

Commission for Postsecondary Education, again, filed pursuant to statute; a report from the Nebraska Games and Parks Commission filed pursuant to statute; the annual report of the Division of Telecommunications; a communication from a series of Natural Resources Districts, Mr. President, with respect to payment of attorneys fees incurred during this past year. (See pages 88-89 of the Legislative Journal.)

Mr. President, I have a series of appointment letters from the Governor, appointments to the Board of Health, to the Rural Health Manpower Commission, the Foster Care Review Board, the Job Training Council, the Oil and Gas Conservation Commission. Those will all be referred to Reference for referral to the appropriate Standing Committee, Mr. President. (See pages 89-97 of the Legislative Journal.)

Finally, I have received a communication with respect to the siting for the low-level radio active waste disposal facility. That communication was received from US Ecology, Mr. President. (See page 88 of the Legislative Journal.) All of those reports will be on file in my office subject to review by members upon their request. That is all that I have, Mr. President.

PRESIDENT: Thank you. (Gavel.) Ladies and gentlemen, we're ready to begin the introduction of bills and some of you I understand would like to hear what the bills are about, so while I don't wish to spoil your fun and visitation with each other, kindly hold it down so that those that wish to listen to the introduction of the bills may do so. We anticipate that this will probably go on until about noon and, of course, free to do whatever you would like to do. Thank you. Mr. Clerk, the introduction of bills.

CLERK: Mr. President, new bills: (Read by title for the first time, LBs 818-878. See pages 97-109 of the Legislative Journal.)

I have amendments to be printed from Senator Rod Johnson to LB 163, LB 39, LB 37. (See pages 110-14 of the Legislative Journal.)

Mr. President, new bills. (Read by title for the first time, LBs 879-922. See pages 114-23 of the Legislative Journal.)

Mr. President, I have new resolutions: (Read brief description

January 4, 1990

LB 818-880
LR 230

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen, welcome to the George W. Norris Legislative Chambers. We have with us this morning as our Chaplain of the day, Pastor Robert Nowak of the Faith Evangelical Lutheran Church in Lincoln, Nebraska. Would you please rise for the invocation.

PASTOR NOWAK: (Prayer offered.)

PRESIDENT: Thank you, Pastor Nowak, we appreciate your being here this morning and announcing the invocation. Please come back and visit us again. Roll call, please.

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

PRESIDENT: Thank you. Do you have any messages, reports or announcements? Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I do. I have a reference report referring LBs 818-880, signed by Senator Labeledz as Chair of the Reference Committee. I have also a reference report regarding certain gubernatorial appointments made since the last special session. That's all that I have, Mr. President. (See pages 135-37 of the Legislative Journal.)

PRESIDENT: We'll move on to number four, the temporary rules.

CLERK: Mr. President, I have a motion. Senator Lynch as Chair of the Rules Committee would move that the rules be adopted for today only, January 4.

PRESIDENT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. President, members, I couldn't have said it any better. I move the adoption of the (inaudible)...

PRESIDENT: Thank you. Is there any discussion? You've heard the motion. All in favor say aye. Opposed nay. They are adopted. We'll move on to the legislative resolutions, LR 230. Mr. Clerk.

CLERK: Mr. President, LR 230 was introduced by Senator Withem. It is found on page 124 of the Legislative Journal. (Read brief

February 15, 1990 LB 42, 50, 143, 159, 240, 240A, 259A
350, 350A, 465, 692, 742, 844, 866
905, 919, 1080A, 1082, 1141, 1183
LR 8, 239, 256

CLERK: (Roll call vote taken. See page 830 of the Legislative Journal.) 2 ayes, 28 nays, Mr. President.

PRESIDENT: The motion fails. Anything for the good of the cause, Mr. Clerk?

CLERK: Yes, Mr. President, I do. Mr. President, Senator Kristensen has amendments to be printed to LB 159; Senator Withem to LB 259A. (See pages 830-32 of the Legislative Journal.)

A new resolution, LR 256 by Senators Wesely, Withem, Bernard-Stevens. (Read brief explanation. See pages 832-33 of the Legislative Journal.) That will be laid over.

An announcement from the Speaker regarding afternoon sessions next Tuesday, Mr. President; a reminder of the membership. Confirmation report from the Nebraska Retirement Systems Committee. That is offered by Senator Haberman.

Bills have been presented to the Governor, Mr. President, as of 10:43 a.m., those read on Final Reading this morning. (Re: LB 50, LB 143, LB 240, LB 240A, LB 465, LB 350, LB 350A, LB 692, LB 742.) LR 8 presented directly to the Secretary of State.

A new A bill, LB 1080A by Senator Schellpeper. (Read for the first time by title. See page 834 of the Legislative Journal.)

Mr. President, Revenue Committee reports LB 844 to General File, LB 919 to General File, LB 1183 General File, and LB 1082 as indefinitely postponed. Those all signed by Senator Hall.

Mr. President, priority bill designations, Senator Byars has chosen LB 905; and Senator Lamb LB 866.

Mr. President, Education Committee, whose Chair is Senator Withem, reports LB 1141 to General File with committee amendments attached, signed by Senator Withem; and Education Committee reports LR 239CA to General File with committee amendments attached. (See pages 834-36 of the Legislative Journal.)

Finally, Mr. President, Senator Rogers would like to add his name to LB 866; and Senators Weihsing, Goodrich, and Coordsen to

February 16, 1990 LB 163, 164A, 226, 260, 457, 571, 838
846, 866, 880, 958, 1003, 1019, 1028
1039, 1062, 1103, 1106, 1113, 1184, 1205
1215, 1229

Senator Hartnett. (See pages 846-48 of the Legislative Journal.)

Judiciary reports LB 838 to General File; LB 880, General File; LB 846, indefinitely postponed; LB 1103 and LB 1205, indefinitely postponed.

I have amendments to be printed to LB 866 by Senators Lamb, Haberman, Rogers and Crosby. (See pages 848-50 of the Legislative Journal.)

Mr. President, priority bill designations. Senator Labeledz has selected LB 457. Senator Hartnett for Urban Affairs has selected LB 1106, LB 1229; Senator Conway, LB 260; Senator Bernard-Stevens, LB 1062; Senator Beck, LB 958; Senator Rod Johnson, LB 1019; Senator Haberman, LB 1039, as one of the Retirement Systems priority bills. Senator Hall's Revenue bills are LB 1028 and LB 1215; Senator McFarland, LB 226; Senator Hefner, LB 571; and Senator Chizek's personal priority, LB 880, and Judiciary Committee's, LB 1003 and LB 1113.

Mr. President, Revenue Committee gives notice of hearing. And one new A bill, LB 164A by Senator Ashford. (Read by title for the first time as found on page 850 of the Legislative Journal.)

And, finally, Senator Scofield has amendments to LB 1184 to be printed. (See page 851 of the Legislative Journal.) That's all that I have, Madam President.

Madam President, when we left LB 163, the Enrollment and Review amendments had been adopted. Senator Johnson had an amendment to the bill that had been adopted. Senator Morrissey had amendments. Senator Hefner had his first amendment adopted. The bill was bracketed, Madam President. I now have pending Senator Hefner's amendment. Senator, this amendment is on page 599 of the Journal. I believe...it's AM2141, Senator, the biodegradable. Right. Okay.

SENATOR LABEDZ: Senator Hefner, on the amendment.

SENATOR HEFNER: Mr. President and members of the body, you will find this amendment on page 599. And what this would do, this would add a tax or a fee on disposable diapers...on nondegradable disposable diapers at the rate of 10 cents per dozen. The tax would be collected by the Department of Revenue

March 7, 1990

LB 866, 880, 976, 1031, 1059, 1184A, 1243
1246
LR 251

SPEAKER BARRETT: Discussion? Shall LB 1184A be advanced? Those in favor say aye. Opposed no. Carried, the bill is advanced. To LB 880.

CLERK: LB 880, Senator, I have no amendments to the bill.

SENATOR HALL: Mr. President, I'd move that LB 880 be advanced to E & R for engrossing.

SPEAKER BARRETT: Is there discussion? Seeing none, the question is the advancement of LB 880. Those in favor say aye. Opposed no. Carried, the bill is advanced. Mr. Clerk, have you anything for the record?

CLERK: Mr. President, I do. Amendments to be printed to LB 976 by Senator Pirsch; and Senator Bernard-Stevens to LB 1031; Senator Warner to LB 1059. (See pages 1248-49 of the Legislative Journal.)

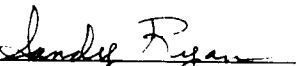
Mr. President, your Committee on Revenue, whose Chair is Senator Hall, reports LB 866 to General File with committee amendments attached. That is signed by Senator Hall as Chair. Judiciary Committee reports LB 1246 to General File with amendments; LR 251C, indefinitely postponed; LB 1243, indefinitely postponed. Those signed by Senator Chizek as Chair. That's all that I have, Mr. President. (See page 1249 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Baack, for what purpose do you rise?

SENATOR BAACK: Yes, Mr. Speaker, I move that we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Carried, we are adjourned.

Proofed by:


Sandy Ryan

March 20, 1990

LB 866, 1059
LR 274, 331-342

Legislative Journal.)

Mr. President, Senator Withem has amendments to be printed to LB 866. (See pages 1474-76 of the Legislative Journal.)

Study resolutions. LR 331-342, all will be referred to the Executive Board. (See pages 1476-85 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 34 (sic). (Journal page 1485 shows LR 274.) Mr. Speaker, did you wish to...Senator Barrett, do you wish to say something about recessing?

SPEAKER BARRETT: Mr. President, I move we recess until one-thirty.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty.

RECESS

PRESIDENT NICHOL PRESIDING

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

PRESIDENT: May I announce that there are students, I believe they are leaving now from the south balcony, from the St. Agnes Catholic School in Omaha and they are 27 third, fourth, seventh and eighth graders and they are guests of Senator Labeledz, so it is nice to have had you. Sorry we didn't get started sooner. We also have guests of Senator Beck in the south balcony. We have 52 students from the Holy Name School in Omaha, and would you folks please stand up and be recognized. Thanks to both groups for visiting us today. Mr. Clerk. (LB 1059.)

ASSISTANT CLERK: Mr. President, the first amendment that I have is from Senator Hall and it's an amendment that appears on 1179, but, Senator Hall, I understand you want to substitute AM2949.

PRESIDENT: Is that correct, Senator Hall? Is there any objection to the substitution of one motion for another by

March 21, 1990

LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.

March 28, 1990

LB 662, 866, 1062, 1141

(LB 662); the second to Senator Coordsen (LB 1141). (See pages 1669-81 of the Legislative Journal.)

Mr. President, Senator Coordsen would like to add his name to LB 1062, and Senator Lamb to LB 866...Senator Haberman to LB 866, excuse me. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you, sir. The call is raised. The Chair recognizes Senator Morrissey.

SENATOR MORRISSEY: Yes, Mr. President, and members, thank you, and to again emphasize so there will be no confusion, I will do this like we do on the railroad, and we do it this way not because we are stupid or need the practice but because so there will be absolutely no misunderstanding. I move that we adjourn until eight, e-i-g-h-t, a.m., tomorrow, Thursday, March 29, 2-9.

SPEAKER BARRETT: Thank you. Those in favor of that motion say aye. Opposed no. The ayes have it. Motion carried. We are adjourned.

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LaVera Benischek

guests, please. Under the south balcony, the guests of Senator Moore, Senator Rod Johnson and Senator Langford are Richard Plock of York, Boyd Stuhr of Bradshaw, Glade Snoburger of Aurora, Andy Jensen of Aurora and Rod Gangwish of Shelton. Would you folks please stand and be recognized. Thank you. Also in the north balcony we have 40 guests of Senator Goodrich who are in the eighth grade at St. Thomas More School in Omaha, Nebraska and their teacher. Would you students and teacher please rise. Thank you for visiting us today also. Move on to Senator Lamb's motion.

CLERK: Mr. President, sitting on General File, I have a motion from Senator Lamb pursuant to Rule 1, Section 16. Senator Lamb would move to overrule the Speaker's agenda for Monday, April 2, 1990, and consider LB 866 and LB 866A immediately preceding LB 1124.

PRESIDENT: Senator Lamb, please.

SENATOR LAMB: Yes, Mr. President and members, I hesitated to do this. I hesitate to overrule, try to overrule the Speaker's agenda, but I guess I don't have an alternative. As you will note, LB 866 is my priority bill. This has to do with property tax relief. Some people might consider it an alternative to LB 1059. I circulated the motion and also the letter which I wrote to the Speaker on March 21 requesting that LB 866 be given priority status or special order, as it is my personal priority bill. And, as I mentioned in the letter, my request is because I don't think anybody on this floor knows what's going to happen to LB 1066...or LB 1059. LB 1059, of course, has advanced twice. LB 1059 will undoubtedly pass Final Reading. But I think the real question comes at this point as to whether or not it will be vetoed, which it probably will be vetoed, as I understand, and then the next question is whether the veto will be overridden. Now some people on this floor have said, look, we have no alternative. What if we don't do LB 1059? There's nothing else out there. And so that's why I'm saying that we should have LB 866 advanced over to Select File and perhaps even farther so that we do have an alternative. And I don't know what form you want LB 866 to be advanced and I'm not going to be real fussy about what form it is advanced, just so it gets over there so we do have an alternative. I do have recommendations. As you will remember, the Revenue Committee put some amendments on the bill; and I have amendments to the committee amendments which would modify that recommendation by the Revenue Committee.

You know, a funny thing happened to LB 866 on its way to General File. The conventional wisdom around here, I think, is that especially in the short session you get your bills in early so they have a low number, they get heard early and then you get them on the agenda early so they have a good chance of passage. So, you know, I've been around here long enough to recognize that that's good strategy. So what did I do? I introduced LB 866 early. You can tell that by the number, you know, it has a low number for this session. But then what happened? For some unexplained reason, the Revenue Committee didn't hold a hearing on the bill till the next to the last day that hearings were held. I don't know why that happened. I understand it was some sort of a coincidence, but that's what happened. And then it was quite some time before they had an executive session to consider the bill after that, quite some, I don't know how many days, but quite a few days after the public hearing before there was an executive session; and at that exec session the bill was advanced with the committee amendments which pleased me very much. And then it took eight days, the full eight days, of course, to get it reported to the floor, strictly within the rules, but it did take the full eight days to get it to the floor. So as a consequence, when you look at General File, it's down next to the bottom of priority bills on General File. Well, everything that happened, of course, was strictly within the rules. However, I don't think what happened to it should happen to a major bill like that. I think it should at least have consideration on the floor of the Legislature, an alternative, a possible alternative. It's not being allowed that chance. The Speaker did not see fit to grant my request to special order the bill although I see on the agenda today we have a couple of General File bills on special order. One of them is LB 1124. Now that may very well be a major bill, I don't know. I have not considered that to be crucial to this session, but maybe I'm overlooking something; then LB 1113, I understand that's a bill which requires action by this body by 1992. Maybe I also am overlooking something there because, to me, it doesn't look as if that bill is of major consequence, needs to be ahead of, for instance, LB 866 in the debate this session. So that, in a nutshell, is my reasons for doing what I don't like to do and that's to ask that the Speaker's order be changed so that the next bill debated would be LB 866. And I would hope there would not be a lot of debate on it. You know, I have some amendments to the committee amendments; and whether or not those get on or whether you want to change them, I really don't care that much at this stage because my primary purpose

here today is to ask that the bill be advanced so we have an alternative. I don't think that's too much to ask. I would hope there would not be a lot of debate, that we would not use up a lot of the valuable time that we have left, which is very short, as you well know, and that we would just advance the bill in whatever form you deem fit, with or without the committee amendments, with or without my amendments to the committee amendments. So that's my quest here today. I would ask that you advance the bill so we do have an alternative.

PRESIDENT: Thank you. Senator Moore, please, followed by Senator Chizek and Senator Barrett.

SENATOR MOORE: Well, Mr. President, if I could, could the Clerk read the actual motion?

PRESIDENT: Yes.

CLERK: Mr. President, the motion says pursuant to Rule 1, Section 16 to overrule the Speaker's agenda for Monday, April 2, 1990, and consider immediately preceding LB 1124 on General File LB 866 and LB 866A.

SENATOR MOORE: Thank you, Clerk. And I guess if Senator Lamb's motion was to overrule the agenda and proceed directly to General File, I would possibly support him then. I think, given the timeliness of the final days of the session, I think it's important we get to General File. But, no, I cannot and urge the body to oppose Senator Lamb's motion because he's talking about one specific bill of LB 866 that he wants to jump over everything else on the agenda, including everything else sitting there on General File, you know, which is important to some of the people. And look at the other bills that Senator Lamb would like to be in front of, you know, whether it be LB 1062, LB 1151, LB 989, you know, there's a variety of things out there that Senator Lamb wants to have preference over, and I understand that. We all want preference for our bills. I have some bills sitting on General File that I'd like to see up there that are, you know, Speaker priority bills and things like that; but that's the way the process is. Now, Senator Lamb, I guess I find it almost humorous that he's sitting here saying that he just wants to get LB 866 and he doesn't want to debate it very long. I mean, here's a bill that by Senator Lamb's own admission, I would think, is a huge bill. You're talking about a penny sales tax increase, Senator Lamb. It's a bill that is

going to take time, should take time; and if we adopt Senator Lamb's motion here, it's going to take, you know, a good share of the day. It should, it's a big bill. LB 866 is a hundred million dollar bill. You're talking about sales tax increases, not to mention the fact that we know very...we know a minuscule about LB 866 compared to other measures we've talked about this year, both because, you know, nobody wants to talk about that bill. Nobody wants to spend hours and days in the Department of Revenue or wherever to find out the actual impact on a taxpayer basis, but we don't bother with that LB 866, that's kind of beside the point though. You know, there's several bills out there that need to be discussed, yes, LB 1059 may or may not pass. That's legitimate; we have more time here. I urge, Senator Lamb, if you would amend his motion so we would proceed directly to General File and I'll stay here unlike some day, unlike last Friday night, I have no appointments I have to leave for so I'll stay here as long as it takes. But I do not think we should bump LB 866 up. I think it should take its turn down there on General File. I don't mind if we go directly to General File and spend all day on it, but, no, LB 866 shouldn't leapfrog over everything else. And I guess I want people to remember that Senator Lamb, sure, he wishes his priority bill wouldn't take very much time being debated. But a bill of that magnitude certainly deserves, you know, we spent three days on LB 1059. Since LB 866 is half the size of that bill, we should at least take a day and a half and that will keep everything from happening, so keep that in mind as you look at Senator Lamb's motion.

PRESIDENT: Thank you. Senator Chizek, please. I don't see Senator Chizek. Senator Barrett, please, followed by Senator Schmit.

SENATOR BARRETT: Thank you, Mr. President and members of the Legislature. I can understand Senator Lamb's frustrations. I can understand them very well. Every session during the waning days, the last three or four days or the last week, whatever it might be, the tensions rise, the tempers become shorter, and the pressures become greater on the Speaker's office to schedule my bill first, to delete this bill so that my bill can be heard, to special order my bill because it is more important than any of the other 50 priority bills that are still out there awaiting debate. It becomes a very, very big, heavy problem for the Speaker's office to schedule. In my four years as Speaker, I believe that this is the first time that there has been a

serious attempt to override a Speaker's agenda; and I can understand that. I sympathize with Senator Lamb in his position and his frustration. But at the same time, let me suggest to you that I have tried to be scrupulously fair and honest in scheduling bills for this Legislature in the last three years, and for the most part or for all of this session up through today. You know that my purpose has been to get priority bills out first, individual priority bills out first, followed, hopefully, by committee bills and then last my own Speaker priority bills. We've done an amazingly good job for these past three and three-quarters years. In all cases, individual priorities have been heard where they were supposed to be heard. Those that weren't were not heard for various reasons, the introducer did not want them heard or for other reasons. This year my frustration level is high, too, because we have eight or ten bills out there that are not being scheduled and they're priority bills. One of the reasons we started late was because the priority bills did not come out of committee as early as they normally do. The individual priority bills were reported to the floor late; and as you know, my custom has been to schedule the bills pretty much in the order that they come out of committee. It's unfortunate that Senator Lamb's bill, LB 866, was the next to last bill to come out of committee. That is unfortunate. But there's absolutely nothing that I could do about it. I think Senator Lamb has been treated fairly, not only this session but in previous sessions, by the Speaker's office. We can spend the next two or three hours haggling over whether this bill should be moved ahead of LB 1124 or whether it should be moved to the top of the individual priority lists or whatever. As you know, this is the last day, for all intents and purposes, for General File bills to be heard if they are to be processed. This is probably the last day. I would caution you about spending too much time talking about this motion, although it is well intended. There are too many other important things to be done. Also, I would remind you that, and I guess this is in conclusion, that if we start setting the agenda on the floor of the Legislature, particularly in the last four days of any session...

PRESIDENT: One minute.

SENATOR BARRETT: ...we're really in trouble. I would hope that the body would turn down this motion by Senator Lamb to overrule the agenda. Thank you.

PRESIDENT: Senator Chizek, I jumped over you because I didn't see you. Did you wish to speak?

SENATOR CHIZEK: Yes, Mr. President, I oppose Senator Lamb's motion. He talked about the late hearing, et cetera. I had a bill, LB 747, that was out on the floor and was my priority bill. It was bracketed until the end of February. If anything, that bill should be before this one. So I oppose Senator Lamb's motion.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Wesely.

SENATOR SCHMIT: Mr. President and members, I'm going to support Senator Lamb's motion to move his bill up. I had my 1989 priority bill which I believe ought to have been debated, but I discussed it with a number of members on the floor, the bill that would have provided for the sale of school lands, I discussed it with the Speaker, it was apparent that the votes were not there, although I did believe that it could have contributed substantially to the education of this body had we debated the bill, I chose not to bring it up to save time. I think Senator Lamb has cooperated time after time after time on this floor in order to save time. All of a sudden, a bill which is very important to him and to many of us may not be heard. I'd just like to say there are other ways in which you impact the Speaker's agenda other than by doing what Senator Moore or Senator Lamb has done. We do that every time that one of us speaks on a bill that's before the body. We impact the Speaker's ability to move legislation through this chamber because what we do by the various methods whereby we do not facilitate the orderly handling of legislation is to handicap and tie the hands of the Speaker and limit his ability to allow this body to function. So, therefore, Senator Lamb has to do that which he does not like to do, but he has to move to overrule the Speaker's order. And I know that there are those that will impact upon some of the bills that I have, but I think that at least Senator Lamb deserves a vote on it and let the record show whether someone wants to debate LB 866 or does not. I would suspect that might be more in consideration of Senator Lamb than whether or not the Speaker's order should be overridden. Were it a different type of bill, probably you would not have some of the opposition that you have. I support Senator Lamb's motion.

PRESIDENT: Thank you. Senator Wesely, you're next, but may I introduce a few guests, please. Senator Schimek has her parents here today and they are in the south balcony, Ralph and Elizabeth Rebman of Alma, Nebraska. Would you folks please stand and be recognized. Thank you for visiting us, and we're happy to have your daughter in the Legislature. Some guests of Senator Hartnett under the south balcony, William and Helen Warnes of Bellevue, Nebraska. Would you folks please stand. And thank you for visiting us today. Senator Wesely, please, followed by Senator Hefner.

SENATOR WESELY: Thank you, Mr. President, members, I would rise in support of the Speaker and recognize that Senator Lamb talked about the special ordering of the two bills. One of those is LB 1113, a bill I've introduced along with Senator Schimek and Senator Chambers, and he questioned why it was put on the agenda. Well, there's a very good reason that was put on the agenda and we'll get to it when we get to the bill, but that is a bill necessary to be passed this session. We have, I have letters I can show you from the Equal Opportunity Commission about the changes in federal law that we need to comply with. Yes, the absolute compliance date isn't till 1992; but in the meantime we're right now operating under two separate different laws with two different procedures for handling these situations and it is causing some great problems. And in addition, the implementation of this would need rules and regs and the time it would take, the whole thing is a mess right now and we have a serious problem that needs to be addressed and waiting will only make matters worse and will cause serious disruption of the housing industry. So I think the Speaker was absolutely correct in placing this on special order. And I, for one, have felt that the Speaker, as he said, has been extremely fair. I have not always gotten what I would like from the Speaker. All of us have been in that same situation, but he has been, in my estimation, exceedingly fair. I, myself, have my own priority bill, Senator Lamb, stuck back behind some of this legislation; I'd like to have it brought up, too. But I'm just going to have to let that not happen, I guess, this session it looks like and be disappointed. There are others with their own personal priorities like myself that are also not going to get them heard it looks like this session. It's a price we pay for the time we take on different issues. But I can't argue with the Speaker. I think he's been absolutely fair and he's put forward a bill, for instance, like LB 1113 that we need to have, must have and then put forward other legislation it would be nice to have and

would appreciate having but isn't absolutely necessary. And I think that's a distinction that needs to be recognized the Speaker made. I agree with him and I feel that he's done a fair job and a good job at handling the agenda.

PRESIDENT: Thank you. Senator Hefner, please, followed by Senator Lamb and Senator Labedz.

SENATOR HEFNER: Mr. President and members of the body, I rise to support this motion. I know what Senator Lamb is going through, the frustrations he must feel. I feel we should have an alternative to LB 1059. Now I have been supporting LB 1059 and plan to continue to support it. But in case it doesn't pass or in case the Governor vetoes it and the veto isn't overridden, why, then we need another alternative; and I think that we found out that LB 84 worked fairly well last year and this bill is patterned off of that so I think this would give us an alternative. As to whether we should use much time in debating it, I really don't think it would take that much time. I realize that Senator Lamb is proposing a one penny increase in sales tax, but we know what that will raise. That will raise approximately \$100 million a year whereas LB 1059 increases the sales tax one cent and also increases the state income tax. And I appreciate the position that our Speaker is in. It's not an easy job to be a Speaker of this group, of this body because you know as well as I do that we've spent many hours and many days on certain issues and it's not only frustrating to the Speaker but to most of us. But I can't see why we can't take a little time this morning and go ahead and approve Senator Lamb's motion. In regards to why it didn't come out of the Revenue Committee any sooner or why the hearing wasn't set any sooner, personally, I do not know. But I believe that Senator Hall tried to get the hearing set up on many of these bills as quickly as possible but, there again, the Revenue Committee had quite a few bills to hear. As to the exec session, well, it just takes time to set all of these exec sessions up and to see whether all the members or the majority of the members could be there. So we're in...we're in a bad position. But I think we should take a little time this morning and discuss this bill, LB 866 and, hopefully, we'd overrule the agenda and go ahead and debate the bill for at least awhile. Thank you.

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Well, Mr. President, members, I can understand

why Senator Barrett is not happy with this motion; and I can see that Senator Barrett has done a good job as Speaker and scheduling bills for the most part. I think here was an error, strictly an error, that this bill should have been special ordered under the circumstances. LB 1059 is away and flying maybe, maybe, maybe. There are people on this floor who have said, well, look, we have to vote for LB 1059 because there's no alternative, there's no alternative; but there is an alternative and all we have to do is put it on Select File and it's there for your consideration should that be necessary. I regret the fact that there's considerable debate on this proposal at this point. But I would call to your attention that I have not been one who has provided protracted debate this session. And if Senator Barrett wants to chastise me for doing that at this point, then that's his prerogative. I would suggest that there are a whole bunch of other people in here who have, and they are a minority, who have held up the process considerably. It hasn't been me. I have a legitimate proposal here. I have a legitimate proposal that should be placed over on Select File. I have good reasons for it. Senator Barrett didn't get into those reasons, and I wish he had have gotten into the reasons why he did not put the bill up. Does he not consider it an important bill? What are the reasons? I guess, certainly I'm frustrated, but I think rightly so because in this process we should be able to consider the important bills, and that's the reason the Speaker's been given so much authority. It takes 30 votes to override the agenda. Now I know I don't have 30 votes for LB 866, but I'm hoping that I have 30 votes to get it on the agenda. That's all I'm asking. I would hope that there would not be much more debate and that we would vote on this issue.

PRESIDENT: Thank you. Senator Labedz followed by Senator Moore and Senator Smith.

SENATOR LABEDZ: Thank you, Mr. President. Just briefly I rise to support Senator Lamb. I notice that he did send out a letter on March 21 asking the Speaker to put it on special order. I oppose LB 1059 and I was looking forward to having LB 866 at least be debated so that we can understand and know and have an alternative to LB 1059. So I do support Senator Lamb's motion to overrule the Speaker's agenda. I also notice that LB 11... let's see, LB... was put on special order today, oh, I must have the wrong agenda, just a moment, oh, yes, LB 1113, it's to prohibit certain discriminatory actions relating to housing which is Senator Wesely's, Senator Schimek's and Senator

Chambers' bill, and in looking over the bill, that one is, I understand, very important, I support it, but it also says in there that the federal government gives us until 1992 to implement legislation and so we have plenty of time on that one and yet it was put on special order. So I think that Senator Lamb's request is correct and that we should at least be able to discuss LB 866 today and find an alternative, if we so chose, to LB 1059.

PRESIDENT: Thank you. Senator Moore, please.

SENATOR MOORE: Well, yes, I rise once again to oppose Senator Lamb's motion. And as I said before, you know, Senator Lamb and others would like to have you believe that, well, LB 866 is the only alternative to LB 1059 out there and it can just move along as easy as can be. Well, how about the concern for the low income? How about the concern for the renters? How about the concern for the motor vehicle trust fund? All the arguments people have tried to raise on LB 1059, the arguments are there on LB 866 and so, for one thing, I mean, all these concerns, these new found concerns other people have for the low income and the renters, you know, actually the problems are even worse in LB 866 because it's totally funded on a sales tax. And there's so many unanswered questions there I just sit here and tell you if we want to debate LB 866, which I think we should eventually, it's going to take some time and it's going to take some going into some scrutiny as some other bills have this year. And I have said my piece. I think you need to listen to Speaker Barrett. He's done a fair job of working on the agenda. I understand Senator Lamb's frustration. I, too, would like to get to LB 866 in its normal order. And with that, Mr. President, I give the balance of my time to Senator Hall.

PRESIDENT: Senator Hall, please, you have about three and a half minutes.

SENATOR HALL: Thank you, Mr. President and members. I rise to oppose Senator Moore...Senator Lamb's motion to overrule the agenda, and not so much the issue of the agenda, I would not have had any problem dealing with LB 866, I guess, at any time other than this late in the session. But to address some of his concerns with regard to the hearing on the bill, yes, there was a rather late hearing on the bill. There were other bills that were heard after LB 866, mine was one of them. Senator Warner's was heard, had a bill that was of considerable substance as was

the one that I introduced, were both heard after Senator Lamb's proposal was offered. If you look at the committee statement on LB 866, there are a number of individuals who testified in support of it. There was one neutral testifier. It was given a very fair and open hearing. The substance in LB 866 was debated in and out last year in the form of LB 84 which was Senator Lamb's bill, but which was Senator Lamb's bill if you remember, Senator Lamb, by the flip of a coin. We could have very easily been dealing with the LB 747 property tax relief proposal which was Senator Chizek's bill, which you made a motion to bracket earlier this session which I told you at the time meant that we probably would not be dealing with a second year of LB 84 this year because if we would have moved that bill over to Select File, we would have dealt with it. Now whether or not it would have been in the form that you wanted it, you did not trust us city slickers because you didn't want the bill moved over at that point in time. You thought that if we moved it over in its original form, which was a homestead exemption only, that there would be no chance for an LB 866 provision. I don't think that's the case. I think moving it over would have made good sense. That time we chose not to, you opposed that. LB 866 has not come up on the agenda, it's not because we didn't deal with it I think in a very up front and honest manner in the Revenue Committee as well as here on the floor when we dealt with LB 84 last year. If you look at what LB 866 does in its amended form should you move to overrule the agenda and put it out here, you're going to be dealing with such things as sales tax on food. You're going to be looking at a changed system from last year with regard to the credit for the homestead provision or for the eight and a half percent reduction in property tax to a provision that says now we're going to generate a check. We're going to generate a check and send that out. You're going to deal with things such as the refundable income tax credit...

PRESIDENT: One minute.

SENATOR HALL: ...for 1990 and 1986. You're going to deal with the changes in the adjusted gross income for taxpayers filing single or married. You're going to look at...with regard to the income tax. You're going to look at the increase in the sales tax. You're going to look at the issue of the tax exemption for implements of husbandry, Senator Haberman's favorite amendment which is the sales tax exemption for farm machinery. So you're not just looking at an issue of property tax relief in the form that we had LB 84 before us. There was a lot of opposition

within the Revenue Committee. The bill got laid down, laid over, bundled up, inundated with amendments because there were problems with it. And the people did not want to look again at a second year of basically...

PRESIDENT: Time. Thank you. Senator Smith, please, followed by Senator Chambers.

SENATOR SMITH: Thank you, Mr. President. I think it's necessary for me to stand since this bill is my priority bill that we're speaking about a little earlier here, LB 1124. We believe that it is tremendously important because we think it will have a direct impact on the total economy of the entire State of Nebraska if we can do something with this bill this year. And I'll just give you a real brief synopsis in addition to telling you that I have had passed out a copy of the letter which we submitted to the Speaker the other day and that details for you the importance of why we need to have this bill this year so you can read that if you'd care to. In addition to that, you've had another handout passed out which shows you the state Nebraska...the status of Nebraska among other states in the surrounding area. Nebraska is at a severe disadvantage among the states surrounding us because other states are providing production credit for producers in addition to an excise tax or a combination of either or both of the two. And what we believe is that this is a critical point in time for us and for the industry in the State of Nebraska in order for it to maintain a viable status among other states. We can't afford to lose this opportunity because right now we have plants that are looking at Nebraska and the development of plants here. And so we can become a leader that way both in production and in marketing. I'm not going to go into this in detail because we're hoping we'll be able to get to this a little later, but that's the reason why, and we expressed this concern to Senator Barrett and he felt, like us, that it was important enough that we needed to address this issue this year. Thank you.

PRESIDENT: Thank you. Senator Chambers, please, followed by Senator Warner.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'm in a position where it doesn't make me too much difference, personally, what the body does, but I find it ironic that Senator Lamb now would talk about the lack of time when on Friday he was the one who said, let's stay here and spend all

the rest of the day on the discussion of this amendment on abortion. He stood up and said that and he was quoted in the paper. He got his way Friday so now he's upset because there was a long debate in which he did not participate but which he encouraged to go on by the kind of votes he cast. Now, to get away from Senator Lamb, I have a priority bill that has not appeared on the agenda for several days. I had asked the Speaker to hold it until I got an Opinion from the Attorney General. For some reason, that Opinion which had been promised was not given to me and the Speaker can confirm this. He and I have not discussed this. He has wanted to put that back on the agenda and I told him don't do it because I don't have the Opinion, and then we were reaching a point where I felt, in my mind, I should get it on the agenda so I might have a chance to advance it. But looking at the crush of the last days, the problems with scheduling, I never have asked him to put my priority bill on the agenda for discussion again, and it's a bill that means a great deal to me because it relates to a way in which the university is discriminating against young athletes. It's a matter that I've been dealing with for years. I've spent a lot of time drafting and crafting a bill. It's not that long a bill, but it represents a great deal of research, but I did not have it put back on the agenda. Now, I am the one primarily who continued the debate Friday, but nobody was caught off-guard and nobody was surprised because my attitude toward that bill was known from the beginning. There are others who wanted to just wait everybody out and keep us here till midnight, which we did. So now the chickens are coming home to roost. Senator Lamb, I am opposed to LB 1059. Maybe what you have is a better alternative, but it's one of those circumstances at this point where I don't know that the Speaker ought to be faulted for the kinds of underlying agendas that always surface in the last few days of the session. I'm not going to vote on Senator Lamb's motion one way or the other because I'm sure if his bill is placed at the head of the agenda, there will be some lively discussion. I'm sure that LB 1059 will be discussed, and there are some matters that I would feel are germane as far as discussion to the issues that would be raised. But I think this morning, on this motion, we're having a foretaste of what the rest of the session is going to be. There is no need for anybody to allow pressure and tensions to build up internally that could contribute to an ulcer down the line or perhaps a heart attack before the session is over. I don't want to see that happen to anybody. I don't believe any issue confronting us is serious enough for that to

occur. But the reason I'm mentioning it, I became aware of some things Friday that caused me to be concerned for the physical health of my colleagues. Some of you all don't lift weights, you don't exercise, and when you're in a pressure cooker type of tension-filled situation...

PRESIDENT: One minute.

SENATOR CHAMBERS: ..things can happen that you're unaware of. So whether we take Senator Lamb's motion up or not in terms of voting "aye", whichever way the vote goes it would behoove everybody who is not as physically strong as I am to take that with a grain of salt and realize that it's not the end of the world. And having said that, Mr. Chairman, I think I'm going to offer an amendment to Senator Lamb's motion to strike LB 866 and insert in its place LB 708, which is my priority bill. I'm thinking about it, but so far I haven't drafted the amendment.

PRESIDENT: Thank you. Senator Warner, please; followed by Senator Lynch.

SENATOR WARNER: Mr. President and members of the Legislature, I'm inclined to be supportive of the Speaker's agenda just because that probably, in the long run, works most smoothly. I also think it's kind of an academic argument probably, hardly that, as I suspect that LB 866 with any kind of a tax increase would be vetoed too and, in all probability, after we adjourn. So we aren't spending a lot of time...we can spend a lot of time on it and probably not really have any impact. LB 84 was announced repeatedly as a one-time effort and if it turns out to be a one-time effort, why, so be it. Certainly people was well warned ahead of time what would be the consequences and that was not of a concern so there shouldn't really be any concern about those consequences, it would seem to me now. Having said all that, I'm...in part, because I think there's no chance of Senator Lamb's motion being adopted, I'm inclined to vote for it because it might be the one thing I can argue to people the way I tried to get that one up, too, for property tax relief. They both have tax increases. It's been kind of an interesting weekend for me. I went around and did something I do not do as frequently as I should, obviously, but I've been talking to a lot of people on the state aid bill and when LB 1059, if there was ever a bill that I've got mixed signals from people whom I would have thought would have been on one side or the other, this one certainly is in that category. So I still don't know

what I am going to do on that bill, but I do not look at them as competition for the simple fact that I am of the opinion, if LB 1059 is not overridden, that's the only bill we're going to actually have an opportunity to override if we want to. But I'm inclined to give Senator Lamb votes this morning, not in relation to anything else that's on the agenda but solely I have a feeling that that might be the one vote I can make when this is all said and done and said, well, at least I tried there, too.

PRESIDENT: Thank you. Senator Lynch, please.

SENATOR LYNCH: Question.

PRESIDENT: The question been called, do I see five hands? I do and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

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

PRESIDENT: Debate has ceased. Senator Lamb, on your closing, please.

SENATOR LAMB: Yes, Mr. President and members, I certainly appreciate Senator Chambers' concern for my health. I might tell him that my blood pressure is low. They always take it twice because the first time they don't believe it. My cholesterol is low. I have a low heartbeat and don't...I've never had ulcers or anything resembling ulcers. But, you know, this is a bill, this is a bill that should be...should be on the agenda. Now Senator Moore has said that it's a big tax increase. I don't know if it is or not. As I mentioned, we can put it over...that's a future debate. That's a future debate. We put it over there so there is an alternative, so there is an alternative we can look at. Now some people have said that there's going to be a 16 percent increase in property taxes if we don't do anything. I don't subscribe to that because I think if we don't do anything, local subdivisions will put the clamps on spending and the increase in property tax will be much, much, much, much less than 16 percent. However, with the...in the state of flux that we have, LB 1059 at this point, I think it's prudent, it's logical that we have LB 866 over there on Select File so that, at this late date, if we want to do something, we can do it. I would ask that you vote to put it on the agenda and I believe, Mr. Clerk, it takes 30 votes. Is that correct?

PRESIDENT: Yes, that's correct.

SENATOR LAMB: Thank you.

PRESIDENT: The question is, shall the agenda be overruled? All those in favor vote aye, opposed nay. Senator Lamb, please.

SENATOR LAMB: Mr. President, to save time, I would ask that there be a call of the house and a roll call vote.

PRESIDENT: All right, the question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 18 ayes, 1 nay, to go under call, Mr. President.

PRESIDENT: And the house is under call. Please remain in your seats and, those that are not in the chamber, please return to the chamber and record your presence. The house is under call. Looking for Senator Lindsay, Senator Lynch, Senator Landis, Senator Ashford, Senator Baack, Senator McFarland, Senator Weihsing, Senator Wesely, Senator Scofield, Senator Schmit. We're looking for Senator McFarland now. Senator McFarland will be here in a moment. Senator McFarland is here and the question, ladies and gentlemen, is, shall the agenda be overruled? Roll call vote has been requested. Mr. Clerk, please.

CLERK: (Roll call vote taken. See page 1788 of the Legislative Journal.)

PRESIDENT: Senator Lamb.

SENATOR LAMB: Changing from "yes" to "not voting".

CLERK: 25 ayes, 15 nays, Mr. President.

PRESIDENT: The motion fails.

CLERK: Mr. President, I have a priority motion. Senator Lamb would move to reconsider the vote just taken on overruling the agenda.

PRESIDENT: Okay. Senator Lamb, please. The call is raised.

SENATOR LAMB: Mr. President and members, I've learned my lesson well. Thank you, Senator Chambers. I was hoping I didn't have to do this. I was hoping I don't have to be a stickler in the rest of this session because this is a reasonable request that's being denied to me. This is reasonable--put that over on Select File, then decide what you want; don't have a lot of debate before that time. I have not been the one that has held up this session. I have not been the one that's been...held up this session. I'm being treated unfairly on this issue, you all know it, you all know it; all the way from the treatment I got in the Revenue Committee, all the way down to today. This bill should have been up, heard, and had its day in court. Now some say there's a penny sales tax on it. There's not anything on it till you put it on there. I don't know what you want. I don't know what Senator Moore wants. I know what he wants. He wants LB 1059. By the way, I've disinherited him in case any of you knew. That's just for today. That's just for today. Senator Lynch wants to take your place, Scotty. He's too old. But I don't think I've ever had a reconsideration motion like this before, but I really feel justified in it today. I feel justified in it and I think deep down in your hearts each and every one of you believes the same thing. Whether you're for LB 1059, whether you're against LB 866 is not the issue. It's a fact that LB 866 deserves to be over there on Select File as an alternative, as something to work with. Why? Why, Senator Moore, are you afraid to put that up there? You know, I don't think it's a threat to LB 1059. I don't think it is. There are other things more of a threat to LB 1059, and that's a fact that some members of this body are willing to filibuster certain bills until nothing gets passed. It's not a threat, it's an alternative, a possible alternative that should be considered. I ask that you send that over to Select File.

PRESIDENT: Thank you. Senator Hall, please, followed by Senator Moore and Senator Chambers.

SENATOR HALL: Thank you, Mr. President, members, I'm not sure what I'm going to do, if I'm going to support Senator Lamb's motion to reconsider or not. I'm half tempted to give him his 'day in court', as he calls it and hope that he gets...the bill gets the death penalty. The fact of the matter is, is that there is no comparison between LB 866 and LB 1059 because they are not the same things. LB 866 could be compared to LB 84. That would be a just and fair comparison. But to compare it to

LB 1059 is inaccurate. It's wholly inaccurate. It does not make a comparison. The two aren't the same. You have one that is a state aid bill that deals with restructuring the financing of education from now and into the future. LB 866 is a continuation of LB 84. It is another one-year proposal that I would not support even if we did not do LB 1059. If there were not the votes there to do LB 1059, I would not do LB 866 or any form like it. Because I said last year LB 84 should be a one term...a one-year proposal, and we made some mistakes in there. If I could have pulled that back and put a cap on, as Senator Warner rightly chastised me for earlier this session, I would have done that. I learned a lesson there. And I also learned that it probably does not make any sense to do a one-year proposal that does not tie in things like a cap, does not look at a total restructuring additional aid from the state to our educational system. That's what LB 1059 does. That's why I support it. It is a very large spending measure. It is not attractive to my district. They will pay more money in my district with the passage of LB 1059 than they currently do through sales and income, because there's very little benefit in terms of the property tax side. The only attractive thing in LB 1059 for my folks is the cap on spending. The issue as to whether or not LB 866 has been dealt with fairly or unfairly, ladies and gentlemen, I would argue that it's been dealt with very fairly, at least from the standpoint of the Revenue Committee, and I appreciate Senator Hefner's comments on that earlier. Look at your agenda on General File. There are a number of bills that have yet to be heard. Do they then also deserve the same fair treatment that LB 866 and Senator Lamb purports that it deserves? What about LB 854, Senator Lindsay's bill, Senator Lynch's LB 1062, or Senator Morrissey's LB 1151 dealing with the liability act for radioactive waste disposal, Senator Wesely's health data center for health care costs, or Senator Schmit's ethanol proposal? That we're going to deal with I guess here. Senator Lamb's LB 866 happens to be at the bottom of the list and he purports that he's been unjustly dealt with. I would argue, Senator Lamb, that is not the case. The fact of the matter is, yes, it's down at the bottom of the barrel. The fact of the matter is, is that I had a priority bill that was dealt with, it was not advanced so it falls to the bottom of General File, never to see the light of day again. The fact of the matter is, is that these bills are brought out in order; they're dealt with in order. If the proposal merits special order, I guess then that's the Speaker's prerogative. In this case, LB 866 I don't think deserves to be set upon the

agenda at this point in time, given some kind of special treatment when it was dealt...at least on the argument that it was dealt with unfairly. You can't make that case. It was dealt with very fairly. It was dealt with within the rules of the Legislature, within the rules of the committee, and with every other procedural question I think being very...

PRESIDENT: One minute.

SENATOR HALL: ..open and honest. We did not do anything behind closed doors. Now, in terms of whether or not you think LB 866 is a meritorious piece of legislation that should be there, then fine, vote to reconsider. But, Senator Lamb, you had a chance. You did not look at LB 747 as anything but a threat during the first weeks of the session when you chose to bracket that bill. You did not look at LB 747 as an alternative to LB 1059 at that point in time. You dealt with that unfairly when you moved to bracket it back in January.

PRESIDENT: Thank you. May I introduce some guests, please? In the south balcony, we have guests of Senator Rod Johnson, 38 fourth, fifth and sixth grade students from Giltner Public Schools at Giltner, Nebraska, and their teacher. Would you folks please stand and be recognized by the Legislature, all of you? Thank you for visiting us today. Senator Bernard-Stevens also has a special guests (sic) back there, guest. He has five-year-old, almost six-year-old Bernard-Stevens...David A. Bernard-Stevens, who's a future cartoonist from North Platte. And, Senator Bernard-Stevens, some one of your colleagues suggested that you leave him there the rest of the session to improve your voting record. So, David, we're happy to have you and we'd like to see some of your drawings. Okay. Thank you for being here. Thank you. Senator Moore, please; followed by Senator Chambers and Senator McFarland.

SENATOR MOORE: Well, Mr. President and members, I'm almost of the opinion, I certainly don't want to be accused of winning unfairly, I'm almost ready to give Senator Lamb his way and discuss the bill. I mean to discuss the bill, because we're talking about a big bill. Now Senator Lamb says it won't take a tax increase, and Senator Lamb knows as well as anybody in the room if you're going to pass LB 866, you're talking about a tax increase. Whether it be sales tax, whether it be income tax, whether it be lottery, whether it be sales tax on services, that discussion needs to be had. And, Senator Lamb, if you're

successful in overruling the agenda, I'm not going to harass your bill but I'm certainly going to discuss it. I'm not just going to give you a free pass over to Select File to debate a bill of that magnitude, particularly since, you know, I think Senator Warner is absolutely right. I mean, if LB 1059 is vetoed on the premise that it's an unfair tax shift and that renters are hurt and that low-income people are hurt, well, then certainly if you fashion LB 866, the sales tax increase, and apply the same criteria, it would most certainly be vetoed as well. Now last year, I remember when the gang of four, which is all split up now into various different directions with Senator Hall, Senator Chizek, Senator Lamb and myself, we sold that premise that it was a one-time, short-term, stopgap way to address property taxes, while in the meantime we worked on a more permanent method of more equitably distributing state dollars in the way of a tax shift. Senator Lamb stood up on this floor and said he supported LB 84 a short-term, he said one two years. Now, Senator Lamb, you know, it seems odd to me. Yes, Senator Lamb did work on the School Finance Review Commission and after it was all said and done he introduced this bill because that's really what he wanted to do anyway. He wanted the Lamb proposal contained in LB 84 to continue on into infinity. I understand why Senator Lamb wants that. You know, it's blind to who needs the money. It's blind to what tax levies are at a certain...at a point right now hinges on a percentage basis. As a matter of fact, I mean, maybe I'm crazy, but LB 866, as far as a distribution formula, would very.. would most certainly be better for some portion of my district than others. I'm not saying I'm all against it, but the fact of the matter is that LB 866 just throws money out with no idea, no concern about who needs it and what's to be accomplished by it. That's why I don't like LB 866. Also, now, unlike last year on LB 84 was free money, LB 866 is going to cost some money because we're talking about a tax increase and, yes, we need to discuss that. Senator Lamb knows that. I mean, there is no way in God's green earth you should move this bill, a hundred...a hundred-plus million dollar bill, over to Select File without some funding source from it. We all know that's what the discussion needs to be. Now I'm not afraid of Senator Lamb's bill in any way, shape, or form. Going back to what he said, you know, the Speaker has the right to special order something. He did not. I'm going to support the Speaker. Now I don't want to never get to LB 866. As a matter of fact, strictly so I am accused of being fair, I'd like to get to this bill in its normal order and discuss it and dispose of it as we should with

a "no" vote, because it's strictly a cop out saying, you're right, yeah, you know property taxes are tough, LB 1059 is much too tough to bite off in an election year or any year and we're just going to throw more money at the problem through the formula contained in LB 866. I think it's wrong. I can basically sit here say that, people, we misled you last year; no, we're not serious about doing something, we're not serious about doing something, and we're going to just, you know, ignore all the sham arguments brought out on LB 1059 are probably just as applicable if not...no more applicable to LB 866. And if Senator Lamb is successful, then we need to discuss all those things and I, you know, one or two amendments, whether we should take it from income, from sales, or what we should do, that's perfectly in the realm of possibility. If Senator Lamb's motion is successful, we're going to spend some time debating the bill, as it should be debated.

PRESIDENT: One minute.

SENATOR MOORE: If he's not successful, when this bill comes up, and I hope it does come up, we'll debate it at that time about what's the fair way to fund the thing. It's a fair discussion that needs to be taking place but not by overruling the agenda and throwing the Speaker's wishes out the door. I am strongly against Lamb's reconsideration motion and I urge the body to do the same, but in the event that they're successful, in the event that you feel sorry for Senator Lamb's plea, let's discuss it.

PRESIDENT: Thank you. Senator Chambers, you're next, but may I introduce the handsome young man in front of you. Senator Brad Ashford has his son, John Paul Ashford. John Paul, would you please stand up so we may see you and let the members of the Legislature see you and thank you for being here. John Paul is ten years old and in the fourth grade, and we're happy to have you here. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, to get some frivolity out of the way, although not completely frivolous, I went over to give Senator Lamb a second opinion on his health. He did look flushed and, with the power of discernment that I have, he is on the way to having an ulcer further down the line and he may, indeed, have had a minor heart attack already, they don't always knock you down. So I told him I was going to give him a vote, and intend to do so. But it has nothing to do with the idea that the Speaker has been unfair in

the way he has scheduled the bills. I can truly understand Senator Lamb being distressed because a bill that he sees as being very important, having a lot of impact, not being in a position to be discussed. There are issues in that bill that I completely disagree with, but I don't see LB 1059 as being very palatable. Senator Hall mentioned LB 84, a bill with which Senator Lamb agreed last session, and he was one of the members of the Dalton gang who pushed for it. It also was unfair to renters, unfair to those who pay automobile taxes, and the same charges can be made against 1059 and any bill that would increase the sales tax. But the real issue here, I think, is not so much the merits of 866 or lack of merit, the merits of 1059 or the lack thereof, but a struggle going on as to which philosophy will have a chance to be enacted by the Legislature, regardless of how it fares at the hands of the Governor. I'm curious to watch this struggle between the Titans. I don't think anything has been...has had the potential for excitement since Godzilla met Rhodan, and I don't know which one of these bills will be which. They rank up there with Nebraska against Oklahoma, or maybe Germany against the rest of the world. And because we need something to keep our juices flowing, and because Senator Lamb's bill will probably be referred to one way or another throughout the rest of the session, maybe the thing to do is to go ahead and get it out of the way today, if that's possible. He would have had 26 votes had he not changed to not voting for the purpose of reconsideration. So the reality is that if he holds the 26 that he had, and obtains four more, then he will have his opportunity to present his bill. It will only take 25 to reconsider, so I think, if the 26 who had voted for the bill will vote for the reconsideration motion, he should prevail on this one without too much difficulty. I agree with Senator Moore, though, that should the bill be allowed to come up for discussion today, it should not be given a free pass to Select File. It is too...it's too serious in its consequences to allow that to happen. So I'm going to vote yes for the reconsideration, I'm going to vote yes on his original motion. But as to how I will vote on the bill itself, because of the way I feel about those types of bills, I think he knows that he wouldn't expect to get a vote from me on the bill itself.

PRESIDENT: Thank you. Senator McFarland, please.

SENATOR MCFARLAND: Question, Mr. President.

PRESIDENT: The question has been called. Do I see five hands?

I do. And the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk. Not yet. We're voting to cease debate. Record, Mr. Clerk, please.

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

PRESIDENT: Debate has ceased. Senator Lamb, on your closing, please.

SENATOR LAMB: Yes, Mr. President and members. Maybe I'll just take a couple of minutes to explain what I have in mind for the bill, should it be placed over on Select File. Now, you'll remember the committee amendments put on three-quarters of a cent sales tax, it put in the check-back system, the check-back system which I had a previous amendment to do. And then it also put on a sales tax exemption for the first \$10,000 worth of farm machinery, and it also installed a sales tax on food. Now my amendment to the committee amendment will do these things, it would strip out the farm machinery sales tax exemption, do away with that. It would also do away with the sales tax on food, that would not be part of the bill. And it would keep the check-back system, which I think is in lieu of a lid, in other words, because the subdivisions will take note of the fact that if they increase their budgets, that property taxpayer is going to notice it in the first instance because he has to pay the whole bill, although he knows he will get a check back eventually. And it will, in order to fund the bill, increase that sales tax from the three-quarters of a cent that the Revenue Committee put on it to one penny. Now I don't know if that's the way you'd like to see the bill advance, but that's my recommendation. As I stated before, I think the main thing is to get it over there to have a vehicle that this body can do what it wants to do. So that's why I'm asking for the reconsideration and then subsequently ask for the change in the agenda.

PRESIDENT: Thank you. The question is, shall the overrule...the agenda situation be reconsidered? All those in favor of reconsideration vote aye, opposed nay. Senator Lamb, please.

SENATOR LAMB: Mr. President, I'd ask for a call of the house and a roll call.

PRESIDENT: Thank you. The question is, shall the house go

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LB 866, 1124

under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 23 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber and record your presence. Unauthorized personnel, please leave the floor. Smith, would you check in, please. Thank you. Senator Labedz, would you check in, please. Thank you. We're all here. The question is the reconsideration. Roll call vote has been requested. Would you please hold it down so the Clerk can hear your response, please. (Gavel.) Would you hold it down, please, so the Clerk can hear your response. Roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken. See page 1788 of the Legislative Journal.) 23 ayes, 18 nays, Mr. President, on the motion to reconsider.

PRESIDENT: The motion fails. Move on to special order, LB 1124.

CLERK: Mr. President, LB 1124 was a bill originally introduced by Senator Schmit and Senator Smith. (Read title.) The bill was introduced on January 12 of this year, Mr. President. At that time, it was referred to the Revenue Committee. The bill was advanced to General File. I do have Revenue Committee amendments pending, Mr. President. (See AM2758 on page 1152 of the Legislative Journal.)

PRESIDENT: Senator Schmit, are you going to handle the...oh, Senator Hall on the committee amendments first, all right.

SENATOR HALL: Thank you, Mr. President. The bill, as stated by the Clerk, was heard on February 14, only a week ahead of LB 866, and it deals with establishing a tax credit for ethanol producers of 30 cents a gallon, in its original form, and it would also, excuse me, and deals with a production credit. The producer must produce the ethanol in a Nebraska plant which ferments, distills, and dehydrates the product. No more than 25 million gallons can be claimed, so that would be the ceiling on the bill as it was introduced. Credit must be claimed within 84 months of the first credit certificate. It would also sunset in the year 2000. It has a...the flip side of the bill, with

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limitation on the Legislature should it attempt to enact legislation because the language says that if anything is done by the legislature for this type of representation the people "shall" come from those areas served or affected by these primary service responsibilities, whatever that means. We are going to have to define those terms and then craft any statute to mirror that language. I think the Legislature can do that without this language. I believe that if this language stays, then it will create difficulties because of the vagueness of the language. So I am hoping that you will agree to strike it, and, Mr. Chairman, I will ask for that notorious call of the house again.

PRESIDENT: All right, thank you. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 13 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return and record your presence. Looking for Senator Carson Rogers, Senator Landis. Senator Conway, would you punch in, please. We are all here, and, Senator Chambers, did you wish a roll call vote? Okay, a roll call vote on the adoption of the Chambers amendment. Mr. Clerk, please.

CLERK: (Roll call vote taken. See pages 1808-09 of the Legislative Journal.) 7 ayes, 12 nays, Mr. President, on the amendment.

PRESIDENT: The amendment fails. Anything further on it, Mr. Clerk?

CLERK: Mr. President, I have a priority motion. Senator Haberman would move to adjourn until nine o'clock, I am sorry, eight o'clock, Senator, or do you want nine o'clock...eight o'clock tomorrow morning.

PRESIDENT: The question is, shall the...do you have anything for the record, Mr. Clerk? Please put that in.

CLERK: Mr. President, a series of amendments to LB 866 from Senator Moore. That is all that I have. (See pages 1809-10 of the Legislative Journal.)

in the last few days, quite honestly. And I think the people of the State of Nebraska deserve better than the way we've been acting on this floor, so that's the reason I can't support this. You know looking at my agenda here, I think to myself, we have a lot of important issues, that's true, to follow. We all knew this before we started doing the kinds of things that have been going on on this floor. You know, I was raised to believe that you follow the rules. And it's been really hard for me to be able to deal with this kind of stuff that has been going on in here, because I have that thing about me that says I was taught, we have rules, we have this book here that tells us this is what we're supposed to do. And then to see the kinds of tactics that have been going on in here have really contributed to the way I feel. And I'll tell you that the public feels about this body right now. I had eggs and issues last Saturday, and the people in my district were absolutely disgusted with the way we're acting. I just think it's time for us to sit back and look at what we're supposed to be doing down here. This isn't fun and games, folks, this is actually dealing with people's lives. The laws that we make in here need debate, but they need to be debated by the rules. And I understand both sides felt they had...they were legitimate because they were retaliating against each other. I hope that I wasn't really a part of either of those sides, although I may have a concern about any of the issues that we talk about. You know, I'd like to remind you, Senator Schmit, I think that you have a bill on here, LB 854, and that's your priority bill. You said your priority bill is not up, but I believe this is your priority. And that's an issue that I'm concerned about and one that I would support. LB 1151 definitely is a bill that should be debated and actually should be on Final right now, or even have been passed by now, because we need to deal with the issue of low-level radioactive waste, the siting in our state, and all of the controversy that surrounds that. LB 866, Senator Lamb's bill, is something that I would have liked to have seen up there to have had the opportunity to deal with. I'd remind you that the history, people have been talking with me, well we've done this before. Yeah, we did it before, we did it last year I believe it was, but we did it with consent calendar bills, bills that in the first place wouldn't have come out of committee and been voted across in 15 minutes on the floor if they had had amendments or had been something that was controversial in the first place. And even by doing that, we were criticized severely by the people of the State of Nebraska, and I think rightfully so. In addition to the fact that, you know, this is something that I

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LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

adopt Senator Labedz's motion, the issue will not be completely laid to rest but it will come closer to having...Senator Schmit is messing with me, it will come closer to having been laid to rest than if we don't. If we don't...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...defeat Senator Labedz's motion, then other things will be set in motion which will lead us to who knows where. The Far Side cartoon that was handed around might carry a hint of it, but I hope, indeed, that you will vote for this reconsideration motion.

SPEAKER BARRETT: Thank you. The question is the adoption of the reconsideration motion of the vote taken on the previous motion. Those in favor please vote aye, opposed nay. Record.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: Motion fails. Have you items for the record?

CLERK: No, I do not, Mr. President.

SPEAKER BARRETT: Next motion, please.

CLERK: Mr. President, Senators Labedz and Schmit would move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and place LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A on Select File without amendment or debate.

SPEAKER BARRETT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. Speaker. I certainly will not go into a long, lengthy discussion on the motion to adopt the motion that I have up there, which is to suspend the rules with no further amendments or debate. And it will require another 30 votes, and then we can go on to Final Reading. Or, I should correct myself, Mr. Speaker, we will go on to your motion to suspend the rules with no further amendments or debate and read all the bills on Final Reading. And, as I said before, I have at least 40 or 50 amendments on some of the bills on Final Reading, but I will vote in the Speaker's favor to read the bills without further amendments or debate. And I will relinquish the rest of my time to Senator Schmit, and hopefully

you people doing down there? How come you let one or two persons keep you from doing anything? And I say, well, it's because we don't have this thing called a cloture rule and people can talk as long as they want. That's the rules. You know, and it seems like, well, I think when you say filibuster, a lot of people remember Jimmy Stewart in the movie Mr. Smith Goes To Washington and they remember how he was right, yet in the minority, and by himself he, you know, basically, eventually got that wrong...wrong righted, so to speak. And a lot of people have this romantic vision of a filibuster, you know, that's the time for something like that. They tend to forget what happened like on the civil rights movement over the years where the boll weevil southern Democrats, every year a major civil rights piece of legislation came through the body in the forties and the fifties, southern Democrats would sit there and filibuster and that's the way the fili...they could never get a procedural vote to break that filibuster, you know, and who knows how many years that filibuster put back civil rights in this nation. Now, obviously, on some of the people and on the other side of the abortion issue this year that are pro-choice like the filibuster but some of those same people were victims of the filibuster, you know, back then. I think that's something we have to remember. Well, all that being said, you know, this is...yeah, this is the I-told-you-so speech, for what it's worth, and that's all I care about. But now we are to Senator Barrett's motion to suspend the rules and this comes on the heels of a highly unusual motion this morning when we suspended the rules and moved nine bills from General File to Select File. Now the reason I would support doing that is because, you know, basically because of the way the body, in total, has acted and maneuvered this year, you know, there's nine bills that today is the last chance.

PRESIDENT: One minute.

SENATOR MOORE: With that vote this morning, with that vote this morning, we gave those bills one more chance but certainly we're going to debate them. I hope we debate them and I know I have a series of amendments filed to the last one of that, LB 866, Senator Landis's priority bill, not amendments strictly to make some points and to discuss if you, given the criticism of LB 1059, if the Governor is going to veto that bill, we can maybe make LB 866 something that's more palatable to her. So I hope we do. Well, yes, I support Senator Barrett's motion. The rule...the circumstances are unique this year, given the

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LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting

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LB 854, 866, 866A, 976, 989, 989A, 1062
1062A, 1151

Chambers motion to return all bills on Select File to General File? Senator Chambers, any further statement? Thank you. The question is the return of bills on Select File to General File. Those in favor vote aye, opposed nay. Have you all voted? Senator Chambers. Thank you. Have you all voted? Please record.

CLERK: 1 ayes, 15 nays, Mr. President, on the motion to return the bills to General File.

SPEAKER BARRETT: The motion fails. Next item.

CLERK: Mr. President, I now have a motion to overrule the Speaker's order and consider a motion by Senator Chambers to return specified bills to General File. That motion is to return LB 976, LB 854, LB 1062, LB 1062A, LB 1151, LB 989, LB 989A, LB 866, and LB 866A.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, before I begin, there might be a question as to whether this is a reconsideration, so the person that wants to raise the issue, I will let them raise it, but these are the bills that were included in the package yesterday that were all advanced to Select File on one vote without amendment or discussion.

SPEAKER BARRETT: Thank you.

SENATOR CHAMBERS: And, Mr. Chairman, before I go into my opening, I will go ahead and we can dispose of the question that Senator Bernard-Stevens wants to raise.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker. I am going to raise the question and ask for a ruling. I would assume that this would be a reconsideration motion then of what we did yesterday. Is that the Chair's understanding as well?

SPEAKER BARRETT: Senator Chambers, have you any comment?

SENATOR CHAMBERS: Well, it really wouldn't be that because it is not saying vote again on what was done yesterday. That action was done. This is taking it back. I had misunderstood

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...and in some cases even killed.

SPEAKER BARRETT: Thank you. Discussion of the Chambers motion. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Actually this is more of a yin and yang type of comment. Yesterday I was very, very uneasy, as many people were, though I voted to do so and will take the responsibility for that, to move those bills across to try to un...to get rid of a logjam so we could get some work done, and the Legislature did put in a good day's work. I am hoping the same thing can happen today as well. I guess I feel that we would look a little bit even more strange than we were yesterday on what we have done with the rules, and certainly I have had my share of dealings with the rules, that if we went ahead and moved bills back without the peer debate to where they should have been on General File, then we'd, in fact, I think say to those bills that, well, we didn't necessarily want to do that, we made a mistake, we are going to move them back. And, oh, by the way, they were important yesterday but today they are not so important, because if we move them back to General File, obviously, they cannot move up to be considered to Final Reading, and there were some bills that we stated yesterday that were very important that needed to be considered, certain priority bills. Senator Wesely has one that is very important. Senator Lamb, on his LB 866, certainly is very important for the Legislature to continue. Senator Morrissey and those have some on low-level liability that needs to be discussed, and if we are going to say that they need to be discussed, they are very important to do so, then I think it would be foolish for the Legislature to move all of those back and say, well, they are important, we didn't mean what we did yesterday and, by the way, since we did that action yesterday and we move them back today, now we guarantee we can't talk about them. And I don't think that is a process that we need to do. One maybe bad decision shouldn't be compounded by a further one. And I would agree, yesterday's decision was somewhat unusual but I think the body is being put in that unusual situation because of the cone of the session, because of some of the issues we have been involved, and we have to do extra human things by working together to try to get some of these things accomplished, and I think we did a good job on that yesterday, and I hope we can

will IPP that particular bill. That bill will not take any time. We go down to Senator Wesely's data collection, Senator Morrissey's Liability Act, and Senator Lamb's LB 866. What I am proposing to do is to take LB 854 and put it right after Senator Lamb's LB 866A, and what I am saying is we, as a body, know we are going to get into a fight today. We have a chance, as a body, to decide when that fight is going to take place. And there are people out there who still hold on to the shred of hope that that on the abortion issue that there is somehow some pressure out there, that some guilt out there, that will make people somehow give up, and I think you all know that is not going to happen. It is not going to happen. So I am giving the body an opportunity to say there is some things we can do if you want to do so. We can get to LB 85. It will be later day, and we can go all afternoon and all into the evening. If Senator Labedz has the motions to do what she wants to do, fine. If Senator Chambers, myself, and others have the power and the stamina to do what we want to do, fine, but we will have all sorts of time to do that. But let's do as we did yesterday, let's...these bills that we moved across because they were important to do, let's give them a chance to be discussed, and I think you will find that it won't take that much time. And I give that option to the body. You can do as you please. It is simply an option for you to consider. Thank you.

SPEAKER BARRETT: For purposes of discussion, Senator Schimek.

SENATOR SCHIMEK: Mr. President, and members of the body, I will be brief. I rise in support of Senator Bernard-Stevens' motion. Actually, of all the motions that have been presented this morning, this one makes the most sense to me in terms of political reality. I think that this might be a possibility that we can agree that we will have our disagreement later in the day after we have accomplished some of the business of the day. If I had my druthers, we would not discuss the bill at all because I do feel that it is in some respects a waste of the body's time because I do believe it is constitutionally very suspect and that is in keeping with the Attorney General's Opinion or advisement that he issued in response to Senator Nelson's question. But I am willing to concede that we will probably have to discuss this but let's not hold up the entire business of the session in order to discuss it early in the day. Let's do some of the other business first, do what Senator Bernard-Stevens has suggested and move the agenda. Thank you very much.

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LB 866, 1059
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of coordination, which includes budgets, program review, long-range planning, just as was proposed for the new Board of Regents, all the things that, at least at the public hearing, and, of course, the subject has had a public hearing because this was suggested at the public hearing, and as we frequently do, as we all know in this body, we respond at public hearings to proposed changes to the legislation citizens have brought to us. And this concept, of course, was brought to us at the public hearing, and I would like to not take a lot of time on that, a vote up and down, and see how much support for that concept there might be for a single, coordinating, strong, constitutionally authorized commission. That is what it does. I suspect and I know doing that there is some hazard, obviously, because now we have two options and if you have two options, as was concerned with LB 1059 and LB 866, they both failed, and I understand that but I think the issue is so important that I would at least like to see where this body stands. Most certainly there ought to be a vote on that concept, and if it is turned down by the body, then that strengthens the need or the justification for 239 because there was another option looked at and which this body felt was not desirable.

PRESIDENT: One minute. Thank you. Senator Wesely, followed by Senator Chambers. The question has been called, do I see five hands? I do, and the question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

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

PRESIDENT: Debate has ceased. Senator Bernard-Stevens for his closing.

SENATOR BERNARD-STEVENS: Mr. President, I withdraw my amendment at this time.

PRESIDENT: The amendment is withdrawn. We are back to the Withem motion. Do you have anything on it, Mr. Clerk? Senator Withem, I guess we will be talking about your bracketing. There are other lights on, however.

SENATOR WITHEM: I will just wait until closing to speak, Mr. President.

PRESIDENT: Okay, thank you. Senator Chambers, please.