

March 13, 1989

LB 84, 140, 154, 183, 285A, 340, 405
406, 522, 528, 611, 634, 653A, 655
657, 700, 739, 747, 774, 807
LR 18

record your presence. Members outside the Legislative Chamber, please return. Senator Hefner, please record your presence. Senator Labedz, Senator Haberman. Senator McFarland, the house is under call. Senator Chizek, Senator Haberman apparently is the only one that is absent. Can we go ahead? And did you request a roll call? Thank you. Members, please return to your seats for a roll call vote on the advancement of the bill. Proceed with the roll call vote, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1091-92 of the Legislative Journal.) 18 ayes...Senator Chizek.

SPEAKER BARRETT: Senator Chizek.

SENATOR CHIZEK: I want to change my vote from yes to no for purposes of reconsideration.

SPEAKER BARRETT: Thank you.

CLERK: Senator Chizek changing from yes to no. 17 ayes, 19 nays, Mr. President, on the advancement of 140.

SPEAKER BARRETT: Motion fails. For the record, Mr. Clerk. The call is raised.

CLERK: Mr. President, your Committee on Revenue, whose Chair is Senator Hall, reports LB 84 to General File with amendments, LB 611 to General File with amendments, LB 739 to General File with amendments, LB 747 to General File with amendments, LB 807 to General File with amendments, LR 18CA indefinitely postponed, LB 405 indefinitely postponed, LB 406 indefinitely postponed, LB 522 indefinitely postponed, LB 528 indefinitely postponed, LB 634 indefinitely postponed, LB 655 indefinitely postponed, LB 657 indefinitely postponed, LB 700 indefinitely postponed, and LB 774 indefinitely postponed. Those are signed by Senator Hall as Chair of the Revenue Committee. (See pages 1092-93 and 1107-08 of the Legislative Journal.)

Mr. President, Senator Baack has amendments to LB 340 to be printed; Senator McFarland to LB 739; Senator Baack to LB 183; and Senator Smith to LB 154. (See pages 1093-1100 of the Legislative Journal.)

Mr. President, I have new A bills. (Read LB 653A for the first time by title. LB 285A for the first time by title. Read

April 5, 1989

LB 161, 653, 653A

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 653.

SPEAKER BARRETT: LB 653 is advanced. The A bill, Mr. Clerk.

CLERK: LB 653A, Mr. President, introduced by Senator Hall. (Read title.)

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President. The A bill is in the amount of \$14,570 for '89-90, and \$20,400 for '90-91 periods. They are for the actual and necessary expenses of the commission as we would provide for state employees. I would urge the advancement of the A bill.

SPEAKER BARRETT: Any discussion? If not, the question is, shall LB 653A be advanced? All in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 653A.

SPEAKER BARRETT: The bill is advanced. To LB 161, Mr. Clerk.

CLERK: Mr. President, LB 161 is a bill offered by Senator Johnson and others. I do have a priority motion, Mr. President. Senator Johnson would ask unanimous consent to bracket LB 161 until January 1st of 1990.

SPEAKER BARRETT: Senator Rod Johnson, please.

SENATOR R. JOHNSON: Mr. President and members, for those of you that are paying attention, this bill is the bill known as the FIFRA program. The FIFRA program is the Federal Insecticide Fungicide Rodenticide Act, which is the act that regulates the application of chemicals, farm chemicals in this state. Currently the federal government is involved in running the program. We are the only state currently that is not involved in having some state role in this program. The federal government has been financing it and has their personnel running the program in Nebraska. This bill would allow the Department of Agriculture to become the lead agency in developing a state program that would be run by state personnel. During the summer and fall I met with many of you and had information meetings

April 10, 1989

LB 84, 319, 541, 611, 630, 640, 646
651, 653, 653A, 705, 710, 762, 811
812

now and Select File. I will try and answer your questions, but now I just ask that we advance the bill.

SPEAKER BARRETT: The question is the advancement of LB 611 to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 36 ayes, 1 nay, Mr. President, on the advancement of LB 611.

SPEAKER BARRETT: LB 611 is advanced. Anything to read in, Mr. Clerk?

CLERK: Mr. President, Enrollment and Review reports LB 319 to Select File with E & Rs, LB 640, LB 651, LB 541, LB 653, LB 653A, LB 630, LB 811, LB 812, LB 710, and, LB 646, all to Select File, some have E & R amendments attached. (See pages 1615-22 of the Legislative Journal.)

Senator Conway has amendments to LB 84 to be printed; Senator Hall to LB 762. Senator Abboud would like to add his name to LB 705 as co-introducer. (See pages 1622-28 of the Legislative Journal.) Mr. President, that is all that I have.

SPEAKER BARRETT: Thank you, and the Chair would like to remind members of the briefing on the pharmacy school to be held at this hour in Room 1019. Senator Chizek, please.

SENATOR CHIZEK: Mr. Speaker, I would make a motion we adjourn until April 11th at 9:00 a.m.

SPEAKER BARRETT: You have heard the motion to adjourn until tomorrow morning at nine o'clock. Those in favor say aye. Opposed nay. The ayes have it. Motion carried. We are adjourned. (Gavel.)

Proofed by:


LaVera Benischek

May 15, 1989

LB 271 653A, 653

SENATOR SCHMIT: Thank you Senator Kristensen. While I support the amendment, the lack of a proper appeal to property tax evaluation under LB 271 was one of the principle reasons why many individuals voted against the bill and, to the extent that this amendment would modify and correct that problem, it is a step in the right direction. I'm not sure that it is all that we need but it is an improvement and I would support the amendment.

SPEAKER BARRETT: Senator Landis anything further? Thank you. Senator Kristensen, would you care to close? Thank you. The question is then the adoption of the amendment offered by Senator Kristensen to LB 653. Those in favor vote aye, opposed nay. Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Kristensen's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, I am back to your amendment, Senator.

SENATOR HALL: (Mike not activated.) ...withdraw that amendment.

SPEAKER BARRETT: It is withdrawn.

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

SPEAKER BARRETT: Senator Lindsay. Senator Hall, please.

SENATOR HALL: I'd move LB 653 be advanced to E & R.

SPEAKER BARRETT: Shall LB 653 be advanced to E & R? All in favor say aye. Opposed no. Ayes have it, the motion carried, the bill is advanced. The A bill, Mr. Clerk.

CLERK: Mr. President, LB 653A, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 653A be advanced to E & R.

May 15, 1989

LB 653A, 761

SPEAKER BARRETT: Shall LB 653A be advanced? All in favor vote aye. Opposed no. Ayes have it, the bill is advanced. The next bill, Mr. Clerk.

CLERK: Mr. President, the next bill is LB 761. I have E & R amendments first of all, Senator.

SPEAKER BARRETT: Chairman Lindsay.

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 761.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 761? Those in favor say aye. Opposed no. Carried, they are adopted.

CLERK: Mr. President, the first amendment I have to the bill is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

CLERK: Your amendment is on page 1761, Senator.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I know this is a good and just amendment, but I just want to get the exact language so that I can bring you up to date on what it is that we want to do to correct an intolerable situation of some kind. Yes, members of the Legislature, if you will look on page 1761 or if you choose not to, I will tell you what this amendment does. This amendment deals with the makeup of the monitoring committee and this amendment had been offered on General File and came very close to being adopted. As with some others in this area, had everybody been here who was sympathetic to this, I believe it would have been added to the bill. What this amendment would do is allow one of the representatives of the municipalities to be a nonresident of the state. The rationale is quite simple and before I take all of my time to elaborate I will see what opposition may develop. But the rationale is based on the idea that a representative takes the place of and speaks for another. Many times the only thing that other may know enough to do is to select a representative. We're dealing with this nuclear waste facility, we're dealing with very technical scientific matters, the kind that would not ordinarily be understood and certainly not mastered by a person in a city, let alone a small rural community where there would be no anticipation that such knowledge would be necessary.

May 16, 1989

LB 285, 285A, 309, 355A, 653, 653A, 813
817A
LR 215

of the Haberman amendment to LB 813. All in favor vote aye, opposed nay. Voting on the Haberman amendment to LB 813. Record, please. A record vote has been requested if anyone else would care to vote before we record. Please record.

CLERK: (Record vote read. See pages 2410-11 of the Legislative Journal.) 10 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The Chair is pleased to announce that Senator Byars has some guests in the north balcony, 85 fourth graders from Fairbury and Jefferson Schools and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you very much. We're glad you could visit us this afternoon. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. New resolution, LR 215, by Senator McFarland. (Read brief description of LR 215. See page 2411 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 355A by Senator Wesely. (See pages 2411-12 of the Legislative Journal.)

Enrollment and Review reports LB 285, LB 285A, LB 653, LB 653A as correctly engrossed. (See pages 2414 of the Legislative Journal.)

Senator Hall has amendments to LB 309. (See pages 2412-13 of the Legislative Journal.)

And a new A bill, Mr. President, LB 817A by Senator Conway. (Read title for the first time as found on page 2413 of the Legislative Journal.)

Mr. President, the next amendment to LB 813 is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment that would raise the salary of the Parole Board. If you look for the pink sheet on your desk, you will find it. This is a matter that I had been working on for a number of years and last year there was an indication given to me by the Governor's Chief of Staff that she would support this proposition. We have finally discussed it and reached an accord

May 22, 1989

LB 640, 653, 653A, 683

CLERK: (Read record vote as it appears on pages 2649-50 of the Legislative Journal.) 40 ayes, 3 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 640 passes with the emergency clause attached. LB 653 with the emergency clause attached.

CLERK: (Read LB 653 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 653 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 as it appears on pages 2650-51 of the Legislative Journal.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

PRESIDENT: LB 653 passes with the emergency clause attached. LB 653A.

CLERK: (Read LB 653A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 653A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as it appears on pages 2652 of the Legislative Journal.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 653A passes. LB 683 with the emergency clause attached.

CLERK: Mr. President, I have a motion on the desk. Senator Warner would move to return the bill for a specific amendment. That amendment being to strike the enacting clause.

PRESIDENT: Senator Warner please.

SENATOR WARNER: Mr. President and members of the Legislature, it is my intent to withdraw this amendment after I allow Senator Landis an opportunity to respond, if he chooses to do so. I don't intend to make an extended debate. I would argue, as I

May 22, 1989

LB 84, 630, 640, 653, 653A, 683, 683A
705, 710, 739

we continue to raise those monies so we can operate state government at a healthy level. Even though we have expended additional dollars this year and, as many would like to say, gone hog wild, I don't believe we have. I think what the Legislature has done is prudently address each and every issue, whether it be the budget or capital construction, and made decisions and made decisions based on information that they had. And I think we made good decisions. I don't agree with them all. Many of you don't agree with certain decisions that we made. The fact of the matter is that we deliberated and debated those as a body. A majority of the body felt that those expenditures needed to be made. We made them. Now what we need to do is protect the base that brought us the ability to make those expenditures, protect that base, not just for today but on into the future. I would urge you very strongly to return LB 739 to strike the enacting clause because it is not a bill that I think at this point in time we need to pass. Should the revenues continue to flow in as they have in the past in some of our one-time expenditures, as in LB 84, and the capital construction budget go away, revenues continue to come in...

SPEAKER BARRETT: Time.

SENATOR HALL: ...maybe we need to address the issue of reducing that income tax bracket. But, at the least, if this should fail, I have an amendment up to strike Section 2 which would be the two credits which break new ground, as I said before, dealing with the issue of loss of the base and that I would hope at least the body would address. But today, at this moment, I would urge you to return this bill to Select File so the issue of 739 can basically go away and we can pay for the, I think, good public policy that we advanced over the last week. I would urge the return of the bill.

SPEAKER BARRETT: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 630, LB 640, LB 653, LB 653A, LB 683 and LB 683A, LB 705 and LB 710. Discussion on the motion to return the bill to Select File offered by Senators McFarland and Hall. Senator Abboud, followed by Senators Wesely, Lamb, Nelson and Hefner.

SENATOR ABBODD: Mr. President, colleagues, I oppose any attempts to return this bill because I feel that any amendments that are attached to this bill at this late a date in the