

March 8, 1989

LB 89A, 569A, 574A, 587

well be, time will come when the ethanol will, in fact, be the by-product and some other product from this process will be the major financial component. I would like to point out also that we have, as I have pointed out, seen the accent upon developing the ETBE industry, which is a further derivative of the ethanol distillation. I have to explain and apologize that many years ago I didn't know how far we were going to go on this but we have come quite a ways.

SENATOR HABERMAN: All right, Senator Schmit and members of the body, for the record, as I understood Senator Schmit that the amendments and the bill pertain to the use of grain. That is what Senator Schmit said. That, I will buy. I will support the issue...

SPEAKER BARRETT: One minute.

SENATOR HABERMAN: ...due to the fact that it says, "and the intent is the use of grain". I'm not saying Nebraska grain. I'm not putting any strings on this thing but that is what the bill does. That's what it's to be used for and that I will buy. Thank you, Senator Schmit.

SPEAKER BARRETT: Anything further on the bill? Any closing comment, Senator Schmit?

SENATOR SCHMIT: No closing, Mr. President.

SPEAKER BARRETT: Thank you. The question before the body is the advancement of LB 587 to E & R Initial. Those in favor vote aye, opposed nay. On the advancement of the bill, have you all voted? Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 587.

SPEAKER BARRETT: LB 587 is advanced. Senator Roger Wehrbein is announcing the presence of a very special guest from Plattsmouth, Jan Stuckey. Jan, would you please stand and take a bow. Thank you. Glad you are here. For the record, Mr. Clerk.

CLERK: New bills, LB 89A by Senator Lynch. (Read for the first time by title.) LB 574A by Senator Rogers. (Read for the first time by title.) LB 569A by Senator Rogers. (Read for the first

March 15, 1989

LB 81, 89A, 163, 228, 270, 325, 339
427, 438A, 521, 543, 580, 603, 764
LR 2, 54, 55

CLERK: 29 ayes, 5 nays, Mr. President, on the advancement of LB...or LR 2, excuse me.

PRESIDENT: LR 2 is advanced. Do you have something for the record, Mr. Clerk, please.

CLERK: Mr. President, I do, thank you. New resolutions, LR 54, by Senator Bernard-Stevens. (Read brief description of LR 54 as found on pages 1153-54 of the Legislative Journal.) LR 55 by Senator Bernard-Stevens. (Read brief description of LR 55 as found on page 1154 of the Legislative Journal.)

Your Committee on Natural Resources reports LB 81 to General File with amendments; LB 163, General File with amendments; LB 270, General File with amendments; LB 325, General File with amendments; LB 764, General File with amendments. Those are signed by Senator Schmit as Chair. (See pages 1154-56 of the Legislative Journal.)

Education Committee reports LB 228 to General File; LB 543 to General File with amendments; LB 427, indefinitely postponed; LB 521, indefinitely postponed; LB 580, indefinitely postponed. (See pages 1156-57 of the Legislative Journal.)

Mr. President, Senator Coordsen would like to print amendments to LB 339 and Senator Lynch to LB 89A. (See pages 1160-61 of the Legislative Journal.)

Judiciary reports LB 603 to General File with amendments. Signed by Senator Chizek. (See pages 1157-60 of the Legislative Journal.)

New A bill, LB 438A, by Senators Wehrbein and Hall. (Read by title for the first time. See page 1161 of the Legislative Journal.)

Mr. President, an announcement. The Appropriations Committee will meet in Executive Session on Thursday, March 16, and Friday, March 17, at eight o'clock in Room 1003. Appropriations, eight o'clock next Thursday and Friday. That's all that I have, Mr. President.

PRESIDENT: (Gavel.) Senator Dierks, for what purpose do you rise?

SENATOR LYNCH: ...but in any case to....Probably want to mention also in closing that don't blame the teachers who, of course, are quality teachers, who have helped the students in Nebraska rank fifth in our nation, for the lack of property tax relief. Please keep this bill separate from all issues. I didn't have a chance to get into why we can afford this without a property tax relief, but hopefully it will succeed to Select File. At that time you also have in your hand numbers from the State Fiscal Office regarding how we can, in fact, afford to fund this, but I qualify that and I will have to honestly do that without raising taxes at all. Ladies and gentlemen, please give the teachers a chance. I would hope that you would allow teachers who teach in K through 12 schools at least the same opportunity that you're going to offer, hopefully, teachers who teach in colleges, tech colleges and other state colleges, the same opportunity for a reasonable and a decent salary. With that I would humbly ask for your support and hope that you will, in fact, seriously consider this and move it to Select File.

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record vote has been asked for.

CLERK: (Read record vote. See page 1298 of the Legislative Journal.) 28 ayes, 17 nays, Mr. President, on the advancement of LB 89.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: LB 89 advances. Mr. Clerk, I'd like to proceed to the A bill at this point, it was inadvertently omitted from the agenda this morning. I'd just like to handle it at this point.

CLERK: Mr. President, LB 89A is on General File. It was introduced by Senator Lynch. I do have amendments pending to the bill by Senator Lynch. Senator, your amendment is on page 1160 of the Legislative Journal.

SPEAKER BARRETT: Senator Lynch, please.

SENATOR LYNCH: Mr. President and members, I appreciate very much the courtesy of the Chair in allowing this bill to be considered at the same time in a very appropriate way. The

March 22, 1989

LB 89A, 810, 811

amendment simply reflects the actions taken by the amendment in the Education Committee, taking out phase three, which was performance base pay, and also phase four, that had to do with the taxes. It changes then from the A bill requiring \$76,000 to, in fact, \$10,900. I'd offer that amendment.

SPEAKER BARRETT: Thank you, sir. Discussion? Any discussion on LB 89A? Any further statement, Senator Lynch? Thank you. The question before the body is the adoption of LB 89A. All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Lynch's amendment.

SPEAKER BARRETT: LB 89A is advanced. For the record, Mr. Clerk? I'm sorry, the amendment was adopted, correction. Amendment on the desk.

CLERK: Mr. President, Senator Moore would move to amend the bill.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: This amendment, quite simply, would decrease the appropriation to 100...instead of \$115 million, over the next two years, to \$40 million, over the next two years. But given the vote on the bill, I assume that the body was voting, that they're willing to sustain a 40 and 75 million dollar appropriation, and for the time being at least I don't think this amendment is proper today. So I'll withdraw it.

SPEAKER BARRETT: Thank you, it's withdrawn. On the advancement of 89A, any discussion? Any closing, Senator Lynch? Thank you. Shall 89A be advanced? All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 89A.

SPEAKER BARRETT: LB 89A is advanced. For the record.

CLERK: Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 810 to General File with amendments, and LB 811 to General File with amendments. Those signed by Senator Coordsen. That's all that I have,

March 27, 1989

LB 89, 89A, 183A, 285, 371, 490, 574
574A

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. For this afternoon's business, Mr. Harland Johnson with the opening prayer.

HARLAND JOHNSON: (Prayer offered.)

SPEAKER BARRETT: Thank you, Harland, very much. Roll call.

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

SPEAKER BARRETT: Thank you. Any corrections to the Journal, Mr. Clerk?

CLERK: No corrections, Mr. President.

SPEAKER BARRETT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 183A and find the same correctly engrossed, LB 574 and LB 574A, all correctly engrossed, those signed by Senator Lindsay. (See page 1336 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 371 to Select File, LB 89 and LB 89A all to Select File, some having E & R amendments attached. (See pages 1330-36 of the Legislative Journal.)

Mr. President, I have two Attorney General's Opinions to be inserted in the Journal. (One re: LB 490. See pages 1340-41 of the Legislative Journal.) And that is all that I have, Mr. President.

And, Mr. President, I have amendments to be printed from Senator Lamb to LB 285. (See page 1342 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. A couple of announcements, guests, which we presently have with us under the south balcony; Senator Korshoj has from Herman, Nebraska, Garnet Johnson visiting with us. Garnet, would you please stand and take a bow. Thank you. And a guest of Senator Hartnett, also under the south balcony,

March 29, 1989

LB 78, 89A, 681

would you care to make a closing statement?

SENATOR LINDSAY: Again I just urge the adoption of the bill, Mr. President.

SPEAKER BARRETT: Thank you, sir. The question is the advancement of LB 681 to E & R. Those in favor vote aye, opposed nay. Have you all voted? Record, please. Excuse me. Go ahead, Senator Landis.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 681.

SPEAKER BARRETT: LB 681 is advanced. Anything for the record?

CLERK: One item, Mr. President. Senator Lynch has amendments to be printed to LB 89A. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Lowell Johnson, please.

SENATOR L. JOHNSON: Mr. Speaker, members of the Legislature, I move that we recess until 1:30 p.m.

SPEAKER BARRETT: Thank you. You've heard the motion to recess until 1:30 p.m. All in favor say aye. Opposed no. Carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record, Mr. Clerk?

CLERK: Nothing at this time, Mr. President.

SPEAKER BARRETT: Proceeding then to the first bill of the afternoon on General File, senator priority bill, LB 78.

CLERK: Mr. President, LB 78, introduced by Senator Warner. (Read.) The bill was introduced on January 5, referred to the

April 17, 1989

LB 84, 84A, 89, 89A, 182, 247A, 325
603, 603A, 651A, 761
LR 2

this go on about the possibility down the road of some kind of discussion down the line of the two entities, namely, the local monitoring committee and DEC, under its rules and regs, getting into a dispute over was the money properly expended, and maybe we need a better agreement right up front on how that process is going to work. We are about out of time and we may want to come back to that. That is the question I want to raise and I think we have got, at least, some intent here into the record, and I would not want to see this unnecessarily tie the hands of a local monitoring committee that might have legitimate reasons to wish for more data or a different analysis of data. Thank you.

SPEAKER BARRETT: Time has expired. Any other discussion? Any closing, Senator Schmit?

SENATOR SCHMIT: I have no closing, Mr. President.

SPEAKER BARRETT: Thank you, sir. The question is the adoption of the Schmit amendment, AM1403. Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of Senator Schmit's amendment.

SPEAKER BARRETT: The amendment is adopted. Mr. Clerk, for the record.

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate Standing Committee for confirmation hearing. I have a series of appointment letters from the Governor. Those will be referred to the Reference Committee, Mr. President.

Enrollment and Review reports LB 182 to Select File, LB 325 Select File, LB 247A, LB 651A, LB 603, LB 603A, all to Select File. Enrollment and Review reports LR 2 as correctly engrossed, Mr. President. A series of amendments to be printed, Senator Coordsen to LB 89; Senator Lynch to LB 89, Senator Lynch to LB 89A; Senator Lamb to LB 84 and LB 84A. (See pages 1726-33 of the Legislative Journal.)

Mr. President, the next amendment I have is by Senator Schmit. Senator, I have AM1417 in front of me. (See page 1733 of the Legislative Journal.)

April 19, 1989

LB 89A, 89

PRESIDENT: Thank you. The question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? A record vote has been asked for. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See pages 1784-85 of the Legislative Journal.) 33 ayes, 7 nays, Mr. President, on the advancement of LB 89.

PRESIDENT: The bill advances. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, two items, confirmation hearing notices from the Natural Resources Committee and from the Education Committee. That is all that I have.

PRESIDENT: Mr. Clerk, we probably had better do LB 89A.

CLERK: Mr. President, I have E & R amendments on LB 89A, Senator.

PRESIDENT: Senator Lindsay, did you want to take the E & R amendments on 89A?

SENATOR LINDSAY: Mr. President, I would move the adoption of the E & R amendments to LB 89A.

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

CLERK: Mr. President, I now have an amendment to the bill from Senator Lynch. Senator, I have got a note on this one, you want to withdraw. This is AM1124.

PRESIDENT: Is that correct?

SENATOR LYNCH: (Mike off) Mr. O'Donnell. It is the second one I would like to withdraw. The first one has to do with, AM1124, with technical amendments specifying the Education Excellence Fund under the administration of the Department of Education to clarify them.

CLERK: Senator, I have got two different ones up here on notes that you want to withdraw these. Senator, I am sorry. Your

amendment is on page 1390 of the Journal.

SENATOR LYNCH: Mr. President and members, this specifies that the money appropriated in this bill will go to the Education Excellence Fund under the administration of the Department of Education instead of being in the General Fund of the Department of Education.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Lynch amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Lynch's amendment.

PRESIDENT: The Lynch amendment is adopted.

CLERK: And, Senator, the next note...the next one is the one you want to withdraw, Senator, AM1353?

SENATOR LYNCH: Yes.

CLERK: Withdraw this.

PRESIDENT: It is withdrawn.

CLERK: Mr. President, the next amendment I have is by Senator Smith. (See pages 1785-86 of the Legislative Journal.)

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker. This is the A bill that would insert...that would strike the \$40,000 and insert the \$20,000 in line 2, and then again in line 3 strike \$75,000 and insert twenty...excuse me, million dollars, not thousands. Let me start over again here. All right, on page 2, line 2, strike \$40 million and insert \$20 million, and in line 3, strike \$75 million and insert \$20 million. I would ask for adoption of the amendment. Thank you.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Smith amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator

Smith's amendment to the bill.

PRESIDENT: The Smith amendment is adopted. Anything further on it?

CLERK: Mr. President, Senator Elmer has an amendment pending.

PRESIDENT: Is Senator Elmer present? We have another amendment. Okay, you wish it withdrawn. It is withdrawn.

CLERK: Mr. President, Senator Lynch would move to amend. (See Lynch amendment on page 1786 of the Legislative Journal.)

PRESIDENT: Senator Lynch, please.

SENATOR LYNCH: Mr. President, members, the last of my amendments has to do with adjusting the fiscal impact in the fiscal note. On...it eliminates under Section 5, Phase I funding for the administration of \$4,800 that no longer exists, and under Phase II, it reduces from \$10,900 for that cost for Phase II to \$6,100.

PRESIDENT: Any further discussion? If not, the question is the adoption of the Lynch amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Lynch's amendment.

PRESIDENT: It is adopted. Is that the last one, Mr. Clerk?

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

PRESIDENT: Okay, Senator Lindsay, on the advancement of the bill.

SENATOR LINDSAY: Mr. President, I move that LB 89A as amended be advanced to E & R for Engrossing.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. It is advanced. LB 262.

CLERK: I have no amendments on LB 262, Mr. President.

PRESIDENT: Just a moment, please.

April 21, 1989

LB 89, 89A, 262, 603, 739, 813
LR 84

SPEAKER BARRETT: Thank you. Senator Moore, you indicated earlier you wish to discuss the bill. We're on the advancement of LB 739.

SENATOR MOORE: I move we adjourn to Monday morning, April 24th.

SPEAKER BARRETT: Anything to read in, Mr. Clerk?

CLERK: Mr. President, amendments to be printed to LB 603 by Senator Wesely; Senator Rogers to LB 813. Study resolution by Senator Coordsen calling for a review of the feasibility cost of and issues related to allowing the courts to make an order committing all juveniles listed under 43-247 to the Department of Social Services. (LR 84.) Enrollment and Review reports LB 89, LB 89A, and LB 262 as correctly Engrossed. Those are signed by Senator Lindsay as Chair. That's all that I have, Mr. President. (See pages 1851-55 of the Legislative Journal.)

SPEAKER BARRETT: The question is adjourning until nine o'clock, Monday morning. Machine vote has been requested. Those in favor vote aye, opposed nay. Have you all voted? Record. A request for a call of the house. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 10 ayes, 17 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is not under call.

CLERK: Mr. President, the vote on the motion to adjourn was 18 ayes, 14 nays.

SPEAKER BARRETT: Motion prevails, we are adjourned.

Proofed by:

Marilyn Zank
Marilyn Zank

May 23, 1989

LB 75, 89, 89A, 177

the rules.

PRESIDENT: The rules are suspended. Mr. Clerk, would you please read LB 75, please.

CLERK: (Read LB 75 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 75 pass? All those in favor vote aye, opposed nay. Record, please.

CLERK: (Record vote read as found on page 2685 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President, on the passage of LB 75.

PRESIDENT: LB 75 passes. LB 89, please.

CLERK: (Read LB 89 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 89 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read as found on pages 2685-86 of the Legislative Journal.) 37 ayes, 12 nays, Mr. President, on the passage of LB 89.

PRESIDENT: LB 89 passes. LB 89A, please.

CLERK: (Read LB 89A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 89A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read as found on page 2686 of the Legislative Journal.) 41 ayes, 2 nays, 6 present and not voting, Mr. President.

PRESIDENT: LB 89A passes. LB 177, please.

CLERK: Mr. President, Senator Moore would move to return the bill for purposes of striking the enacting clause.

May 23, 1989

LB 75, 89, 89A, 147, 177, 177A, 272
279, 289A, 289, 487, 487A

ASSISTANT CLERK: (Read LB 272 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 272 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2691 of the Legislative Journal.) Vote is 47 ayes, 0 nays, 2 present not voting, Mr. President.

PRESIDENT: LB 272 passes with the emergency clause attached. I understand we're going to skip LB 272A for the moment and continue on with LB 279 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 279 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 279 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2692 of the Legislative Journal.) Vote is 44 ayes, 0 nays, 5 present and not voting, Mr. President.

PRESIDENT: LB 279 passes with the emergency clause attached. While the Legislature's in session and capable of transacting business, I propose to sign and do sign LB 147, LB 487, LB 487A, LB 75, LB 89, LB 89A, LB 177, and LB 177A. Continue on with LB 289 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 289 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 289 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read as found on page 2693 of the Legislative Journal.) 44 ayes, 0 nays, 2 present not voting, 3 excused not voting, Mr. President.

PRESIDENT: LB 289 passes with the emergency clause attached. LB 289A with the emergency clause attached.

May 23, 1989

LB 75, 89, 89A, 147, 177, 177A, 272A
311, 362A, 377, 487, 487A
LR 224, 225, 226

SPEAKER BARRETT: LB 362A passes. LB 377.

ASSISTANT CLERK: (Read LB 377 on Final reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 377 become law? Those in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2702-03 of the Legislative Journal.) The vote is: 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER BARRETT: LB 377 passes. Matters for the record, Mr. Clerk.

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor bills read...some of the bills read on Final Reading this morning. (See page 2703 regarding LB 147, LB 487, LB 487A, LB 75, LB 89, LB 89A, LB 177 and LB 177A.)

Mr. President, LB 311 is reported correctly enrolled.

Mr. President, new resolutions. LB 224 by Senator Conway. (Read brief description of LR 224 as found on pages 2703-04 of the Legislative Journal.) LR 225 by Senator...by the Appropriations Committee. (Read brief description of LR 225 as found on pages 2704-06 of the Legislative Journal.) That will be laid over, Mr. President. LR 226 offered by Senators Pirsch, Beck, Hannibal, Ashford, Chizek, Hall, Labedz, Lynch, Abboud and Chambers. (Read brief description of LR 226 as found on pages 2706-07 of the Legislative Journal.) That, as well, will be laid over. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Directing your attention now to the agenda to LB 272AE which we moved over earlier in the day. Mr. Clerk.

CLERK: Mr. President, I have a motion to bracket LB 272A until May 24. That is offered by Senator Landis.

SPEAKER BARRETT: Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature, this is the American Savings, State Securities,