

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

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LR 229

If I may, Mr. President, I have a Reference Report referring LBs 881-957, and LR 229. (See pages 175-77 of the Legislative Journal.) And, Mr. President, new bills. (Read LBs 997-1010 by title for the first time. See pages 177-80 of the Legislative Journal.) Mr. President, that's all that I have at this time.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Proceeding to the next item on...from the Rules Committee. Chairman Lynch.

SENATOR LYNCH: Mr. President, members, the next one is number nine identified on your list. It specifies that a motion to suspend the rules is not divisible. The reason for this, without reading it all but putting it hopefully in laymen's terms so we can understand it, is that when a motion to suspend the rules is attempted it's intended to accomplish only one thing. You don't suspend the rules to accomplish three, four, five or six different things. But, if the amendment that would accomplish one thing would, for example, suspend Rule 1, Section 2, Rule 2, Section 3, Rule 3, Section 4, because it's necessary to do that to identify those sections of the rules that serve that single purpose, you cannot divide the question and take any one of those three rule changes independently. I think, Mr. President and members, that explains the purpose and intent of this rule change and would suggest that we support it.

SPEAKER BARRETT: Thank you, Senator Lynch. Discussion on the proposal...proposed change number nine? Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you what the real purpose of this rule change is. There have been attempts at various times to suspend the rules so that there can be no debate or discussion or amendment on bills, and I have indicated that I would divide that question. So the purpose of the rule is to prevent that from happening. So however many things are put into a rule suspension will have to be taken as a package. In some instances you may have a situation where people will think and believe that you should be able to suspend the rules for the purpose of taking a vote without any additional debate, amendment and so forth. And maybe that is all right. Naturally, I'm opposed to it because

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1011-1013

the house is under call. Senator Dennis Byars, the house is under call. The house is under call, unauthorized personnel, please leave the floor. Senator Byars is on his way. We'll proceed with the vote on the adoption of proposal number ten. A roll call has been requested. Proceed with the vote, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken. See pages 181-82 of the Legislative Journal.) The vote is 18 ayes, 21 nays on amendment number ten.

SPEAKER BARRETT: Motion fails. The call is raised. Any messages on the President's desk, Mr. Clerk?

ASSISTANT CLERK: Yes, Mr. President, three new bills. (Read LBs 1011-1013 by title for the first time. See pages 182-83 of the Legislative Journal.)

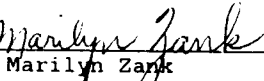
I have proposed amendments to the rules from Senators Lamb, Schmit and Withem. And I have consents to add names to LB 895 from Senator Bernard-Stevens; LB 897 by Bernard-Stevens; LB 953 from Bernard-Stevens; LB 662, Bernard-Stevens; LB 845 from Senator Crosby; LB 830 from Senator Schellpeper; and LB 905 from Bernard-Stevens. That's all I have, Mr. President.

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

SENATOR LYNCH: Mr. President, members, I move that we adjourn until nine o'clock in the morning on January 8th.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock, Monday morning. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by:


Marilyn Zank

SENATOR L. JOHNSON: Thank you, Mr. President and members of the Legislature. This amendment, offered this morning and printed in the Journal, as indicated, on page 1569, is essentially LB 905, which was amended by the Appropriations Committee and reported to General File previously. LB 905, if you've checked it, is a bill that was supported and co-signed by over 20 senators in the Chamber. With adoption of this amendment, LB 920 would provide a method of reimbursement to the political subdivisions for refunds of 1988 personal property taxes resulting from the Nebraska Supreme Court's ruling in Northern Natural Gas v. State Board of Equalization and the Trailblazer Pipeline Company v. State Board of Equalization, more commonly referred to as the Enron or pipeline cases of 1989. LB 905, as introduced, would have reimbursed each subdivision in full. Senator Scofield also introduced a reimbursement bill, LB 897, which provided for a reimbursement formula very similar to that found in LB 1090 and enacted in 1988, in the wake of the railroad lawsuits. This amendment is somewhat, therefore, a hybrid form of the two reimbursement bills introduced by myself and Senator Scofield. Sections 3 and 4, which are added to LB 920, provide that if the amount appropriated is insufficient to cover all reimbursements in full, the funds shall be distributed first to those major subdivisions, such as counties, tech colleges, NRDs, schools, cities and so forth, whose refunds are greater than 1 percent of the revenues collected in 1988. Section 4 also reimburses the miscellaneous subdivisions, such as fire districts and other small subdivisions, in full. The remaining 1 percent then is reimbursed on a pro-rata basis, depending on the funds available. This formula makes the pipeline reimbursement consistent with what we have done in the past with the railroad cases in LB 1091. The fiscal note for LB 905 showed that it would cost \$4.3 million to reimburse each subdivision in full. This amendment divides the appropriation into three separate sections, found in 5, 6, and 7. And Section 5 appropriates \$2.6 million, which would cover the 1 percent reimbursements of the major subdivisions, and the full reimbursement of the miscellaneous subdivisions. Sections 6 and 7 would then reimburse the remaining amount in full. I have a printout on my desk showing each subdivision in the state that is affected by the Enron decision and the amount that they are required to refund to the pipeline companies. The list is further broken down to show those subdivisions whose refunds are greater than 1 percent of their budget. I'll be handing out a map of Nebraska showing those counties affected and the amounts that were estimated in September, at least, last year, of the

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LB 571, 688, 854, 870, 897, 1241
LR 395

correctly engrossed, all signed by Senator Lindsay as Chair of E & R. (See pages 1597-1602 of the Legislative Journal.)

Mr. President, I have a new resolution by Senator Wesely asking April be proclaimed as child abuse prevention month. That resolution will be laid over. (See pages 1602-03 of the Legislative Journal.)

Mr. President, I have received a series of Attorney General's Opinions over the weekend. One to Senator Wesely (Re: LB 870); one to Senator Lamb (Re: LB 897); a request to Senator Haberman (Re: LB 1241); Senator Smith (Re: LB 688); and Senator Chambers (Re: LB 571) and Senator Nelson (Re: LB 854) All of those will be inserted in the Journal. (See pages 1603-22 of the Legislative Journal.)

And, Mr. President, I have received one appointment letter from the Governor. That will be referred to Reference for referral to the appropriate Standing Committee. That's all that I have, Mr. President.

PRESIDENT: Thank you. We'll move on to LR 395, please.

CLERK: Mr. President, LR 395 was introduced by Senator Langford. It is found on page 1578 of the Journal. (Read brief description of resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mrs. Merle Resmisell was born in Broken Bow, Nebraska, 100 years ago today. She has lived all of her life in Nebraska until the last few years she has moved to California to live with a daughter. Other of her family still lives in Nebraska including her son who is from my district. So I would appreciate it if you would help me congratulate Mrs. Rusmisell on her 100th birthday. Thank you.

PRESIDENT: Any further discussion? If not, the question is the adoption of the resolution. All those in favor...how are we going to do this, call the roll or...we'll do this by a show of hands. Indicate by raising your right hand, please.

CLERK: Bear with me and leave them up for a moment, too, if you would, please.