

January 18, 1989

LB 35, 36, 38, 79, 158, 496-536

while you bring in your bills. If you have some, please bring them up. Do you have an announcement for us?

CLERK: Mr. President, Reference Committee will meet in five minutes in Room 2102; Reference Committee in Room 2102 in five minutes.

PRESIDENT: Reference Committee, please heed the announcement just made.

EASE

PRESIDENT: If you don't have anything to do, there is some dry edible beans up in front here, if you would like to help yourself you may. John Weihsing knows all about them, so you can ask him if you want to know how to cook them or anything. (Gavel.) Senator Weihsing.

SENATOR WEIHSING: Mr. President and members of the Legislature, this year Nebraska is number one in the production of dry edible beans. I thought that you should realize that we have a very high standing with the production in the nation.

PRESIDENT: Mr. Clerk, you have something to do.

CLERK: Mr. President, your Committee on Agriculture, whose Chair is Senator Rod Johnson, to whom was referred LB 35, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 36 and LB 38 to General File, all signed by Senator Johnson as Chair.

Mr. President, new bills. (LBs 496-536. Read for the first time by title. See pages 258-66 of the Legislative Journal.)

Mr. President, in addition to those items, I have the hearing notice from the Health and Human Service Committee. Mr. President, a Reference Report referring LBs 463 through 495.

Mr. President, Transportation Committee, whose Chair is Senator Lamb, to whom was referred LB 79, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with committee amendments attached, and LB 158 to General File, both of those signed by Senator Lamb (See pages 268 of the Legislative Journal.)

March 3, 1989

LB 78, 129A, 131, 183, 183A, 245, 250  
250A, 340, 346A, 397, 408, 443, 447A  
499, 509, 533, 538, 576  
LR 43

advance the bill.

SPEAKER BARRETT: The motion fails. Messages on the President's desk.

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 183 to Select File; LB 183A to Select File; LB 250, Select File; LB 250A, LB 340, all to Select File, all signed by Senator Lindsay as Chair of the E & R Committee. (See page 975 of the Legislative Journal.)

Transportation Committee reports LB 533 to General File and LB 245 indefinitely postponed. Those are signed by Senator Lamb. Transportation also reports LB 509 to General File; LB 78, General File with amendments; LB 131, General File with amendments; LB 538 indefinitely postponed and LB 576 indefinitely postponed, and also signed by Senator Lamb. (See pages 975-80 of the Legislative Journal.)

Senator Moore has amendments to be printed to LB 499. (See pages 980-82 of the Legislative Journal.)

Enrollment and Review reports LB 408 correctly engrossed and LB 443 correctly engrossed. Those are signed by Senator Lindsay. (See page 982 of the Legislative Journal.)

Mr. President, an announcement from Senator Smith that the General Affairs Committee will not meet in Exec Session at one o'clock. General Affairs will not have their regularly scheduled Exec Session.

Mr. President, a new resolution offered by Senator Coordsen and other members. (Briefly described LR 43 as found on pages 982-83 of the Legislative Journal.)

Mr. President, new A bills. (Read titles for the first time to LB 346A, LB 129A, LB 447A. See page 983 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Moore.

SENATOR MOORE: Mr. Speaker, I move we adjourn and, providing we can get here, I...we adjourn until Monday morning, March 6th.

SPEAKER BARRETT: Thank you. You have heard the motion to

March 30, 1989

LB 423, 509

For that reason...that is the single substantive change in the bill with respect to undoing a line of cases and that was the goal. With that, I would ask for the advancement of LB 423.

SENATOR LABEDZ: Thank you, Senator Landis. Senator Landis was closing on the advancement of LB 423. All those in favor vote aye, opposed nay. Have you all voted? Actually, they haven't. We're voting on the advancement of LB 423. Please vote.

SENATOR LANDIS: Senator Labedz, even though it is the lunch hour and I know that there are claims on our mind and our stomach that compete with doing our duty here, if necessary perhaps a call of the house might...unless, Senator Haberman, let's say, oh, he's already done his work. Well...gosh, do you think we're going to have to call for a call of the house?

SENATOR LABEDZ: You have the floor, you have the microphone.

SENATOR LANDIS: Senator Labedz, I guess I'll have to call for a call of the house. I don't want to, but let's take call in votes during the pendency of the call...oh, wait a second here. Maybe I don't need a call of the house.

SENATOR LABEDZ: Thank you, Senator Landis. We're voting on the advancement of LB 423. Please vote. Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 423 is advanced. Mr. Clerk, LB 509.

ASSISTANT CLERK: Madam President, LB 509 was introduced by Senator Scofield. (Title read.) The bill was read for the first time on the 18th of January. It was referred to the Transportation Committee. They report the bill advanced to General File.

SENATOR LABEDZ: Senator Scofield.

SENATOR SCOFIELD: Thank you, Senator Labedz. If all of you that just came back will bear with me, I will do this very quickly and shouldn't take much of your time. Just a little bit of background. The Branch Rail Revitalization Council was an entity that we created in 1980 to provide for the revitalization of branch rail lines. All of the members of that council are

appointed by the Governor and they currently include one branch rail shipper, one railroad management employee, one Public Service Commissioner, one representative from the State Rail Planning Agency which is currently contracted to the Department of Roads and three members of the general public. My amendment would simply say one of those members of the general public would be, we'd substitute for that an actual railroad employee, a maintenance of way employee with the notion that this would give a particular area of expertise on this Branch Rail Revitalization Committee of people that actually work on maintaining safe railroads in the state. That is the whole bill. With that brief explanation, I would ask that you advance it.

SENATOR LABEDZ: Thank you, Senator Scofield. Any further discussion on the advancement of 509? Senator Scofield, there are no further lights. Would you like to close? Senator Scofield waives closing. We're voting now on the advancement of LB 509. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 0 nays on the advancement of the bill.

SENATOR LABEDZ: LB 509 is advanced. Mr. Clerk, LB 793.

ASSISTANT CLERK: LB 793 was introduced by Senator Hartnett. (Title read.) The bill was read for the first time on January 19. It was referred to Revenue Committee. They report the bill to General File.

SENATOR LABEDZ: Senator Landis, I understand that you will move for the advancement of LB 793.

SENATOR LANDIS: It's true, Madam Speaker, I will. This was introduced by Paul Hartnett and reported out unanimously by the Revenue Committee. It amends our sales tax law to include satellite programming and satellite television signal descrambling or decoding devices within the definition of gross receipts for sales tax services. It does not change Nebraska law with respect to what is practiced as far as what is taxable or not. The subjects of these bills are already the subject of tax collections by the Department of Revenue but the bill is necessary to clarify the statute so that there is no question of the right to the department to collect the tax. In other words,

April 6, 1989

LB 77, 99, 135, 143, 206, 213, 228  
228A, 247, 323, 324, 371, 381, 423  
486, 487, 487A, 488, 488A, 508, 509  
566, 592, 605, 627, 643, 669, 714  
722, 756, 781, 793  
LR 70

PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day Dr. Paul Lundell of the Dundee Presbyterian Church in Omaha. Would you please rise.

DR. LUNDELL: (Prayer offered.)

PRESIDENT: Thank you, Dr. Lundell. We appreciate your message this morning. Roll call, please. Record, please.

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

PRESIDENT: Thank you. Do we have any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 77, LB 371, LB 592, LB 643, LB 714, and LB 781 as correctly Engrossed. Enrollment and Review also reports LB 99, LB 323, LB 143, LB 213, LB 381, LB 423, LB 509, LB 793, LB 605, LB 135, LB 324, LB 756, LB 206, LB 669, LB 486, LB 487, LB 487A, LB 488, LB 488A, LB 228, LB 228A, LB 627, LB 508, LB 722, and LB 566 to Select File, some of those having Enrollment and Review amendments attached. (See pages 1533-40 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 247 in the Legislative Journal. That's all that I have, Mr. President. (See page 1540 of the Journal.)

PRESIDENT: Okay. We'll move on to LR 70.

CLERK: Mr. President, LR 70 has been offered by Senators Ashford and Moore. It's found on page 1476. (Read brief summary of resolution.)

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. Last year we passed legislation which authorized the profession of

April 7, 1989

LB 323, 381, 423, 509

CLERK: Nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I'd move that LB 323, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 213, nope. LB 381.

CLERK: Senator, 381, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adopt...excuse me, I would move the advancement of LB 381.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 423.

CLERK: LB 423, Senator, has no amendments pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the advancement of LB 423.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 509.

CLERK: Senator, excuse me, I have E & R amendments, first of all, on 509.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 509.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

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

PRESIDENT: Senator Lindsay.

April 7, 1989

LB 135, 509, 605, 793

SENATOR LINDSAY: Mr. President, I would move that LB 509, as amended, be advanced to E & R for Engrossment.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 793.

CLERK: LB 793, Senator, has E & R pending.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 793.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. They are adopted.

CLERK: Nothing further on the bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I would move that LB 793, as amended, be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 605.

CLERK: LB 605, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 605 be advanced to E & R Final.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 135.

CLERK: Mr. President, I have no amendments to 135, I do have a request for a machine vote.

PRESIDENT: Okay, machine vote has been requested. The question is, shall the bill be advanced? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 25 ayes, 6 nays, Mr. President, on the advancement of

April 12, 1989

LB 99, 135, 206, 228, 228A, 323-325, 381  
423, 487, 487A, 508, 509, 605, 627  
669, 722, 793

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

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

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

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

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

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

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

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



April 21, 1989

LB 508, 509, 605, 627

been complied with, the question is, shall LB 508 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1826 of the Legislative Journal.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

PRESIDENT: LB 508 passes. LB 509.

CLERK: (Read LB 509 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 509 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1826-27 of the Legislative Journal.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

PRESIDENT: LB 509 passes. Speaker Barrett has asked me to announce that we will break at noon, so some of you were wondering, I guess. So you can relax and you get to eat at noon today, come back afterward, I assume. LB 605, please.

CLERK: (Read LB 605 on Final Reading ,

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 605 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1827-28 of the Legislative Journal.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

PRESIDENT: LB 605 passes. LB 627, please.

CLERK: (Read LB 627 on Final Reading.)

PRESIDENT: (Mike off) ...LB 627 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

April 21, 1989

LB 301-303, 303A, 305, 308, 309, 309A, 310  
469, 508, 509, 605, 627, 669, 722  
727, 793

May I introduce some guests please in the north balcony. Senator Hannibal has 75 eighth grade students from St. Roberts School in Omaha with their teachers. Would you ladies and gentlemen please stand and be recognized by the Legislature. Thank you for visiting us this morning. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 793, LB 508, LB 509, LB 605, LB 627, LB 669, and LB 722. We will move on to introduction of appropriation bills, Mr. Clerk.

CLERK: Mr. President, before, if I may, read some reports. Your Committee on Appropriations whose Chair is Senator Warner to whom was referred LB 301 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, as are LB 302, LB 303, LB 303A, LB 305, LB 308, LB 309, LB 309A, LB 310, LB 469, and LB 727, all reported to General File, all having committee amendments, all signed by Senator Warner as Chair. (See pages 1831-39 of the Legislative Journal.)

Mr. President, Senator Warner would move for the introduction of Committee Req. 1249.

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Mr. President and members of the Legislature, Req. 1249 would be the mainline budget bill. It would include everything other than...well, obviously, the bills, the constitutional officers are separate, legislative salaries are separate, salaries are separate, health insurance is separate, but this would include the other recommended appropriations for state agencies and state aid programs. I would move the suspension of the rule to permit its introduction.

PRESIDENT: Any further discussion? If not, the question is the introduction of the appropriation bill as described by Senator Warner. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 1 nay, Mr. President, on the introduction of Req. 1249.

PRESIDENT: The bill is introduced. Do you have another one, Mr. Clerk?

April 21, 1989

LB 183, 289, 470, 508, 509, 602, 605  
627, 669, 743, 772, 793

SENATOR KORSHOJ: Mr. Speaker and members, my question that I was interested in, Arlene Nelson brought up about farm tanks and private tanks so I have no more to say. Anybody wants my time, can have it. I was wanting to give it to Howard Lamb but he left so that's all I have. Thank you.

SPEAKER BARRETT: Thank you. Senator Lynch.

SENATOR LYNCH: Question.

SPEAKER BARRETT: Question has been called. Do I see five hands? I do. Shall debate cease? Those in favor vote aye, opposed nay. Please record.

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

SPEAKER BARRETT: Debate ceases. Senator Schmit, any closing comment? Anything further, Senator Schmit?

SENATOR SCHMIT: Mr. President, I move the bill be advanced.

SPEAKER BARRETT: Thank you. The question is, shall LB 289 be advanced to E & R Initial? All in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 34 ayes, 1 nay, Mr. President, on the advancement of LB 289.

SPEAKER BARRETT: The bill is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Appropriations whose Chair is Senator Warner reports LB 602 to General File, LB 470 to General File with amendments, LB 743 General File with amendments, those signed by Senator Warner.

Enrolling Clerk has presented to the Governor bills read on Final Reading. (Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 772 and LB 793.)

Senator Lamb has amendments to LB 183 to be printed and I have a lobby report for this past week, Mr. President. That's all that I have. (See pages 1843-44 of the Legislative Journal for above announcements.)

April 26, 1989

LB 84, 308, 361, 361A, 508, 509, 591A  
605, 627, 669, 722, 793, 813

SPEAKER BARRETT: Thank you, Mr. Chairman, and thanks to members of the Appropriations Committee for the overview of LB 813. Mr. Clerk, do you have anything for the record?

CLERK: Mr. President, Government Committee gives notice of cancellation of hearing, confirmation hearing. Amendments to be printed to LB 308 by Senator Warner; and Senator Conway and Haberman to LB 84. (See pages 1934-35 of the Legislative Journal.)

Natural Resources offers a confirmation hearing report. Communications from the Governor to the Clerk. (Read. Re: LB 361, LB 361A.) A second letter. (Read. Re: LB 508, LB 509, LB 605, LB 627, LB 669, LB 722, and LB 793. See pages 1935-36 of the Legislative Journal.)

Enrollment and Review reports LB 591A as correctly engrossed, Mr. President. That is all that I have. (See pages 1936-37 of the Legislative Journal,)

SPEAKER BARRETT: Thank you. There are a number of motions on the desk. It occurs to the Chair...Senator Schmit.

SENATOR SCHMIT: I believe the comment from Senator Warner was that if there were comments relative or questions relative to the general explanation, that they would be in order before the motions, is that correct or not?

SPEAKER BARRETT: That is correct. You are in order, yes. Proceed.

SENATOR SCHMIT: Well, thank you, Mr. President and members. I appreciate this explanation of the budget this morning, and I know that although it was an overview it was detailed and there will be, no doubt, many other legislators who will have questions, and I want to ask the indulgence of the body this morning because of an issue which is of considerable importance to all of us, I believe, and to myself, in particular, and to all of those who are associated with agriculture, in particular also. Agency 60 on page 112, the Gasohol Committee, Senator Warner pointed out that the committee has appropriated for '89-90 only \$1,670,626 of that total 17 million plus money and I want to say at this time that there will probably be a lot of comment about that in the future, but I have discussed it just