passes. LB 169.

CLERK: (Read LB 169 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 169 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 625 of the Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 169 passes.

CLERK: Mr. President, items for the record, thank you. Your

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LB 35, 38, 45, 51, 53, 60, 79
92A, 123, 168, 169, 189, 190, 207
379

Committee on Education whose Chair is Senator Withem would report LB 379 to General File and that is signed by Senator Withem as Chair of the Education Committee, Mr. President, and that is all that I have. (See page 625 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 35, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168, LB 169. (See page 625 of the Legislative Journal.) We'll move on to the General File A bills and, Senator Barrett, did you wish to make an announcement about later taking up the Select File?

SPEAKER BARRETT: Yes, Mr. President. Thank you, and members, just a reminder of something we've done in the past on numerous occasions, if we perchance have not completed Select File by adjournment time at noon, I'd like very much with your leave to move those bills on to Final that are not amended. Those bills that are clean, I'd like to move them, if at all possible, before we adjourn if we haven't completed Select File. Thank you.

PRESIDENT: Thank you, and in checking with the Clerk, he tells us he will be in shape to take those up a little bit before noon, so that will be fine. Thank you, Speaker Barrett. LB 92A, Mr. Clerk.

CLERK: Mr. President, 92A was a bill offered by Senator Landis. (Title read.)

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the omnibus insurance act. The Insurance Department is a cash funded agency based on examination fees that they obtain. This, I believe, is the reappropriation of roughly \$50,000 to accomplish the tasks of the bill and I would ask that we advance LB 92A to accompany LB 92.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 92A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

February 7, 1989 LB 36, 38, 45, 46, 51, 53, 60
79, 123, 145, 168, 159, 189, 190
207, 237, 273, 308, 338, 410, 414
418, 431, 449, 458, 506, 706, 733

LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60,
LB 189, LB 207, LB 45, LB 168, and LB 169.)

Retirement Systems reports LB 46 to General File; LB 308,
General File; LB 145, General File with amendments; LB 237,
General File with amendments; LB 418, General File with
amendments; LB 506, General File with amendments. Those are all
signed by Senator Haberman as Chair. (See pages 635-40 of the
Legislative Journal.)

Health Committee reports LB 449 to General File with amendments;
LB 733, General File with amendments. Those are signed by
Senator Wesely as Chair. Business and Labor reports LB 410 to
General File; LB 414, General File. Those are signed by Senator
Coordsen as Chair. Banking Committee reports LB 431 to General
File; LB 706, General File. Those are signed by Senator Landis
as Chair. (See page 637 of the Legislative Journal.)

Mr. President, Senator Rogers has amendments to be printed to
LB 273; Senator Labeledz to LB 338; Senator Smith to LB 338; and
Senator Nelson to LB 458. That's all that I have,
Mr. President. (See pages 637-38 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The Chair recognizes Senator
Conway. Would you care to adjourn us, Mr. Conway.

SENATOR CONWAY: Mr. Speaker, members, I move that we adjourn
until 9:00 a.m., February 8th.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn
until tomorrow morning at nine o'clock. Those in favor say aye.
Opposed no. Carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

February 10, 1989 LB 35, 36, 38, 42, 44, 45, 51
53, 60, 79, 110, 123, 140, 168
169, 189, 190, 207, 408, 607, 610
708, 775
LR 2, 29

for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chair is Senator Chizek reports LB 42 to General File; LB 44, General File; LB 708, General File; and LB 110 as indefinitely postponed. Those are signed by Senator Chizek.

Mr. President, Revenue committee whose Chair is Senator Hall reports LR 2CA to General File; LB 607, General File with amendments; LB 775, General File with amendments. Those are signed by Senator Hall. (See pages 690-91 of the Legislative Journal.)

Health and Human Services Committee whose Chair is Senator Wesely reports LB 610 to General File with amendments. (See page 691 of the Legislative Journal.)

Mr. President, Report of Registered Lobbyists for this past week as required by statute. (See page 692 of the Legislative Journal.)

I have amendments to be printed to LB 408 by Senator Barrett.

Mr. President, communication from the Governor to the Clerk. (Read communication regarding signing of LB 35, LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168 and LB 169. See page 693 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 140 to Select File with E & R amendments attached. (See page 693 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 29, please.

CLERK: Mr. President, LR 29 was offered by Senator Langford. It's found on page 656. (Read resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mr. President and colleagues, I offer this resolution with a great deal of joy because this gentleman plays cards and plays golf with Jack, my husband, every day, practically, in the summer. He has been instrumental in the