

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 881-957, 997-1010
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

February 6, 1990

LB 551, 922, 950, 953A, 1004A, 1059, 1149
1199

SPEAKER BARRETT: The A bill is advanced. Anything for the record?

CLERK: Mr. President, your Committee on Natural Resources whose Chair is Senator Schmit reports LB 922 to General File with amendments and LB 950 as indefinitely postponed, those signed by Senator Schmit. (See pages 678-79 of the Legislative Journal.)

Banking Committee reports LB 1149 as indefinitely postponed, signed by Senator Landis as Chair. (See page 679 of the Legislative Journal.)

Hearing notices from the Health and Human Services Committee for gubernatorial appointments and a hearing notice from the Appropriation Committee.

Mr. President, designation of priority bills. Senator Moore selected LB 1059, Senator Elmer LB 922 and Senator Robak LB 1199.

Mr. President, new A bill, LB 1004A by Senator Rogers. (Read by title for the first time. See page 682 of the Legislative Journal.) That's all that I have at this time, Mr. President.

SPEAKER BARRETT: Thank you, moving on to the next bill on General File, LB 551. Mr. Clerk.

CLERK: Mr. President, 551 was a bill introduced by Senator Lynch. (Title read.) The bill was introduced on January 18 of last year, Mr. President, referred to Health and Human Services Committee for public hearing. The bill was advanced to General File. I have committee amendments pending.

SPEAKER BARRETT: The Chair recognizes Senator Wesely for the purpose of introducing the committee amendments.

SENATOR WESELY: Thank you, Mr. Speaker, members, the committee amendments do become the bill and so it's important to follow along a little bit on the committee amendments and let me begin by especially thanking Senator Dennis Byars, Senator Dan Lynch for working on a compromise that is now before you in the form of the committee amendments. Just to give you a quick background on the medical lab issue, it has been before the Legislature here in Nebraska for about four years or so and we have struggled with the issue to a great degree. The federal

modification situations, so that the notice that is required and printed winds up being the equivalent in both situations. The measure came out, as I said, unanimously. It is the priority bill of Senator Robak. I would move for its advancement.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of LB 1199? I have no lights. Senator Landis, anything further?

SENATOR LANDIS: Thank you. Just a reminder again, last year we passed the underlying principles of the written credit agreement law, a law that outlines a few exceptions, and then says if you don't fit into those exceptions, you have credit agreement, written modifications to it must be in writing, and that there are no preloan commitments unless they are in writing. That general rule is simply clarified and expanded in this bill and I move for its advancement.

SPEAKER BARRETT: Thank you. You have heard Senator Landis's closing and the question is the advancement of LB 1199 to E & R. All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on advancement of LB 1199.

SPEAKER BARRETT: The motion prevails and the bill is advanced. LB 922, Mr. Clerk.

CLERK: LB 922, Mr. President, was a bill introduced by Senator Elmer, Morrissey, Haberman, and Baack. (Read title.) The bill was introduced on January 3 of this year, referred to Natural Resources. The bill was advanced to General File. I do have committee amendments pending by Natural Resources. (See page 678 of the Legislative Journal.)

SPEAKER BARRETT: The Chair of the Natural Resource Committee is absent at the moment. Senator Elmer, would you perhaps be able to handle the committee amendments?

SENATOR ELMER: Certainly, Mr. Speaker. LB 922 is a bill that was presented to me to bring before the body by the Oil and Gas Commission. The committee amendments adopted by the Natural Resources Committee become the bill. The original bill was a little more strict, and after negotiations between oil producers

and oil field workers and the Oil and Gas Commission, a compromise was reached on the bill and consensus was gained as represented by the committee amendments. The original bill had some misdemeanor language and didn't have a waiting period before the civil penalty could be assessed by the Oil and Gas Commission and so the committee amendments are the thing we need to talk about. The Oil and Gas Commission is charged with the enforcement of environmental protection rules and regulations in the oil field production and maintenance. They currently can issue citations and penalties or citations or things of that type, but in order to levy a civil penalty must go through judicial process with the county attorneys and such as that, and these ongoing violations in the oil fields continue. Many county attorneys in small counties are reluctant to assess fines or penalties on oil producing companies with large local payrolls and investments and they drag their feet, and the environment continues to be polluted out in these oil fields. Red Willow County has the largest oil field producer in the state in Sleepy Hollow Oil Field. It has been a large oil producer for many, many years. There are areas out in there, in that big oil field, where salt water has been dumped illegally, where oil has been poured out into pits and things of that type that has rendered farmland unusable. It looks almost like a war zone. The Oil and Gas Commission through the EPA and the DEC do need to be able to assess some fines and penalties on these people who are polluting our environment in the oil fields and this would allow the Oil and Gas Commission to issue a citation with a proposed penalty to an individual who is violating the rules and regulations as to illegal discharge or dumping of oil field waste. The Oil and Gas Commission would issue a citation and a proposed penalty by certified mail or personal service on the individuals who are violating the rules and regulations. Those individuals would then have ten days to clean up their act, so to speak, if it was possible. Thereafter, the Oil and Gas Commission could levy fines of a civil nature, it is not criminal, no misdemeanors involved, until the violation is stopped. Then if the individuals who were so penalized or fined did not pay their fine, they could go to the county attorney, go through the legal system, and get a judgment on those individuals to satisfy the penalty. If the individuals who are involved after they had received their citation questioned it, they have a thirty day period in which to request a hearing before the Oil and Gas Commission, and the hearing has to be conducted in accordance with the Administrative Procedure Act that governs all of the agencies when they have hearings on

complaints. That is, basically, the bill. It is much needed by the commission in order for them to perform the duties that have been charged to them in enforcing these oil field irregularities, and I would urge your adoption of the committee amendments.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the committee amendments to 922. Seeing none, Senator Elmer, anything further? Thank you. The question is the adoption of the committee amendments to LB 922. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: The committee amendments are adopted. Senator Elmer, to the bill as amended.

SENATOR ELMER: Thank you, Mr. Speaker. As I said in my opening on the committee amendments, the committee amendments become the bill in its entirety. Just would urge advancement of the bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? Seeing none, those in favor of the advancement of the bill please vote aye, opposed nay. Have you all voted? Please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 922.

SPEAKER BARRETT: LB 922 is advanced. Mr. Clerk, have you anything for the record?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Thank you. The Chair is pleased to note that our own Harland Johnson has a daughter with him this morning under the south balcony. Please welcome Linda, Ken and Christine Morrison from Pagosa Springs, Colorado. Thank you. We are glad to have you folks with us this morning. Also an announcement relative to the earlier announcement about the service for Senator Kremer on Wednesday, those who might be interested in going to the memorial service are asked to advise the Clerk's Office of your interest in going. Recognizing there are...all committees are being...are in session Wednesday but

February 13, 1990 LB 922, 1000, 1199
 LR 252, 253

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated) the George W. Norris Legislative Chamber. We have with us this morning Reverend Harland Johnson for our morning prayer. Would you please rise.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT: Harland Johnson, thank you again for your well chosen words. We appreciate it. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: No corrections, Mr. President.

PRESIDENT: Thank you. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 1199 and recommend that same be placed on Select File; LB 922, Select. Both have E & R amendments attached, both signed by Senator Lindsay as E & R Chair. (See pages 765-66 of the Legislative Journal.)

Banking Committee, whose Chair is Senator Landis, reports LB 1000 is indefinitely postponed. That report is signed by Senator Landis as Chair.

Mr. President, Speaker Barrett would like to conduct a meeting of the committee chairpersons tomorrow morning at eight-thirty in Room 2102. Committee chairs, Room 2102, eight-thirty tomorrow.

Finally, Mr. President, LR 252 and LR 253 are ready for your signature. That's all that I have.

PRESIDENT: Thank you. May I announce, please, that our guest doctor today is Dr. Jeffrey Susman of Elkhorn, Nebraska, and he is in Senator Beyer's district. Would you please stand, doctor, so we may recognize you. And thank you for doing this for us today. We appreciate it. While the Legislature is in session and capable of transacting business, I propose to sign and do

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

CLERK: I have nothing further on that bill.

PRESIDENT: Senator Lindsay, on the advancement.

SENATOR LINDSAY: Mr. President, I move that LB 1199, as amended, be advanced to E & R for Engrossment.

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

CLERK: Mr. President, the next bill I have is LB 922. I have Enrollment and Review amendments pending.

PRESIDENT: Senator Lindsay, on 922, please.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 922.

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

CLERK: I have nothing further on that bill, Senator.

PRESIDENT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 922 as amended be advanced to E & R for Engrossment.

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

CLERK: Mr. President, the next bill I have is LB 663A. I have no amendments to that bill.

PRESIDENT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 663A be advanced to E & R for Engrossment.

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

February 28, 1990 LB 42, 315, 348, 446, 542, 662, 663A
791, 792, 863, 896A, 922, 1004, 1004A
1199
LR 262

driver, if that's who was involved, would no longer be able to drive the truck as well. If it were a secretary or somebody in that capacity, the duties of that job would not be carried out as well. So all my words will do is focus on what the words "affect the employment relationship" will mean. So if you have any questions, I am prepared to answer them.

SPEAKER BARRETT: Thank you. An amendment...or motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Have you matters for the record, Mr. Clerk?

CLERK: If I may, Mr. President. Your Committee on Enrollment and Review reports LB 42, LB 663A, LB 863, LB 896A, LB 922, LB 1004, LB 1004A, LB 1199, as correctly engrossed. Those are signed by Senator Lindsay. (See pages 1045-46 of the Legislative Journal.)

Mr. President, I have a corrected committee statement with respect to LB 446 offered by Senator Chizek as Chair of the committee. (See page 1045 of the Legislative Journal.)

Urban Affairs reports LB 791 and LB 792 as indefinitely postponed.

Mr. President, amendments to be printed; Senator Langford and Wesely to LB 348, Senator Labedz to LB 662, Senator Lindsay to LB 542. (See pages 1046-47 of the Legislative Journal.)

And a new resolution, Mr. President, LR 262, offered by Senators Lamb, Scofield, Dierks and Peterson. (Read brief description of LR 262. See pages 1047-50 of the Legislative Journal.) That resolution will be laid over, Mr. President. That's all that I have.

SPEAKER BARRETT: Thank you. You have heard the motion to recess until one-thirty. All in favor say aye. Opposed no. The ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

March 7, 1990

LB 863, 922, 1050, 1199

CLERK: (Record vote read. See page 1204 of the Legislative Journal.) 30 ayes, 11 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1050 passes. LB 863E.

CLERK: (Read LB 863E on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 863 with the emergency clause attached pass? All in favor vote aye, opposed nay. Please record.

CLERK: (Record vote read. See page 1205 of the Legislative Journal.) 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 863E passes. LB 922.

ASSISTANT CLERK: (Read LB 922 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 922 become law? Those in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See pages 1205-06 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 7 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 922 passes. LB 1199.

ASSISTANT CLERK: (Read LB 1199 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1199 pass? All in favor vote aye, opposed nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See pages 1206-07 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 6 excused and not voting.

SPEAKER BARRETT: LB 1199 passes. While the Legislature is in

March 7, 1990

LB 315, 579, 830, 831, 888, 917, 922
932, 938, 954, 978, 987, 987A, 1037
1059, 1067, 1077, 1102, 1113, 1178, 1199
LR 270

Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1077 passes. LB 1102.

ASSISTANT CLERK: (Read LB 1102 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1102 pass? Those in favor vote aye, opposed nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1219-20 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1102 passes. The final bill on Final Reading, LB 1178.

ASSISTANT CLERK: (Read LB 1178 on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 1178 pass? Those in favor vote aye, opposed nay. Have you all voted? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read. See pages 1120-21 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 1178 passes. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, LB 1077. Mr. Clerk, have you matters for the record?

CLERK: I do, Mr. President, thank you. Amendments to be printed to LB 1059 by Senator McFarland; Senator Wesely to LB 1113 and LB 315. (See pages 1221-22 of the Legislative Journal.)

Mr. President, a new resolution, LR 270, offered by Senator Peterson. (Read brief description of LR 270. See pages 1222-23 of the Legislative Journal.) That will be laid over. That's all that I have, Mr. President.

March 7, 1990

LB 42A, 81, 220A, 369A, 579, 830, 831
863, 880A, 888, 917, 922, 923A, 932
938, 954, 956, 978, 987, 987A, 1013
1022, 1037, 1050, 1067, 1077, 1090A, 1102
1136, 1178, 1199, 1222

SPEAKER BARRETT: Thank you. You have heard the motion by Senator Wesely to recess until one-thirty. All in favor say aye. Opposed no. Carried. We are recessed. (Gavel.)

RECESS

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Roll call. Record, Mr. Clerk.

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, I do. Bills read on Final Reading, this morning, have been presented to the Governor as of 12:15 p.m. (Re. LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 938, LB 932, LB 917, LB 888, LB 831, LB 830, LB 579, LB 1199, LB 922, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1178, LB 1102, and LB 1077.)

Your Committee on Enrollment and Review reports LB 1018, LB 1136, LB 1222, LB 42A, LB 220A, LB 369A, LB 880A, LB 923A, LB 1090A to Select file, some of which have Enrollment and Review amendments attached, Mr. President. (See pages 1233-36 of the Legislative Journal.) That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Perhaps a very brief announcement from the Chair regarding our deliberations tomorrow. It is my hope that we can work through the lunch hour tomorrow, with the thought in mind that we can adjourn a little early tomorrow for the long weekend. It's my intent, at the present time, to work through the noon hour tomorrow, and look toward an early adjournment tomorrow afternoon. Contrary to previous statements made by the Chair, it will not be my intent to schedule appropriations bills tomorrow, budget bills tomorrow. We will be looking at them, probably, Monday or Tuesday of next week. We will continue with the agenda tomorrow with some Final Reading, probably some Select File, and perhaps senator priorities on General File. Any questions? Mr. Clerk, would you bring us up-to-date.

March 12, 1990

LB 81, 579, 830, 831, 863, 888, 905A
917, 922, 932, 938, 954, 956, 978
987, 987A, 1022, 1031, 1037, 1050, 1067
1077, 1102, 1178, 1199
LR 279

communication regarding signing of LB 1022, LB 81, LB 956, LB 1050, LB 863, LB 922, LB 1199, LB 579, LB 830, LB 831, LB 888, LB 917, LB 932, LB 938, LB 954, LB 978, LB 987, LB 987A, LB 1037, LB 1067, LB 1077, LB 1102, and LB 1178. See page 1306 of the Legislative Journal.)

Mr. President, new A bill, LB 905A by Senators Johnson, Dennis Byars and Scofield. (Read by title for the first time. See page 1307 of the Legislative Journal.)

Notice of cancellation of hearing by the Government Committee.

New resolution by Senator Robak. That will be laid over. (LR 279 appears on page 1307 of the Legislative Journal.) That's all that I have, Mr. President.

Mr. President, I now have a series of amendments to both the committee amendments and the bill. The first amendment to the committee amendments that I have is by Senator Smith. Senator Smith's amendment is found on page 1195 of the Journal, Mr. President.

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, members of the body, you have a very simple amendment before you, AM2659, in the Journal. It's simply asking, and I do want to, I guess, begin by thanking the Appropriations Committee for the recommendation that they have made for a \$212,000 increase to programs, which are being provided under the Community Aging Services Act, commonly known as CASA. This amount though is about a seventh of the amount of money that was originally requested and we can go back in history a little bit, and you have been handed a fact sheet on CASA which is...you will see it appears to be a little thing with a little State of Nebraska and the breakdown of the eight area agencies in the state, which was handed out by the Nebraska Association of Area Agencies on Aging, telling you all about what CASA is, the historic information about CASA, what the problem is, and so on. And you will recall that the Community Aging Services Act was enacted by the Legislature in 1982. It was intended to provide comprehensive aging service programs throughout Nebraska by 1984. At that time, the cost to the state was supposed to be a little over \$2.5 million. Well, we all know that, as many times as I have talked about this, the money was not funded, it was partially funded, and what even