

November 8, 1989

LB 1-9
LR 1-3

escort the Honorable Kay A. Orr from the Chamber.

Ready for the introduction of bills.

CLERK: Mr. President, new bills: (Read LBs 1-7 by title for the first time. See pages 59-60 of the Legislative Journal.)

Mr. President, in addition to those new bills I have new resolutions. (Read brief explanation of LRs 1-3. See pages 60-62 of the Legislative Journal.) That, too, will be laid over, Mr. President. That is all that I have at this time, Mr. President.

PRESIDENT: If you will stand at ease for just a few moments, we have a couple more bills coming.

EASE

CLERK: Mr. President, further introductions: (Read LBs 8-9 by title for the first time. See page 63 of the Legislative Journal.) That is all that I have, Mr. President.

PRESIDENT: Senator Labedz, did you have any words of wisdom for the body, please?

SENATOR LABEDZ: Thank you, Mr. President. Yes, I would like to request that the...

PRESIDENT: (Gavel.) Please have your attention to listen to Senator Labedz a moment, please.

SENATOR LABEDZ: Since it is almost noon I would suggest that the Exec Board meet at one-thirty as part of the Referencing Committee to reference the bills that were introduced today, one-thirty in Room 1517.

PRESIDENT: Thank you, Senator Labedz. Senator Barrett, do you wish to adjourn us until tomorrow and tell us at what time, please?

SPEAKER BARRETT: Thank you. Mr. President and members, I move that the body adjourn until nine o'clock tomorrow morning. Thank you.

PRESIDENT: You have heard the motion to adjourn until tomorrow

therefore, must not have wanted to have repealed the uniform and proportionate clause. Therefore, they found LR 8, which we did adopt, to be wanting. Several months ago I recognized, against my desires, that there would need to be a special session. I pointed why I thought so, because on January 1st another entire new taxing entity begins, and we will compound those problems which are today before us. At that time, almost everyone, with a few exceptions, said we did not need a session. That position was held by most people until just a short time before the Governor decided that there was an emergency and a session needed to be called. I regret, as do many of you, that I was not involved in the drafting of the bills. I have some very definite ideas. I stated what those ideas were. I still maintain that the approach which I have proposed is the responsible one, not an easy one, not one which we can solve quickly but one which must be addressed. My deep concern about the present solution which faces us today, as proposed by Governor Orr, in all sincerity, is that it does not address the major issue. LR 1 has already had, according to the copy which I have, a substantial rewrite. The green copy is no longer that which we will be debating. The rewritten version, which I have, has removed the red flags, ladies and gentlemen, from the bill, but the land mines still remain. Let me remind you, those land mines are probably much more dangerous than the red flags. LR 2, the bill which provides for the penalties, provides another system for refunds, brings to mind one of the arguments on the floor earlier when we were discussing LR 2 at the last session. Senator Rod Johnson said we don't need to worry about this because the equal protection clause of the Constitution will protect us in this instance. I rose and I said I don't think they have ever used the equal protection clause in tax cases. I believe I was right at that time. And, Senator Johnson, I couldn't see ahead and you were actually right, because today the court has come back and said they were going to apply the equal protection clause to tax cases. I would suggest that if we pass LR 2, if we pass LR 2 in any kind of form...

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...the next admonition we will hear from the court will be that we have taken from the public and from the taxpayer the due process provisions that are mandatory in the Constitution. I don't know why we need to get our hands slapped again, and again, and again. Ladies and gentlemen, we cannot

the court challenge? I suggest the answer will be no. Consider whether we considered all the possible alternatives to this crisis and whether we should do that, and if you believe, as I do, then join me and my other fellow senators, who have already signed the petition letters, requesting an expanded special session so we can try to resolve this problem in a complete and a permanent and a fashion that will not be subject to court challenge. At this time, Mr. Speaker, I would respectfully withdraw the resolution.

SPEAKER BARRETT: The resolution is withdrawn. Thank you. Anything for the record? LR 1 is passed over. Anything for the record?

CLERK: Not at this time, Mr. President.

SPEAKER BARRETT: Proceed then to LR 2 then, Mr. Clerk.

CLERK: Mr. President, LR 2 is a resolution that was introduced by Senator Conway. I do have a request from Senator Hefner, unanimous consent to add his name as co-introducer.

SPEAKER BARRETT: So ordered.

CLERK: Mr. President, LR 2. (Read resolution as found on page 61 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Conway for the purpose of the introduction of LR 2. Senator Conway.

SENATOR CONWAY: Mr. Speaker and members, this resolution was offered, at this time I prepared these resolutions for the regular session and at the time being somewhat concerned about the timeliness by virtue of the fact that a great deal of time will pass before this body were to reconvene after this accident. I think it would be in the interest of the Siouxland community for us to pass this resolution at this, recognizing their efforts. I was out of the state at the time, with several of you at a meeting, when this crash occurred on July 19th, and, as we watched on national news and watched an area that we in Nebraska are a part of in the tri-state area with South Sioux City and North Sioux City all making up that tri-state area, the response was unbelievable, the national attention was unbelievable and I think well put by, I believe, a New York columnist who said that for the families and victims of the

crash probably the only positive thing that came out of that they happened to crash out here in the midlands, in the tri-state region rather than in a metropolitan area. The early report suggested that with a little bit advance notice that those communities mustered their emergency personnel and had in the neighborhood of 50 emergency vehicles on site before the plane actually even crashed. It was an unbelievable response and then the community picked it up and went on with that in terms of taking care of victims, families that came in while many of the victims were hospitalized and the like. It's been a classic case of a midwestern response to a tragedy and I think that it would behoove us to recognize that community and their efforts at this time, if nothing else, to show that we do care and we, as a part of that community, being the Nebraska section of that tri-state area, also played a part in that and we respect and appreciate their efforts. So, with that, I offer this to the body and hope they will accept this resolution.

SPEAKER BARRETT: Thank you. Senator Hefner, further discussion.

SENATOR HEFNER: Mr. President and members of the body, I commend Senator Conway for introducing this resolution and I appreciate him letting me sign on with it because I am very interested in the Siouxland area. I think that people around the Siouxland area did a terrific job in responding to the tragedy that happened late that afternoon in July. And it was not only just the immediate Siouxland area, the tri-state area, but as I heard and read there were many other communities within a 50 or 60 or even a 100-mile radius that responded to help, and I just think it's right and proper that we pass this resolution recognizing this fact. Thank you.

SPEAKER BARRETT: Any other discussion? Seeing none, Senator Conway, would you like to close? Thank you. Closing is waived and the question is the adoption of LR 2. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of LR 2.

SPEAKER BARRETT: LR 2 is adopted. LR 3, Mr. Clerk.

CLERK: Mr. President, LR 3 offered by Senators Conway and Baack, found on page 62 of the Journal. (Read LR 3.)

November 14, 1989

LB 4-9,
LR 2, 3, 4

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. Would you please rise for the invocation by Senator Hefner, please.

SENATOR HEFNER: (Prayer offered.)

PRESIDENT: Thank you, Senator Hefner. May we have the roll call, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LR 2 and LR 3. Do you have some things to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 4, instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 5 indefinitely postponed; LB 6 indefinitely postponed; LB 8 indefinitely postponed and LB 9 indefinitely postponed, all signed by Senator Hall as chair of the committee.

Mr. President, I have a reference report referring a certain gubernatorial appointee to the Agriculture Committee for a confirmation hearing. I have a report of registered lobbyists for May, 1989 through November 14, '89. (See pages 94-96 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Warner regarding LB 7. (See pages 96-97 of the Legislative Journal.)

Mr. President, I have a communication from the Secretary of State. Mr. President, I have a hearing notice from the Retirement Committee, confirmation hearing notice, signed by Senator Haberman as Chair.

And, Mr. President, two new resolutions, LR 4 by Senator