

March 13, 1989

LB 49A, 77, 161, 162, 183, 215, 226A
258, 272, 279, 319, 325, 335A, 357
377, 415, 431, 468, 477, 498, 537
539, 541, 568, 569, 572, 575, 586
591, 628, 630, 633, 646, 660, 662
671, 678, 714, 720, 747, 766

LB 335A for the first time by title. That is offered by Senator Korshoj. Read LB 49A for the first time by title. Read LB 226A for the first time by title. See pages 1100-01 of the Legislative Journal.)

Mr. President, Business and Labor Committee reports LB 415 to General File with amendments, signed by Senator Coordsen as Chair of the committee. General Affairs reports LB 477 indefinitely postponed, LB 568 indefinitely postponed, LB 572 indefinitely postponed, LB 660 indefinitely postponed, LB 766 indefinitely postponed. Those are signed by Senator Smith as Chair. Urban Affairs reports LB 498 as indefinitely postponed, LB 633 indefinitely postponed, LB 671 indefinitely postponed. Those are signed by Senator Hartnett. (See page 1101 of the Legislative Journal.)

I have amendments to be printed, Senator Wesely to LB 279; and Senator Schellpeper to LB 357. Mr. President, Health and Human Services Committee reports LB 537 to General File with amendments, LB 645 to General File with amendments, LB 662 to General File with amendments, and LB 539 indefinitely postponed, those signed by Senator Wesely as Chair. (See pages 1102-07 of the Legislative Journal.)

Mr. President, priority bill designations; Senator Morrissey selects LB 569; Senator Kristensen, LB 586, Senator Chizek, LB 747 as his personal priority bill, and LB 215 and LB 377 as Judiciary Committee priorities; Senator Warner has LB 468 and LB 258 by Appropriations Committee; Banking, Commerce and Insurance offers LB 319 and LB 272 as priority bills; Senator Barrett has LB 575 as his personal priority bill; Senator Warner, LB 77 as his personal priority bill; Senator Coordsen offers LB 541 and LB 630 as Business and Labor priority bills; Senator Goodrich has selected LB 591 as his priority bill; Senator Rod Johnson has selected LB 161 and LB 162 as committee priority bills, and LR 2CA as his personal priority resolution; Senator Wesely selects LB 431 as his personal priority bill, and LB 678 and LB 720 as Health and Human Services priorities; Senator Hefner selects LB 325 as his personal priority bill; Senator Lowell Johnson selects LB 646 as his personal priority bill; Senator Robak, LB 628 as her priority bill; and Senator Conway, LB 714 as his priority bill.

And Senator Baack, Mr. President, has amendments to be printed to LB 183. (See pages 1109-10 of the Legislative Journal.) And

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LB 37, 49A, 343, 592
LR 62

selling and profiting from the sale of cocaine and crack. I urge the advancement of LB 592. Thank you.

SPEAKER BARRETT: Thank you. And the question before the body is the advancement of LB 592 to E & R Initial. Those in favor of that motion vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 31 ayes, 5 nays, Mr. President, on the advancement of LB 592.

SPEAKER BARRETT: LB 592 is advanced. Mr. Clerk, anything for the record?

CLERK: Mr. President, yes, sir, I do, thank you. Health and Human Services reports LB 343 to General File with amendments. That's signed by Senator Wesely as Chair. (See pages 1230-31 of the Legislative Journal.)

Senator Rod Johnson has amendments to LB 37 to be printed. (See page 1231 of the Legislative Journal.)

New resolution by Senator Rod Johnson. (Read brief description of LR 62 as found on pages 1231-32 of the Legislative Journal.)

Mr. President, there will be a meeting of the Business and Labor Committee Tuesday, March 21 in the senate lounge at ten o'clock. Business and Labor, ten o'clock tomorrow morning in the senate lounge. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. It is my hope we can get into a few of the A bills, ladies and gentlemen, so let's proceed to item 8 on General File. Mr. Clerk.

CLERK: Mr. President, LB 49A is the first bill. It's offered by Senator Dierks. (Read title.)

SPEAKER BARRETT: Senator Dierks, please.

SENATOR DIERKS: Mr. Speaker and members of the Legislature, I'm caught a little bit short, I guess, if that's possible. I don't even seem to have my folder here. LB 49 is the weeds bill and it does have an A bill I think in the amount of \$187,000. Maybe someone can correct me on that. I believe that's the amount. I don't have a bit of problem bringing that legislation to you

today because when we think about the magnitude of the problem and the difficulties that other states have had with these weed problems and understand that some states are spending in the millions of dollars in their General Funds, I find it not a bit difficult to ask for the advancement of this legislative bill that calls for \$187,000 to...that calls for this kind of funding when we get to...when we consider the magnitude of the problem. If there is any questions about it, I would sure be glad to try to answer those. Otherwise, I would just urge your advancing this bill to Select File.

SPEAKER BARRETT: Thank you, sir. Discussion on the advancement of the bill. Senator Nelson, followed by Senator Schmit.

SENATOR NELSON: Mr. Speaker and members of the body, I also, somewhat like Senator Dierks, I should have been doing my homework a little bit faster on this. I agree a thousand percent the weed, the noxious weed problem is out there and the cost to the landowners, everyone, is certainly there. However, I do have a problem. We have herbicide, pesticide contamination. I believe that...and we have other areas. Once we start down the road of user fees, and so on, the problems are monumental. We have underground storage tank leakage as another one. I believe one of the...one of the areas that would be for matching money on this particular bill, the people that sell registered pesticides, the flea...the ones that control the fleas and ticks on the cats and dogs, the chemicals for sewer tanks, and so on and so forth. I just attended a meeting this morning over across on pesticides and herbicides and the problem. The problems are monumental in that particular area. I'm not suggesting that we need one big super fund but I guess I'm kind of caught in between here but I want the body to know that once we start down this road of fees to control one problem, we have a lot of them there. We have over, to be exact, we have over 6,000 chemicals that are produced and so when we start down the road to tax the users of some of those that have nothing to do with weeds or may not have anything to do with pesticides or herbicides then we're opening up that gate. I'm not in any way against noxious weed control but I'm cautioning you and I will bring up a little bit more of this. We have over 600, nearly 700 chemical applicators and we have water quality to be concerned of. We have pesticides down in our water, and, of course, the nitrogen. And I'm...I just want the body to know that I think that we should move very cautiously in starting to fund one particular area and not keep in mind that

there are problems in many, many areas in the state and so I'm caught between the fact of not supporting Senator Diekks in a very, very good cause and yet once we start down that door and we open the gate we have so many problems. And to tax one particular...or all chemicals for one particular area, I'm not quite sure that's the prudent thing to do Thank you.

SPEAKER BARRETT: Thank you. Further discussion on the advancement of the bill. Senator Schmit. (Gavel.)

SENATOR SCHMIT: Mr. President and members, three years ago most of the same individuals who are supporting this bill were adamantly in support of taking the state out of the business. Over my objections, they did so. Of course, Senator Warner had taken the money out of the program several years before that so there really wasn't...they really weren't all wrong. Now, we have been talking a lot about taxes and property taxes and the impact upon local government by what we do here and if you will note very carefully, we're not going to put that much money into this program in this respect but there may be some fiscal impact upon the counties, particularly those counties where the leafy spurge is beginning to become prevalent and many other noxious weeds are beginning to overrun the pasturelands. It's kind of, I guess, a matter of your priorities, we just advanced a bill that will cost the State of Nebraska about \$5,700 for each additional individual we convict, so if under that bill you convict 200 people, you are going to increase your cost to the penal system by about a million bucks a year. We can't put a million bucks here into the deterrent program but we can put a million bucks a year or two million bucks per year into the program which will lock them up. Therefore, I would hope that if this bill becomes law that it will be an effective bill and that we will spend some money to curb the spread of these noxious weeds and do so in a manner which is efficient and, hopefully, cost effective. It's kind of ironic though when you look at it that we're willing to spend money to stamp out weeds and we are not willing to spend money to stamp out the drug pushers. I guess it's a matter of priorities. I support the A bill.

SPEAKER BARRETT: Thank you. Senator Elmer, followed by Senator Dierks.

SENATOR ELMER: Thank you, Mr. President. I apologize for being down front. I just want to rise in support of this particular

bill, LB 49A. If we don't attack this problem and attack it properly and put some money in it, we will have the same kind of a situation that exists today where there are counties doing absolutely nothing to control this insidious problem that could ultimately cost us millions of acres of cropland being lost to poor stewardship by not addressing the problem. And I understand Senator Nelson's problems with chemicals being used. There are some other techniques that are coming along that show some promise, such as rotation, natural biological enemies and predators upon the weeds. But, in the meantime, we have to go about controlling the best we can with what we have. I would certainly support the passage of this bill.

SPEAKER BARRETT: Thank you. Senator Dierks, followed by Senator Lamb.

SENATOR DIERKS: Mr. Speaker and members of the body, I had...I was able to gather a few thoughts. The funding for the bill calls for two hundred and, I believe, four thousand dollars or something of that nature. Actually, what we intend to do is fund half of it with General Fund money and half of it...actually the total bill is 375,000 and that's...we're not sure that's even all that accurate. But the actual funding will come from matched money of General Fund and money from the...this noxious...or this toxic poisons fund. And, currently, as we talked about on General File on the bill, there are 67,000, I believe,...or 6,700 drugs or poisons that are licensed in Nebraska. Currently, we draw \$10.00 per registration which is used by the Department of Agriculture and this bill would call for that amount to be added to the amount of \$40.00 per registration, raising us about \$187,000 from the registrations of those chemicals. And then we ask for the General Fund to provide the other \$187,000. We did this...we planned this and calculated it fairly closely along the lines of the Department of Agriculture and their recommendations. They felt it would take about this amount of money to do an adequate job with the bill and so this is the reason that the bill was drafted that way. I don't believe there is any problem with that. I think they will be able to still do that and, of course, we'll be subject to renewal every year in the Legislature for the funding. But, like I said to begin with, I have absolutely no qualms or difficulties about bringing this request to the body because of the immense...the importance of the legislation and the amount of problem we have out there and the fact that we do need to show some good faith with our

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LB 49A, 231A, 285A

constituents in all of Nebraska and as regards to the eradication of these weeds. So, with that, I would just certainly recommend that we advance this bill on to Select File. Thank you.

SPEAKER BARRETT: Thank you. Senator Lamb.

SENATOR LAMB: Question.

SPEAKER BARRETT: Thank you, that won't be necessary. Yours is the last light. Senator Dierks, would you care to make any other statement before we call the vote?

SENATOR DIERKS: No, sir.

SPEAKER BARRETT: Thank you. The question then is the advancement of LB 49A to E & R Initial. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 49A.

SPEAKER BARRETT: LB 49A is advanced. LB 231A.

CLERK: LB 231A by Senator...introduced by Senator Wesely. (Read title.)

SPEAKER BARRETT: Senator Chizek, will you handle it, please.

SENATOR CHIZEK: The committee amended 231 and, as a result, I have introduced the A bill. I get to do the good things. The A bill is \$7,643, '89-90; and \$6,518 in 1990 and '91, and it's to redesign some forms, printing some forms, some postage and some supplies. I would ask your support for the A bill.

SPEAKER BARRETT: Any discussion? Seeing none, all in favor of the advancement of the bill to E & R please vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 231A.

SPEAKER BARRETT: LB 231A is advanced. LB 285A.

CLERK: LB 285A, Mr. President, is offered by Senator Lamb.

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LB 49A, 77, 231A, 262, 285A, 575A, 592
714

individually liable and that is not placing the responsibility where it ought to be placed. I would urge that the body advance the bill, and if some of these other concerns that actually go beyond the provisions of 77 are to be addressed, that perhaps can be done or at least considered but, by all means, let's at least give some basic fairness to those employees who are perhaps subject to cost that is beyond any reasonable basis to assess against them.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 77 to Enrollment and Review. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 29 ayes, 1 nay, Mr. President, on the advancement of LB 77.

SPEAKER BARRETT: LB 77 advances. For the record, Mr. Clerk.

CLERK: Mr. President, Enrollment and Review reports LB 592 to Select File; LB 49A, LB 231A; and LB 285A, all to Select File. (See page 1257 of the Legislative Journal.)

I have a motion to reconsider an amendment offered to LB 262 yesterday. That's offered by Senator Bernard-Stevens.

New A bill, LB 575A, by Senator Barrett. (Read by title for the first time as found on page 1258 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. To the next priority bill, LB 714. Mr. Clerk.

CLERK: Mr. President, LB 714 was a bill that was introduced by Senator Lamb, Senator Bernard-Stevens, Hefner, Robak, Smith and Conway. (Read title.) The bill was introduced on January 19, referred to the Revenue Committee. The bill was advanced to General File. I have committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER BARRETT: Chairman Hall, on the committee amendments.

SENATOR HALL: Thank you, Mr. President, members, Mr. Clerk, the amendment that I have is an amendment to the committee amendments?

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LB 49A, 49

question. I'm a little confused because I know I missed the day that this was on General File. I know that Senator Elmer had a tremendous number of amendments and I know Senators Wesely, Smith and Withem had an amendment. I'd just like for you to clarify something for me, was it in those amendments as agreed upon, was smokeless tobacco declared a noxious weed? I'm a little bit confused as to whether that's in the bill or not.

SENATOR DIERKS: Is this live? (Laughter.) I don't believe that's included in the bill, Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Senator, that clarifies that for me. Thank you, Mr. President.

SPEAKER BARRETT: Senator Schimek. Your light was on. Any other discussion? Senator Dierks, anything further?

SENATOR DIERKS: No, Mr. Speaker.

SPEAKER BARRETT: Thank you. The question then is the adoption of the Dierks amendment to LB 49. All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Dierks' amendment.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Dierks, would you care to try to advance the bill?

SENATOR DIERKS: Yes, I move we advance the bill to Final Reading.

SPEAKER BARRETT: Thank you. There are no lights on. The question then is the advancement of the bill. All in favor vote aye, opposed nay. The bill is advanced, sorry. As indicated earlier, I'm sorry, there is an A bill. Senator Dierks, would you like to handle an A bill?

SENATOR DIERKS: Yes, I move the advancement of LB 49A to...is it on Select?

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LB 49A, 132

SPEAKER BARRETT: Yes.

SENATOR DIERKS: ...to Final Reading.

SPEAKER BARRETT: Any discussion? If not, shall the A bill be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. There are about ten bills on Select File, nonpriority bills which are unamended. Mr. Clerk, can we voice vote those across, please, starting with LB 132.

CLERK: Mr. President, with respect to 132, Senator, I have E & R amendments on the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 132.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 132? All in favor say aye. Opposed no. Carried, they are adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 132, as amended, be advanced.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: I'm sorry, Mr. Speaker. I didn't see on the agenda and I missed your explanation of what it is we're doing. What is 132 and did I just misread the agenda and miss it, or have we added it for....

SPEAKER BARRETT: Senator Withem, we're on nonpriority bills, Select File. These are bills that...

SENATOR WITHEM: Oh, without amendments, okay.

SPEAKER BARRETT: ...do not have amendments (inaudible) filed.

SENATOR WITHEM: Okay, thank you very much. I apologize for not listening more closely. Thank you.

March 28, 1989

LB 46, 49, 49A, 132, 145, 231A, 237
250, 250A, 281, 378A 379, 388, 408A
412A, 418, 449, 449A, 506

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to the 54th day in the life of the First Session of the Ninety-first Legislature. Our opening prayer this morning by our chaplain, Pastor Allen Vomhaf of St. Johns Lutheran Church in Omaha, Senator Lynch's district. Pastor Vomhaf, please.

PASTOR VOMHAF: (Prayer offered.)

SPEAKER BARRETT: Thank you, Pastor Vomhaf. Hope you can come back again. Roll call.

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

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

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Reports, announcements or messages.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 46 and find the same correctly engrossed, LB 49, LB 49A, LB 132, LB 145, LB 231A, LB 237, LB 250, LB 250A, LB 281, LB 378A, LB 379, LB 388, LB 408A, LB 412A, LB 418, LB 449, LB 449A and LB 506, all reported correctly engrossed. (See page 1364 of the Legislative Journal.)

Mr. President, the last item I have is a report from the Job Training Director for the City of Omaha. That will be on file in my office. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. Before proceeding into General File, senator priority bills, an announcement of general interest to the body (gavel) for your advanced planning. On Thursday of this week, day after tomorrow, we will be on consent calendar, consent calendar beginning Thursday morning, running through the noon hour, working through the noon hour and hopefully adjourning again at the midafternoon point. It's my hope that we can dispose in one way or another of all of the bills that will be listed on consent calendar on Thursday. Those bills that will be a part of consent calendar will be available to you this afternoon at the same time the agendas for tomorrow are available. So you will be able to have a little

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LB 49, 49A, 134, 158

for visiting us today. Mr. Clerk, LB 49.

ASSISTANT CLERK: (Read LB 49 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 49 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2460-61 of the Legislative Journal.) The vote is 42 ayes, 2 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 49 passes. LB 49A, please.

ASSISTANT CLERK: (Read LB 49A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 49A pass? All those in favor vote aye, opposed nay, please. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2461-62 of the Legislative Journal.) The vote is 40 ayes, 5 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 49A passes. LB 134, please.

ASSISTANT CLERK: (Read LB 134 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 134 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2462 of the Legislative Journal.) The vote is 41 ayes, 2 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 134 passes with the emergency clause attached. LB 158.

ASSISTANT CLERK: (Read LB 158 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

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

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

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

PRESIDENT: LB 228 passes. LB 228A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT: Senator Wesely, please.

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

PRESIDENT: All right, it is withdrawn.

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

PRESIDENT: Senator Moore, please.

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

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

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

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

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

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

PRESIDENT: Senator Moore, please.

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

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LB 49A, 49

SENATOR DIERKS: Members of the body, I think that there isn't much need to go into too much more depth on this. I only urge your support of this motion and I'd like to give the rest of the closing time to Senator Elmer. Thank you.

SPEAKER BARRETT: Senator Elmer.

SENATOR ELMER: Thank you very much, Senator Dierks. Mr. Speaker, members of the body, as you all well know, I've 2317t three years on this bill. It's an excellent bill. It's one of the most important bills we have for agriculture for this state. It's the only time I've spoken today and it will be the last time, so I would strongly urge that we override the Governor in this instance and I'd strongly ask you to do the same on the next motion.

SPEAKER BARRETT: Thank you. The question is, shall the Governor's veto be overridden on LB 49? Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read as found on pages 2765-66 of the Legislative Journal.) 31 ayes, 7 nays, Mr. President, on the passage of LB 49 notwithstanding the objections of the Governor.

SPEAKER BARRETT: Motion is adopted. The veto is overridden on LB 49.

CLERK: Mr. President, Senator Dierks would now move that LB 49A become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Dierks.

SENATOR DIERKS: Mr. President, members of the body, I think it's just the next order of business. I urge your support of LB 49A override. Thank you.

SPEAKER BARRETT: Any discussion? If not, the question is the override of the Governor's veto on LB 49A. All in favor vote aye, opposed nay. Have you all voted? Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker.

SPEAKER BARRETT: Record.

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

SPEAKER BARRETT: Motion prevails. The veto is overridden.

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

SPEAKER BARRETT: Senator Rod Johnson.

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

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deemed mentally competent to stand trial and then the costs would shift back to the counties. It is important. It is a small county issue, there's no doubt about it. We need your help. Thank you.

SPEAKER BARRETT: Thank you. The question is the override of the Governor's veto on LB 44. All in favor vote aye, opposed nay. Voting on the motion to override. Have you all voted? Record, please.

CLERK: (Record vote read as found on page 2769 of the Legislative Journal.) 12 ayes, 23 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Any other overrides filed with the Clerk? The Chair advises that certificate is being signed indicating that there has been an override on LB 250 and the same is true for LB 49 and LB 49A. (See Certificates as found on page 2772 of the Legislative Journal.) Matters for the record, Mr. Clerk?

CLERK: Mr. President, a series of communications addressed to the Secretary of State's Office regarding the Legislature's actions today on certain line item veto overrides, as well as certain other veto overrides. (See Communications as found on pages 2769-2772 of the Legislative Journal.)

Mr. President, I have a communication from Senator Labeledz appointing the membership to the LR 247 (sic)...LB 247 Committee that was passed into law this year. (See Executive Board Report as found on page 2773 of the Legislative Journal.)

I believe, Mr. President, that's all that I have.

SPEAKER BARRETT: No other unfinished business on the desk. Motions in preparation, Mr. Clerk, for sine die?

CLERK: Mr. President, Senator Wehrbein I believe has the first motion.

SPEAKER BARRETT: Senator Wehrbein, please.

SENATOR WEHRBEIN: Mr. Speaker and members, I move that a committee of five be appointed to advise the Governor that the 91st Legislature First Session of the Nebraska State Legislature is about to complete its work and to return with any message the