

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 5, 1989

LB 48, 52, 84, 161-189

the Executive Board will meet in...the Reference Committee will meet in Room 2102 at three-fifteen today for purposes of referencing bills, Reference Committee at three-fifteen.

Mr. President, new bills. (Read LBs 161-189 by title for the first time. See pages 82-88 of the Legislative Journal.)

Mr. President, in addition to those items, I have requests from Senators Chambers, Nelson, Schellpeper, Hefner, Lamb, Crosby and Hartnett to add their name to LB 48 as co-introducer; Senator McFarland and Schellpeper to LB 52 as co-introducer and Senator Carson Rogers to LB 84 as co-introducer. (See page 88 of the Legislative Journal.)

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, an announcement from the Agriculture Committee and signed by Senator Rod Johnson, the Ag Committee has selected Senator Owen Elmer as its Vice-Chairperson. Mr. President, I believe that is all that I have.

PRESIDENT: Ladies and gentlemen, we're about to start the proceedings for the afternoon, and we're very grateful to have with us Father Dawson this afternoon for our invocation. Would you please rise for Father Dawson.

FATHER DAWSON: (Prayer offered.)

PRESIDENT: Thank you, Father Dawson. Please feel free to stay with us as long as you like. We're privileged to have with us this afternoon the Nebraska National Guard who will present colors. Would you please rise.

PRESENTATION OF COLORS

PRESIDENT: Ladies and gentlemen of the National Guard, we appreciate your being with us and presenting the colors today. If I might say a word to those who will be escorting the folks in today, it will be necessary that we do it a little bit different than we usually do it. When one group of ushers brings in their group, please bring them up onto the stage and then retire back to your seats until the inauguration proceedings are over with and then I will call you back one group at a time to take your group back, because if we should all come in and all stay up here on the podium, we wouldn't have

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us today as Chaplain of the day, Reverend John Loudon of the Eastridge Presbyterian Church. Would you please rise.

REVEREND LOUDON: (Prayer offered.)

PRESIDENT: Thank you, Reverend Loudon. Please come back and see us again. Roll call, please.

CLERK: There is a quorum present, Mr. President.

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

CLERK: Mr. President, I do have a correction. (Read. See page 91 of the Legislative Journal.) That is the only correction that I have, Mr. President.

PRESIDENT: We will move on to the adoption of the temporary rules, please. Senator Moore, please.

SENATOR MOORE: Mr. President, members of the body, I simply move that we adopt the temporary rules this morning.

PRESIDENT: Thank you. All those in favor say aye. Opposed nay. They are adopted. Mr. Clerk, do you have any messages, reports, or announcements this morning?

CLERK: Yes, Mr. President, I do. Mr. President, the first order of business, we received a Reference Report from the Reference Committee referring LBs 1 through 101.

Mr. President, a series of unanimous consent requests: Senator Dierks to add his name to LB 58 as co-introducer, Senator Lamb to LB 188, Senator Lindsay to LB 187, Senator Scofield to LB 52, Senator Ashford to LB 121.

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, a series of reports from a variety of Natural Resources Districts regarding payment of attorney fees as is required by statute. Those will be on file in my office

March 14, 1989

LB 52, 289, 314, 621, 622, 761, 763  
795  
LR 28

SENATOR CHAMBERS: (Laugh.) All right.

PRESIDENT: Saved by the bell. Senator Warner, would you like to close on your resolution?

SENATOR WARNER: Well, Mr. President, members of the Legislature, Senator Scofield just handed me an article where the New York Times is in support of a 50 cent per gallon gas tax. So it could get pretty high. Again, the purpose of the resolution solely is one of expressing concern of placing this responsibility on one....Give you an idea of the impact on Nebraskans as opposed to other sources of revenue that might be available to reduce the federal deficit, according to the American Automobile Association, one of the charts that they put out indicated that an increase at the federal level of 9 cents, with a two house...a household with two wage earners and two...family of four could expect, on the average, in New York to cost \$293.28, on the average, per family, whereas in Nebraska it would be over...about 55 percent more per family, or \$460.54. That merely reflects the fact that in a sparsely populated state and with the heavy utilization of transportation and other fuel related expenses that...for much of our economy in this state that it can be a very major impact. And it seems unfair that that deficit be placed on such a smaller number of people, it ought to be shared on a broader basis. So I'd urge the resolution be adopted.

PRESIDENT: Thank you. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of LR 28.

PRESIDENT: The resolution is adopted. Mr. Clerk, anything for the record at this time?

CLERK: Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 289 to General File with amendments; LB 761, General File with amendments; LB 52, indefinitely postponed; LB 314, indefinitely postponed; LB 621, indefinitely postponed; LB 622, indefinitely postponed; LB 763, indefinitely postponed; and LB 795, indefinitely postponed. Those all signed by Senator Schmit as Chair. That's all that I have, Mr. President. (See pages 1120-26 of the Legislative

page 1694 of the Legislative Journal.)

PRESIDENT: Senator Dierks, please.

SENATOR DIERKS: Mr. President and members of the body, the amendment that I have had printed in the book is an extension of the bill that I introduced earlier in the session, LB 52. It requires that there be community consent in the form of a vote taken by the people of the county before these sites can be placed there. I think it's a fairly simple, fairly straightforward amendment. There is no, I promise you, no political hanky-panky going on. It is strictly, I think, an offer for us to provide citizens of this state a very basic right, the right to vote on whether they want this placed in their county. I think if we examine the history, we would have to go back to the founding of our nation and the reason that people came here, the reason that our ancestors came to this area. They came here for the freedoms, the freedoms from religious prosecution, from oppression by the kings. They came here to provide themselves with the freedoms that this New World presented and part of those freedoms was the right to select their destiny. That freedom I believe extends to the right to vote on whether they should have these nuclear sites placed in their county. One of the reasons, one of the very important reasons that we feel so strongly about this is the fact that all during the conversation, all during the process ever since we've been talking about the siting process, the right for community consent has been uppermost in the conversation. All facets of the process have talked about community consent. I quote, December 8, 1987. Norm Thorson representing Governor Orr in presenting the ten conditions which you have on your desk, the ten commandments. It says, "Communities resent the fact that a facility could be forced down their throats, consequently one of our conditions is that you cannot site a facility without that community's consent." That was on December 8, 1987. That's a direct quote. On December 18, 1987, "US Ecology nuclear officials will have to prove to us the site meets all conditions. The big one will be community acceptance." This is from Dennis Grams, Department of Environmental Control. And this was said in Omaha, quoted by the Lincoln Star on December 18, 1987. The big one will be community acceptance. On January 10, 1988, a little over a year ago, Governor Orr said, "Nebraska will monitor US Ecology nuclear selection of a site to ensure that the facility is not built near a community that doesn't want it." This was quoted in an Omaha World-Herald

report of a speech at a Republican party meeting in Lincoln. On March 29, 1988, Mr. Paton from US Ecology said that "US Ecology has a plan that will put the facility in an area that does want it." I have not seen that plan. I think that we all have to answer to the people we represent. We all represent the same number. We represent about 32,000 people in this state. I think we also represent the total of the state, 1,600,000 plus or minus. The people in this state deserve to have their confidence in State Legislature and state government upheld and we'll do that by providing the right to vote on this issue. Thank you.

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members of the Legislature, again, I want to commend Senator Dierks for the time he has spent on this issue. He introduced LB 52 in response to what he understood was a need and certainly he has labored long and hard on behalf of that bill and he has every right, and if he sees it an obligation, to continue those efforts. And I only would just say at this time that his amendment is also not germane to the committee amendments by the definitions of the rules of the Legislature. Therefore, the proper procedure for Senator Dierks to follow would be to offer that to the bill. I'm not even sure it is germane to the bill, probably is, but nonetheless, it is not germane to any portion of the committee amendments and should not be allowed to be offered as an amendment to the committee amendment, Mr. President. I ask that you rule it not germane.

PRESIDENT: Thank you. Senator Dierks, you may respond to that germaneness challenge.

SENATOR DIERKS: Mr. President, there isn't one section of this bill that doesn't pertain to the right for the community to vote. Not one section of this bill doesn't detail that. Everything in this bill revolves around whether the community has the right to vote on this. I rest my case.

PRESIDENT: Here again, it appears that the amendments to the amendment may be germane to the bill, but it does not seem that it refers to the refinements set out in the committee amendments so, therefore, I would rule that your motion is not germane to the committee amendments. Do you wish to challenge that, Senator Dierks?

April 17, 1989

LB 52, 761

SENATOR DIERKS: Absolutely, sir.

PRESIDENT: Okay, you may speak then.

SENATOR DIERKS: I would only appeal to the body to uphold my motion to overrule the Chair. The amendment as it is introduced is a very simple amendment that asks for the people to be given the choice on whether to vote or not, whether they want this site placed in their county. And there is no way I can see where this doesn't involve all sections of LB 761. The entire process rests on whether the community will accept this process. There can be no other way, as I see it, than that the people be given the right to vote, and if that's going to happen, it's going to affect every section of LB 761. I just appeal to your sense of judgment and your sense of political awareness to accept the overruling the Chair on this matter. Thank you.

PRESIDENT: Thank you. Senator Morrissey, we're speaking...okay, Senator Smith, please, Senator Schmit, on the...

SENATOR SCHMIT: Mr. President and members, as I described the committee amendments to you when I opened on the bill, there is no section of the committee amendments, not one single committee amendment addresses the issue which is addressed by LB 52. Secondly, the rules of the Legislature place certain responsibilities upon the committee. One of those responsibilities is to review and listen to the bills, listen to the hearings, listen to the debate of the public and then make a decision and a judgment. The committee voted 5-0 to kill LB 52. It is entirely proper and right that this body then if they so choose, to bring from the committee, LB 52 by a vote of 30 members. It is also the right and the duty and the obligation of this body, if they see fit, and view it in their opinion as a proper course of action to amend this bill, if it is ruled germane to the bill, by 25 votes and include LB 52 as a part of this procedure. If the body would rule this issue germane, it would, in fact, whether intentionally or otherwise, make a mockery of the committee process. I do not think that is what we want to do. I know that is not what Senator Dierks wants to do. I do understand his concern and I respect him for it and admire him for his courage and his persistence, but it is not consistent with the rules of the Legislature that this issue be ruled germane. Again, how you feel on the amendment should