

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

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LB 49, 371, 396, 512, 526, 547, 594
627, 712

SPEAKER BARRETT: A record vote has been requested.

CLERK: (Record vote read. See pages 1262-63 of the Legislative Journal.) 12 ayes, 21 nays, Mr. President.

SPEAKER BARRETT: Motion fails. Next item.

CLERK: Mr. President, if I may read some items for the record.

SPEAKER BARRETT: Proceed.

CLERK: Judiciary Committee reports LB 627 to General File, LB 594 to General File with amendments, LB 396 indefinitely postponed, LB 512, LB 526, LB 547, LB 712 all indefinitely postponed, those signed by Senator Chizek as Chair. (See page 1263 of the Legislative Journal.)

Senator Dierks has amendments to be printed to LB 49, Mr. President. (See pages 1263-64 of the Legislative Journal.)

Mr. President, Senator Hall would move to amend LB 371. (Hall amendment appears on page 1264 of the Legislative Journal.)

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President and members. The third amendment here I would like to ask the body to refer to page 3 of the bill, Section 4, line 7 through 11. I'll just read it to you. It's very short. Agreement shall mean any agreement between a wholesaler and a supplier, whether oral or written, by which a wholesaler is granted the right to purchase and sell a brand or brand of beers sold by a supplier. What my amendment would do is rewrite that five lines so that an agreement shall mean any written agreement between a wholesaler and a supplier by which a wholesaler is granted the right to purchase and sell a brand or brand of beers. All it does is strike the language that refers to an oral agreement. I don't understand why it is there. I don't think it should be there. I think at least the agreement should be required to be in writing not only for the manufacturer's benefit, but for the retailer's benefit and I think that an explanation as to why we allow for an oral agreement, we just allowed for a separate group of arbitration

March 30, 1989

LB 228A, 627

ASSISTANT CLERK: Mr. President, LB 228A was introduced by Senator McFarland. (Title read.)

SENATOR LANDIS: Senator Withem.

SENATOR WITHEM: This is a \$5,000 A bill. The need and justification for it is that there will be a new...forms for reporting financial data will have to be changed to provide for this column so the forms will have to be reprinted. I would urge you to accept the A bill.

SENATOR LANDIS: No lights. A waiving of closing, Senator Withem? Those in favor of 228A vote aye, those opposed vote no. The Clerk will record.

ASSISTANT CLERK: 26 ayes, 0 nays on advancement of the A bill, Mr. President.

PRESIDENT: The bill is advanced. Move on to LB 627 by Senator Kristensen. Mr. Clerk, the history of the bill, please.

ASSISTANT CLERK: Mr. President, 627 was introduced by Senator Kristensen. (Title read.) The bill was read for the first time on January 19, was referred to Judiciary Committee. That committee does report the bill to General File.

SENATOR LANDIS: Senator Kristensen, to open.

SENATOR KRISTENSEN: Thank you, Mr. Chairman and members, LB 627 deals with public defenders. The way the system is in the State of Nebraska right now is that if a county contracts and hires a public defender at the next election, that office shall not become appointed, but shall become an elected position. In many of our smaller counties we're going to public defender systems. The trouble is that it's very difficult to find good and qualified people to be public defenders. One is it doesn't pay very well, but, two, it's not a very popular or glamorous job because oftentimes in small counties they defend people who are not exactly the favorites of the community and the problem that we've run into is in these smaller counties we can't always find someone in the county to run for public defender, and once you've created the position, there is not a statutory language that would allow them to appoint an out-of-county attorney to serve as a public defender and, thus, we're stuck with no public defenders. This bill would merely allow that someone, a

nonresident in counties under 100,000 or less, so it doesn't affect the major counties, to have someone else outside of the county to be able to run and serve in that position. This doesn't preclude the voters if they don't approve of someone doing that, that they can obviously not vote for them and will be stuck in a position of either abolishing that office or trying to find some other more expensive manner in which to represent defendants. And with that, I thank you.

SENATOR LANDIS: Well, we have Senator Nelson, followed by Senator Conway, followed by Senator Haberman, followed by Senator Korshoj, followed by Senator Labedz, followed by Senator Ashford. Senator Nelson, you're first.

SENATOR NELSON: I'll waive off.

SENATOR LANDIS: Senator Conway.

SENATOR KRISTENSEN: He said he'd be here in a few minutes. Oh, here he is.

SENATOR LANDIS: Senator Haberman. Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I have just one question for you, Senator Kristensen. What is the amount of that surety bond? What's the total?

SENATOR KRISTENSEN: For the public defender or for the bond?

SENATOR KORSHOJ: Oh, I've got the wrong bill. Oh.

SENATOR KRISTENSEN: Well, Senator Conway, you can sit down now.

SENATOR LANDIS: Senator Labedz. Senator Ashford.

SENATOR ASHFORD: I have a question of Senator Kristensen very briefly. I'm wondering, we discussed this earlier. Would it, in your opinion, be germane, Senator Kristensen, if we were to put the banning of assault rifles on this bill or...?

SENATOR KRISTENSEN: Absolutely.

SENATOR ASHFORD: Absolutely right?

SENATOR KRISTENSEN: Yes.

March 30, 1989

LB 508, 627

SENATOR ASHFORD: Okay, I'll get it ready for Select File. Thank you.

SENATOR LANDIS: Well, that alludes our six lights now and apparently we're ready for closing. Senator Kristensen, to close.

SENATOR KRISTENSEN: Well, after I mowed down all those questions, I don't really feel as if there is much else I can add but to say, thank you.

SENATOR LANDIS: We'll see how the vote turns out. The question is, shall we advance LB 627? Those in favor vote aye, those opposed vote no. Sure handled those questions. I'd request the body to expedite their decisions on this issue so we can move along to the remaining ones and then absent ourselves from the Chamber. The Clerk will record.

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of the bill, Mr. President.

SENATOR LANDIS: The bill is advanced. Move on to LB 508 by Senator Scofield. Mr. Clerk.

ASSISTANT CLERK: LB 508 was introduced by Senator Scofield. (Title read.) The bill was read for the first time on January 18, was referred to the Government Committee. They report the bill to General File, Mr. President.

SENATOR LANDIS: Senator Scofield, to open on 508.

SENATOR SCOFIELD: Thank you, Senator Landis. This bill was brought to me by Indian tribes in Nebraska who had explored a possibility of using the Interlocal Cooperation Act to enter into agreements with state agencies or other governmental entities and there appeared to be some question about whether, in fact, current practices didn't need to be clarified and, in fact, some agencies were reluctant to enter into agreements with the tribes not knowing for sure what their status was. State Patrol, for instance, pointed that they do some law enforcement activities, but upon the raising of this question it wasn't clear but what we shouldn't make it absolutely clear the terms under which we would permit public agencies to enter into agreements with tribal governments. And so it became obvious

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 228A, 508, 627, 722

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 627.

CLERK: LB 627, Senator, I have no amendments to the bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move the advancement of
LB 627.

PRESIDENT: You've heard the motion. All in favor say aye.
Opposed nay. It is advanced. LB 508.

CLERK: LB 508, Senator, I have E & R pending.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of
the E & R amendments to LB 508.

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.

SENATOR LINDSAY: Mr. President, I would move that LB 508, 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 722.

CLERK: LB 722, Senator, has E & R pending. E & R amendments,
Senator.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I would move the adoption of
the E & R amendments to LB 722.

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

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 627, 669, 722, 793

CLERK: (Read record vote. See page 1828 of the Legislative Journal.) 38 ayes, 2 nays, 3 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 627 passes. LB 669, please.

CLERK: (Read LB 669 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 669 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1829 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 669 passes. LB 722, please.

CLERK: (Read LB 722 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 722 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1830 of the Legislative Journal.) 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 722 passes. LB 793 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 793 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 793 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 1831 of the Legislative Journal.) 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President.

PRESIDENT: LB 793 passes with the emergency clause attached.

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