

your presence, please. Thank you. Senator Labedz, would you record your presence, please. Senator Robak, record your presence, please. Senator Bernard-Stevens. Senator Chambers, would you record your presence, please. Thanks. We're looking for Senator Lynch, Senator Owen Elmer, Senator Peterson, Senator Pirsch. Senator Kristensen, record your presence, please. Thank you. Okay, we're looking for Senator Bernard-Stevens is all. Senator McFarland, shall we go ahead with your roll call vote?

SENATOR MCFARLAND: That would be fine.

PRESIDENT: All right. The question is the advancement of the bill. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 297 of the Legislative Journal.) 21 ayes, 25 nays, Mr. President, on the advancement.

PRESIDENT: LB 180 fails to advance. Mr. Clerk, do you have anything for the record, please?

CLERK: Yes, Mr. President, I do.

PRESIDENT: The call is raised.

CLERK: Mr. President, new bills. (Read by title for the first time LBs 600-647. See pages 298-308 of the Legislative Journal.)

Mr. President, in addition to those items, I have hearing notice from the Natural Resources Committee, signed by Senator Schmit. Notice of hearing from the Revenue Committee. That is signed by Senator Hall. Notice of hearing from the Government Committee. That's signed by Senator Baack.

Mr. President, that's all that I have at this time.

PRESIDENT: We will progress on to LB 190.

CLERK: Mr. President, LB 190 was a bill that was introduced Senator Withem. (Read title.) The bill was introduced on January 9, referred to Education, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: (Gavel.) Senator Withem, just a moment, maybe we

March 6, 1989

LB 87, 318, 340, 362, 362A, 390, 440
489, 541, 545A, 563, 587, 605, 661
687, 728, 793, 809
LR 16, 44, 45

SPEAKER BARRETT: With your permission, perhaps the Clerk could read some items in before we take a vote, Senator Goodrich? Thank you.

ASSISTANT CLERK: Mr. President, your Committee on Business and Labor, whose Chairperson is Senator Coordsen, reports LB 541 to General File with amendments; LB 605, indefinitely postponed. Committee on Enrollment and Review reports LB 318 as correctly Engrossed; LB 362, LB 362A, LB 440, LB 489. (See pages 993-97 of the Legislative Journal.)

New resolutions. (Read brief descriptions of LR 44 and LR 45 for first time. See pages 997-98 of the Legislative Journal.)

I have a notice of committee hearing from the Business and Labor Committee on gubernatorial appointments. Your Committee on Revenue, whose Chairperson is Senator Hall, reports LB 793 to General File; LB 390, indefinitely postponed; LB 563, indefinitely postponed; LB 661, indefinitely postponed; LB 687, indefinitely postponed; LB 728 and LR 16CA, indefinitely postponed. (See page 998 of the Legislative Journal.)

I have amendments to LB 587 from Senator Schmit to be printed; and from Senator Pirsch to LB 87. New A bill, LB 545A, from Senator Baack. (Read by title for the first time. See page 999 of the Legislative Journal.)

Amendments to be printed to LB 340 from Senator Chambers. Unanimous consent request from Senator Pirsch to add her name as a co-sponsor of LB 809, and an announcement from Senator Rod Johnson that the Agriculture Committee will meet in a brief Executive Session under the north balcony, immediately following adjournment today. That's all that I have, Mr. President. (See page 1000 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn offered by Senator Goodrich. Those in favor say aye. Opposed no. Ayes have it, motion carried. We are adjourned until tomorrow morning.

Proofed by:

Marilyn Zank
Marilyn Zank

March 7, 1989

LB 135, 136, 246, 324, 402, 605, 698
702, 775
LR 46, 47, 48

SENATOR HABERMAN: Regular order.

SPEAKER BARRETT: Regular order. That is in order. Will members please sit in their seats in preparation for a roll call vote. Proceed, Mr. Clerk.

CLERK: (Roll call vote read. See pages 1006-07 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on adoption of the committee amendments.

SPEAKER BARRETT: The committee amendments are adopted and the call is raised. Mr. Clerk, anything further on the bill?

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

SPEAKER BARRETT: That being the case, the Chair is pleased to take this opportunity to announce that Senator Rod Johnson has some very special guests. Under the south balcony, we have Yuki and Maki Machino and Eiko Sieto from Tokyo, Japan, with Mrs. Omer Troester of Hampton. Would you ladies please stand. Thank you. We're very pleased to have you as our guests this morning. For the record, Mr. Clerk.

CLERK: Mr. President, new resolutions, LR 46 by Senator Baack. (Read brief description of LR 46 as found on page 1007 of the Legislative Journal.) LR 47 by Senator Conway. (Read brief description of LR 47 as found on page 1008 of the Legislative Journal.) LR 48 by Senator Langford. (Read brief description of LR 48 as found on page 1008 of the Legislative Journal.)

Mr. President, Education offers notice of confirmation hearing. (See page 1009 of the Legislative Journal regarding appointment of J.L. Spray to the Coordinating Committee for Postsecondary Education.)

Your Committee on Business and Labor offers a corrected Standing Committee report to LB 605, and reports LB 698 as indefinitely postponed, both of those signed by Senator Coordsen.

Government Committee reports LB 135 to General File; LB 324, General File; LB 702, General File; LB 136, indefinitely postponed; LB 246, indefinitely postponed; LB 402, indefinitely postponed, all signed by Senator Baack as Chair. That's all that I have, Mr. President.

this is not a tax exemption. We're taxing this stuff now but we don't specifically name it in our statutes. So, to make sure we are entitled to continue to receive the money, we want to say these words in the statutes and keep a firm grasp of these tax proceeds. With that, I would urge the advancement of 793.

SENATOR LABEDZ: Is there any further discussion on the advancement of LB 793? Senator Landis. Senator Landis waives closing. We're voting on the advancement of LB 793. 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, Madam President.

SENATOR LABEDZ: LB 793 is advanced. Mr. Clerk, LB 605.

ASSISTANT CLERK: LB 605 was introduced by Senator Landis. (Title read.) The bill was read for the first time on January 19. It was referred to the Business and Labor Committee. They report the bill to General File.

SENATOR LABEDZ: On stage again, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, Madam Speaker and members of the Legislature, LB 605 was brought to me by a person in Lincoln who left employment but had a retirement program with the company. The company paid the retirement program but then the individual was disqualified from receiving unemployment compensation because they had received a retirement pay. They had not taken the pay, they hadn't turned it into assets, they didn't turn it into any liquid form to spend it. What they had done is they rolled over the retirement, put it into a qualified retirement plan, never touched it, saving it for their retirement one day, was never available as income, but they wound up being disqualified under existing Nebraska labor law for unemployment compensation. So this change says if you're getting a retirement benefit, but you don't turn that retirement benefit into cash and, in fact, you let it roll over into a qualified plan for retirement purposes, that that is not disqualifying income with respect to unemployment compensation. Why? Because unemployment compensation is to be your month to month expenses. It's supposed to keep you in food, help you with your rent from month to month while you're trying to get back in the labor force. Your retirement is a completely

March 30, 1989

LB 135, 605

different concept. That concept is when I'm 65 and I stop working, this is what I'm going to live on. It is conceptually unfair to eliminate somebody from unemployment compensation because they have some place a retirement program that they are not dipping into, not turning into income but that is there accumulating value for the day in which they are permanently unemployed and are genuinely retired. 605 recognizes that. It was reported out unanimously by the Business and Labor Committee. I urge for its advancement.

SENATOR LABEDZ: Senator Coordsen, on the advancement of LB 605.

SENATOR COORDSEN: Thank you, Madam Speaker, members of the body, I rise only to encourage the advancement of 605. It's a good bill, addresses a gap in our state law and I think will be useful to a few people who find themselves caught in the cracks in the future. With that I would encourage the advancement.

SENATOR LABEDZ: Thank you, Senator Coordsen. Any further discussion on LB 605? If not, Senator Landis, would you like to close? Thank you, Senator Landis. We're voting on the advancement of LB 605. All those in favor vote aye, opposed nay.

SENATOR LANDIS PRESIDING

SENATOR LANDIS: The Clerk will record.

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

SENATOR LANDIS: Motion passes, the bill is advanced. We'll proceed to LB 135, Senator Elmer the principal introducer. Mr. Clerk.

ASSISTANT CLERK: LB 135 was introduced by Senators Elmer and Rogers. (Title read.) The bill was read for the first time on January 5, was referred to the Government Committee which reports the bill advanced to General File.

SENATOR LANDIS: Senator Elmer, to open on LB 135.

SENATOR ELMER: Thank you, Senator Landis, members, this bill was brought by rural county hospitals. Rural county hospitals were authorized in 1945 and the salaries allowed to be paid to

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 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