

January 3, 1990

LB 346, 520, 707, 923-935
LR 8, 229-233

of LRs 229-233, some of which will be referred to the Reference Committee for referral to the appropriate Standing Committee, others laid over. See pages 123-28 of the Legislative Journal.)

Mr. President, I have amendments to be printed from Senator Hall to LB 346 and to LB 707. (See pages 128-29 of the Legislative Journal.)

Mr. President, I have a proposed rules change offered by Senator Wesely. That will be referred to the Rules Committee. (See page 129 of the Legislative Journal.)

Mr. President, Senator Lynch would like to remind the body that there will be a Rules Committee meeting at one-thirty in Room 1517. And, Mr. President, there will be an Executive Board meeting at two o'clock in Room 1520.

Finally, Mr. President, I have requests to add name to LR 8 by Senator Kristensen and to LB 520 by Senator Smith. (See pages 129-30 of the Legislative Journal.)

PRESIDENT: Ladies and gentlemen, if I could have your attention just a moment, please. We're about out of bills to enter, and if you have some, please bring them up quickly and soon so that we can do this before we adjourn. We're about ready to adjourn, but we don't want to shut anybody off that has one cooking. Incidentally, if you're about ready to introduce one, but not quite, please let the Clerk know that one is coming presently so that we may wind this up. Thank you. We'll not meet this afternoon, of course.

CLERK: (Read by title for the first time, LBs 923-929. See pages 130-31 of the Legislative Journal.)

Mr. President, a reminder, the Rules Committee will be meeting at one-thirty this afternoon in Room 1517 and Exec Board will be meeting at two o'clock in Room 1520, signed by Senators Lynch and Labedz, respectively.

PRESIDENT: Ladies and gentlemen, please get your bills in if you would like. We're about ready to wind this up. Thank you.

CLERK: (Read by title for the first time, LBs 930-935. See pages 131-33 of the Legislative Journal.)

description of resolution.)

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, members of the body, I'd like to thank Senator Scofield for offering me a chance to use her as an example when we talk about this resolution. A lot of us, when we see the term badminton we think about the...our experiences in the back yard with family sort of activities and it's got somewhat of a lighthearted response when people saw this. I didn't realize until a year or two ago that this is, in fact, an Olympic recognized sport in 1992, that the United States along with other countries around the nation will be fielding an Olympic team in the area of badminton for the first time in 1992. The national headquarters of the United States Badminton Association is located here in Nebraska. It is located in Papillion, Nebraska. It got located there, quite frankly, by...somewhat by accident I think because the executive director of the association was...lived in Papillion and its activities have taken place within the City of Papillion and in Nebraska. What this resolution does, basically, is take legislative note of the fact that the national headquarters is located in the State of Nebraska, that they do need some support for fielding a team for practice facilities, for other sorts of activities and that we're urging the citizens of Nebraska to give support to this worthy organization. If you have any questions, I'd be happy to respond to them. Thank you.

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

CLERK: 24 ayes, 0 nays, Mr. President, on adoption of LR 230.

PRESIDENT: LR 230 is adopted. LR 231, please.

CLERK: Mr. President, 231 was introduced by Senator Rod Johnson. It is found on page 125 of the Legislative Journal. (Read brief description of resolution.)

PRESIDENT: Senator Rod Johnson, just a moment, please. (Gavel.) Could we hold it down a little bit so we could hear the speakers a little better. Thank you. Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, I'd ask the Chair to ask

that this be passed over temporarily until some information is printed I'd like to distribute to the senators. It is not ready yet. Could I ask that it fall down to the bottom of the list following Senator Hannibal's resolution?

PRESIDENT: Yes, that would be okay.

SENATOR R. JOHNSON: Okay, thank you.

PRESIDENT: Thank you. We'll go on to LB 232 then.

CLERK: Mr. President, LR 232 offered by Senators Schmit, Warner, Labedz, Baack and Lynch found on page 125 of the Legislative Journal. (Read brief description.)

PRESIDENT: Senator Schmit, please.

SENATOR SCHMIT: Mr. President and members, I will just speak briefly at this time. Other members will address the resolution and then I might have some closing remarks. There may be some questions. I'll be glad to answer those and I'd just like to suggest that this resolution does authorize a continuation of the committee and it authorizes the expenditure of an additional \$200,000. And Senator Withem called my attention to the fact that we may need a rules change that would allow the committee to introduce bills at any time during the legislative session, so I will discuss the rules change with Senator Withem at a later time. But at this time I'd like to ask other members of the committee, Senator Baack, Senator Lynch, Senator Warner, Senator Labedz to comment on the resolution as it stands today.

PRESIDENT: Thank you. I'll call the lights as they come on. Senator Crosby.

SENATOR CROSBY: Thank you, Mr. President. I'd like to ask two or three questions of Senator Schmit if he would allow me to and answer.

PRESIDENT: Senator Schmit, please.

SENATOR CROSBY: First, Senator Schmit, I understand and appreciate all the work that your committee has done, and especially in the field of problems of the child abuse. But at this time as I understand it, you have turned over all the evidence and so on to the law enforcement authorities, right?

January 4, 1990

LB 259, 259A, 505, 678A, 720A, 969-996
LR 231

SENATOR CHAMBERS: I don't mind.

PRESIDENT: Thank you for being so cooperative. We'll take it up after lunch. Mr. Speaker.

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

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. We are recessed until one-thirty. Senator Chambers, we'll take yours up...Senator Chambers, we'll take yours up right after...at one-thirty. Okay.

RECESS

PRESIDENT NICHOL PRESIDING

PRESIDENT: Members of the Legislature who are hiding out in their offices, appreciate it if you would come to the sanctuary so we can start the service. We already have three members here but we need a few more.

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

PRESIDENT: Senator Chambers will be here in a moment, and then we can begin on the...Mr. Clerk, do you want to read in new bills while we are waiting, please?

CLERK: Mr. President, yes, I do. Thank you, new bills. (Read for the first time by title: LB 969-996. See pages 150-57 of the Legislative Journal.)

Mr. President, I have a series of amendments to be printed, Senator Hefner to LR 231, Senator Wesely to LB 720A, LB 678A, Senator Withem to LB 259, LB 259A, and Senator Weihing to LB 505.

Mr. President, I will announce now that there will be a Reference Committee meeting at three o'clock in Room 2101, Reference Committee at three o'clock. 2102. That is all that I have, Mr. President.

PRESIDENT: Ladies and gentlemen, as you will recall, we are on

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Welcome to this, the fifth day in the Second Session of the Ninety-first Legislature. For our opening prayer this morning, we are privileged to have with us Pastor Dale Holt, Grace Lutheran Church in Walton, Nebraska. Pastor Holt, please. (Gavel.)

PASTOR HOLT: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Dale. We're pleased to have you with us. Roll call.

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

SPEAKER BARRETT: Thank you. Any announcements, messages or reports?

CLERK: Mr. President, a report regarding the filing of interim study reports which is done pursuant to our rules by a number of committees. That will be inserted in the Journal.

I've also received from the Upper Republican NRD a report regarding payment of attorney fees which is required by Nebraska state law. That will be on file in my office. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. In addition to continued introduction of new bills, we turn to item 5 on the agenda, LR 231. Mr. Clerk.

CLERK: Mr. President, LR 231 was a resolution that was introduced by Senator Rod Johnson. It is found on page 125 of the Journal. (Read resolution.)

SPEAKER BARRETT: (Gavel.) The Chair recognizes Senator Johnson.

SENATOR R. JOHNSON: Mr. President, members, I do not wish to take a lot of the legislative time this morning, but there is a problem that I think has been brought to light by the students of our State of Nebraska, in particular my alma mater, Nebraska Wesleyan and also the University of Nebraska to take a look at ways that we can replace styrofoam cups which, as this resolution has indicated, take a number of years to decompose,

January 10, 1990

LB 993
LR 231

much longer than paper products. I was just doing an informal count this morning, as I got here early, and there were, I think, 15 coffee cups on senators' desks, so I think the way to remedy this problem is very simple. Each of us, I think, can afford a coffee cup. If you can't, I've got several down in my office. I'd be happy to provide for you but the idea is to look at a problem that I think more and more people are concerned with which is the environment of our state and our country, and this is one way I think that we as a body, can send a message to state government that we are concerned about trying to find alternative methods of handling the waste problem that we have. We'll have a solid waste discussion later this afternoon or this morning on LB 163, but I guess I would like to ask the body if they would consider, by the passage of this resolution, to restrict the use of styrofoam cups here on the floor of the Legislature by ourselves and our staffs so that we can in some way send a message to the people of Nebraska that we are concerned about our environment, protecting the ozone layer, but, hopefully, contributing to relieving some of the landfill problems we've got in our country and our state. Senator Hefner does have an amendment that will be coming shortly which I have no problem with and I think he will explain it at that time, but I would ask for the adoption of the resolution.

SPEAKER BARRETT: Senator Hefner. Mr. Clerk, have you an amendment?

CLERK: Mr. President, I do. The first amendment I have is by Senator Moore, but he is excused until he arrives. I would then, Mr. President, with your permission, proceed to Senator Hefner's amendment which is on page 157 of the Legislative Journal.

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, as you remember, last year we passed a bill in regards to degradable plastics and I commend Senator Rod Johnson now saying to this group here, let's not use styrofoam cups anymore because it's not degradable. Like Senator Johnson said, they would last up to 300 years. Well, I have facts that says that it will last much longer than that, so I think we need to be mindful of that. But what my amendment does, it says that until we come up with a degradable product, I've introduced a bill, the number is LB 993 that says by January 1, 1992, nondegradable styrofoam cups could

not be sold in Nebraska after January 1, 1992. And so what this amendment says that we would not use styrofoam cups until a degradable product becomes available because I don't think we want to ban them altogether. If we can make a degradable styrofoam, I think we should do it. I have been working with some chemical engineers at the University of Nebraska. One professor that I've been working with is Milford Hanna and he is currently conducting research and he does have a styrofoam product that is degradable and this is made out of 60 percent cornstarch, so not only are we taking care of the problem that we have with styrofoam, but we're also helping our corn farmers which I think it's just great if we can kill two birds with one stone, well, we should do it. And so this is why I am offering the amendment. It just says that we amend resolve #2 by inserting after "Legislature" "until a degradable product is marketed", and you'll find this amendment to the resolution on page 157. So at this time I would urge you to support this amendment to this resolution. If you have any questions, I'd be real happy to answer them for you.

SPEAKER BARRETT: Thank you. Discussion, questions, on the amendment offered by Senator Hefner. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hefner, would you tell me again where your language attaches in the resolution and how it would then read?

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Okay, Senator Chambers, do you have the resolution before you?

SENATOR CHAMBERS: Uh-huh.

SENATOR HEFNER: Okay, we would add a fifth Whereas.

SENATOR CHAMBERS: Okay.

SENATOR HEFNER: Whereas University of Nebraska Professor Milford Hanna is currently conducting research to develop degradable styrofoam products, and then we would amend resolve number 2 by, that's a little further on down...

SENATOR CHAMBERS: I have it.

SENATOR HEFNER: You have it? We would insert after "Legislature"...

SENATOR CHAMBERS: Which Legislature?

SENATOR HEFNER: The last one.

SENATOR CHAMBERS: Okay.

SENATOR HEFNER: ... "until a degradable product is marketed".

SENATOR CHAMBERS: That the Legis... it would then read, that the Legislature ban the use of styrofoam containers by senators and staff of the Legislature until after...

SENATOR HEFNER: Until a degradable product is marketed.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, why would we try to tell our employees that they cannot use styrofoam containers at home? I would like to ask Senator Rod Johnson.

SPEAKER BARRETT: Senator Johnson, would you respond?

SENATOR R. JOHNSON: Yes, I would.

SENATOR CHAMBERS: Why would we try to tell people what, just because they work for us, what kind of containers they can use in their private lives?

SENATOR R. JOHNSON: Well, Senator, it was pointed out to me this morning that our intent in this resolution was to ban the use of styrofoam cups solely on the floor of the Legislature and in this body, but as you have pointed out, the language is somewhat ambiguous as to whether we are going on record saying that we will ban all use of the styrofoam product, both in and outside of the Legislature because they are our employees. We do not wish to do that. I guess the message we are saying is, obviously, we'd like them not to use them at home, but we can't bound them to that, but we would like at least to ask them to not use the product here in this hallowed halls of the Legislature.

SENATOR CHAMBERS: Senator Rod Johnson, if we're serious though, why don't we just pass a law and ban the use of styrofoam

because I'm sure McDonald's, Burger King and these other fast food outlets cause much more damage in terms of this product than any amount that would be used by legislators or our staff.

SENATOR R. JOHNSON: Senator Chambers, I believe that Senator Hefner does have a bill in that does begin to talk about that very situation and I think he can explain further as to what his intent of that bill might be, but...

SENATOR CHAMBERS: In 1992, I think he said.

SENATOR R. JOHNSON: That might be the case, I'm sorry.

SENATOR CHAMBERS: Senator Rod Johnson, if this resolution is not passed, what will be the consequences?

SENATOR R. JOHNSON: Well, I think, unfortunately, we will have failed to send a positive message to the students at Nebraska Wesleyan University, University of Nebraska and University of Kansas and others who have taken similar steps to ban the styrofoam cups on their campuses and...

SENATOR CHAMBERS: Okay, do you think styrofoam is a health hazard in and of itself?

SENATOR R. JOHNSON: Yes, I do.

SENATOR CHAMBERS: These cups? So if somebody drinks out of a styrofoam cup, they may contract some kind of dread disease...

SENATOR R. JOHNSON: Oh, no, no, sir, not healthwise, but I think to the problem that it is contributing to our landfill problem and the potential of burning the product and what it might do to the ozone layer is...

SENATOR CHAMBERS: Would you consider cemeteries to be a form of landfill?

SENATOR R. JOHNSON: No comment.

SENATOR CHAMBERS: Thank you.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: Members of the Legislature, alcohol and

tobacco cause more deaths than could ever be envisioned through any use of styrofoam. You're not supposed to drink on the floor of the Legislature or on state property but you can consume it someplace else. You can get the demijohn some place off legislative premises, then come back with the alcohol in the demagogue who then can come to the floor. So I would rather see the Legislature send this positive message by saying, no senators...no functions to which senators are invited will serve alcoholic beverages and that no tobacco products will be smoked or used on the floor of the Legislature, in senators' offices by members of the Legislature or their staff. But see, that gets directly to something that we want to do that gives us pleasure and a type of high. Our drugs, when I say our, that's an editorial, "our", I don't use any of these things. I would much rather see us do that than to do what we're attempting to do with this resolution, so...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...because I...

SPEAKER BARRETT: Thank you. Senator Haberman, followed by Senator Morrissey.

SENATOR HABERMAN: Mr. President, members of the body, Senator Johnson, would you yield to a question, please?

SPEAKER BARRETT: Senator Johnson, would you respond?

SENATOR R. JOHNSON: Yes.

SENATOR HABERMAN: Senator Johnson, I have a note of concern from a fellow senator and he more or less asked me to ask you this question.

SENATOR R. JOHNSON: Sure, I realize Senator Moore is not here this morning.

SENATOR HABERMAN: What happens to the plastic containers that we put fishing worms in?

SENATOR R. JOHNSON: What happened to them?

SENATOR HABERMAN: Yes, can we use plastic...

SENATOR R. JOHNSON: I'm not a fisherperson, so...

SENATOR HABERMAN: Can we use plastic containers for fishing worms?

SENATOR R. JOHNSON: I suppose we can, sure.

SENATOR HABERMAN: You can?

SENATOR R. JOHNSON: I don't know, Senator.

SENATOR HABERMAN: Do you suppose Senator Hefner would have the answer?

SENATOR R. JOHNSON: Sure, I'm sure he would. He might fish, I don't.

SENATOR HABERMAN: Senator Hefner, will you answer a question, please?

SPEAKER BARRETT: Senator Hefner, would you respond.

SENATOR HABERMAN: Senator Hefner, when somebody goes fishing and we sell thousands and thousands of thousands of fishing licenses, those fishermen go and buy a cup of worms to use, worms you put on a hook when you fish. Will they be able to use these plastic cups or foam cups for that?

SENATOR HEFNER: This resolution doesn't say anything about worms, it just says that senators drinking...

SENATOR HABERMAN: So you're saying then that foam cups or plastic cups or whatever we'll be able to use for worms, is that correct?

SENATOR HEFNER: Senator Haberman, I have introduced a bill, LB 993, and that says food containers. Are worms food?

SENATOR HABERMAN: You bet they're food to fish.

SENATOR HEFNER: Then eventually they would be...

SENATOR HABERMAN: Oh, Senator Hefner, I'd hate to have the wrath of the fishermen come down on my head, but I guess we'll have to postpone this discussion since nobody really wants to

say yes or no, so thank you very much. Thank you, Mr. President.

SPEAKER BARRETT: Senator Morrissey, please, Senator Chambers on deck.

SENATOR MORRISSEY: Yes, Mr. Speaker, members, Senator Chambers, I would gladly sign a resolution if you want to bring it to eliminate all of my drugs from the coffee, tobacco, from the floor of the Legislature or the building. I need to be pressed sometimes to eliminate those from my lifestyle. This resolution is very important, I feel. You saw the reaction when the Keep Fremont Beautiful Committee recommended no more hot air balloons or no more helium balloons or any balloons at the University of Nebraska football games. Some people completely lost it over that. Some editorials from major newspapers said, well, that doesn't contribute significantly to the problem of trash and litter and killing animals, whatever you will. Neither does one styrofoam cup. Neither does the fact that I may crumple up a cigarette pack and throw it out along a highway on the way home. That one cigarette pack and that one styrofoam cup does not add significantly to the problem, but the main problem that I see in Nebraska is the mind set of the people as proven by that Fremont and Big Red balloon fiasco, if you will. I commend the Fremont committee for bringing that. The biggest problem in this state is changing the people's mind set on this issue. We in Nebraska don't realize that there is a trash problem in the country because we have, for so long, had free trash disposal, unregulated landfills, and no rules and we don't see the garbage ourselves moving around the country, or the garbage train moving around the country. We don't realize that New Jersey or some state back east was trying to buy 2,400 acres of land in New Mexico to ship their trash across the country to a landfill, so we can make light of this all we want but it's a first step in changing the minds of the people in Nebraska and that is going to be very important this year and next year because we have to convince these folks that this is a big problem, it is a mounting problem and they'd better realize it because there is a lot of people around the country that are looking at Nebraska, New Mexico, South Dakota, Wyoming as the great wide open spaces, great wide open spaces that we can store our trash in and if we don't get our own problem under control, we're not going to be able to keep these people out and I think this is a very good first step and if you want to go beyond that, there's a lot of paper in this building that we could be recycling and many other

steps that we could take. This is a minor step towards a big problem and we're going to have to address that problem by taking quite a few small steps and this will go a long ways in affecting the people's mind set, realizing that trash is a problem in this state and in this country and that we have to start addressing it now. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I wasn't able to hear everything Senator Morrissey said and I don't know if he thinks that my position is making light of what is being attempted. What I'm talking about is priorities. It's very easy for us, as a Legislature, to try to give the impression that we're leading the way on something, but those issues on which we choose to lead the way are insignificant in terms of what it is that we do. We can do things by legislation. We don't have to pass nonbinding resolutions that don't mean anything. Now if you pass this resolution and I come up here with a styrofoam cup, what is going to happen to me? Is the Sergeant at Arms going to come down here and try to take it away from me? Are you going to send an armed state trooper to put a pistol on me and say, give it up, Senator Chambers, or are you going to find the ones who are members of the body who feel they are strong enough to whip me and maybe want to try it, to come over and say, get it out of here or we'll do this and thus and so? That's what I'm talking about. A lot of times resolutions come in and the purpose may be laudable but the Legislature, when it comes to the nub of serious problems, backs away. Senator Hefner wants corn products used. It takes more of a corn substance to produce one of these bags than it does plastic so you have more of it because it would be flimsier. It takes more of that to make a thicker bag and then if you put it in the landfills as they are dealt with now and it's packed down, it has...there is no access for sunlight, air or water. So even if it is so-called degradable, it will not degrade because a substance is necessary to act on it, will not impact on it. I can understand Senator Hefner wanting to do this as an economic boon for the farmers of this state, but we ought to call a thing what it is and not pretend by flying a false flag that we're concerned about the environment. I'd much rather hear Senator Hefner, if he is concerned about that, talk about these chemicals that threaten to contaminate the environment, the groundwater and even the products that are produced, but those things are not going to be touched because farmers want to

use those things to try to maximize yield, to maximize profit with no regard for the impact on the citizens who consume the product or the future generations that might be harmed from the residue of those chemicals. This is an exercise in sleight of hand, not by Senator Johnson who brought it, he stated in the resolution why he brought it. But there are much more significant things we can do if we're concerned about the environment and this resolution, to me, does not express concern about the environment. It's one of those cosmetic types of things that Legislatures around the country love to do so that the posturing can occur when it's convenient to do so. We are very quick to meddle, as a Legislature, in the most intimate aspects and personal decisions of citizens, but when it comes to the Legislature doing something that would infringe on what the legislators want to do for convenience, no way, Jose. I have been offended by every invitation I get that is sent to me from these various organizations, and as a result I don't even respond to them, that says there will be a mood modification hour or an attitude adjustment hour or a happy hour or whatever term they call it to let you know that alcohol will be served. Then we pass laws that will punish people if they use alcohol under certain circumstances or if they are below a certain age. We'll punish them, but then our conduct, as legislators, in not attending many functions unless alcohol is a part of the fare, gives a different message and it shows what the Legislature really is.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: It is difficult to find politicians who can be held up as role models for our young people. We all know the fine words to say because various senators have staff members who will do research and prepare statements for them to read into the record, but the thing to do is to check our conduct and I, who say, put the young people in jail and take their license for drinking, do I drink? Those are the things that I think are important. I'll bet there are senators here who attended the Governor's function where alcoholic beverages were served on state property as a result of a waiver which she got but which others cannot get probably, and children were there. So we're going to say we'll teach the children respect for the environment by not using styrofoam cups in the Legislature, but we will attend functions of the kind that the Governor had. The hypocrisy reeks to high heaven, stinks to high heaven. The reek of it is a stench in the nostrils of anybody in heaven if there

is a heaven and if there is anybody there, Senator Hefner.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: For that alcohol is far more destructive of human beings in lives and values than styrofoam could ever be. If you continue with alcohol, you don't have to worry about future generations.

SPEAKER BARRETT: Senator Beck, followed by Senator Moore.

SENATOR BECK: Thank you, Mr. President and members of the body, just a word on this. I think after Senator Chambers' eloquent speech here, I just wanted to get back to the resolution. If someone wants to enter a resolution such as Senator Chambers has mentioned, maybe they should and maybe we should vote on that, but we're not talking about that today and we are talking about doing our part, just a little part. I don't feel that it is hypocrisy on my part to use a china cup or a ceramic cup or a tin cup and wash it rather than another styrofoam cup. This is a problem and this is a way we solve it, little bits at a time. And if we want no alcohol, no tobacco resolutions, well, bring it to the body and let us vote on it, but we're talking about something that is affecting our environment and even though we don't notice it so much in Nebraska because we're fortunate enough to have the wide open spaces, it is a tremendous problem and I'm just standing here to support Senator Morrissey and say, ditto, ditto, ditto ad infinitum, because what he says is right. We do have a problem and we need to start where we can and we're starting with little resolutions and for someone to infer that that person who brought the resolution brought it as an act of hypocrisy is not right. It's not right for those of us who are concerned about the environment. I'm concerned about alcohol too and tobacco too and what it does to people. I'm also concerned about the garbage stream and flow in Nebraska and in this state and, as a guardian of those future generations, I'm willing to start here. I'm also willing to go further if that's what people want to do, and I just feel that these words should be mentioned and I want to support Senator Johnson in his thoughtfulness to bring a resolution to raise our consciousness to the problem that we have around us. Too many people are satisfied with the fact that they can take everything out to the curbside and the garbage man will come and get it. Well, the garbage...we're running out of places to put this and we're running out of garbage men to pick it up and I, for one, feel

that we ought to attempt to do something and so I agree with Senator Johnson and Senator Morrissey. And, in a sense, I agree with Senator Chambers as well, but let's talk about what we're talking about and that happens to be the problem that we have with the disposable things and the litter that we leave about us. So thank you.

SPEAKER BARRETT: Further discussion on the Hefner amendment, Senator Moore, followed by Senator Chambers.

SENATOR MOORE: Mr. Speaker and members, if Senator Hefner would yield to a question.

SPEAKER BARRETT: Senator Hefner, please.

SENATOR HEFNER: Certainly.

SENATOR MOORE: Yes, Senator Hefner, the way your amendment reads, I am correct in saying that the ban would be effective immediately and it would only be lifted on styrofoam cups at the time there was a biodegradable styrofoam cup, correct?

SENATOR HEFNER: That's right. We probably shouldn't say biodegradable, we should just say degradable because some of the...they will be photodegradable too and photodegradable means like if you toss them in the ditch or some other place, then the sunlight would degrade them too.

SENATOR MOORE: But your amendment makes the ban effective immediately.

SENATOR HEFNER: You are absolutely correct.

SENATOR MOORE: Correct, now some questions of Senator Johnson.

SENATOR R. JOHNSON: Yes.

SENATOR MOORE: Senator Johnson, you know, obviously, I'm assuming you would at least agree with Senator Hefner that the ban should become effective immediately.

SENATOR R. JOHNSON: Yes.

SENATOR MOORE: Okay, well, do you have any idea of the practical problems that creates for the Legislature and the

Pages, you know, as far...I mean, are you aware of the fact that right now on a given day we use about 100 styrofoam cups, the Pages do and the Legislature. Are you aware of that?

SENATOR R. JOHNSON: No, I'm not.

SENATOR MOORE: Well, that's according to the Page supervisor. On a given day, on a busy committee day we use about 100 styrofoam cups. Now, I passed out the amendment that I have filed and for that reason I'm going to oppose Senator Hefner's amendment because I think it sounds good and I agree with Senator Morrissey and Senator Beck and Senator Chambers, but the fact of the matter is we don't have a way to deal with the situation. Now, to my knowledge, do you have any proposal to deal with the situation at hand if you pass this?

SENATOR R. JOHNSON: Senator, I, before you got to the floor, offered to provide each senator with a glass cup. I've got plenty down in my office...

SENATOR MOORE: And who is...and the Pages are responsible for washing those cups in between usage?

SENATOR R. JOHNSON: Well, either I or my staff intends to wash my own cups, but, Senator, I'll tell you this. I'll go to the grocery store tomorrow and buy you some paper cups that can be used for the staff and the Pages. It would probably cost me about \$5, but I'm committed to do that if that's a logistical problem, but I don't think it is, to be very blunt with you.

SENATOR MOORE: I think it's a logistical problem, I mean, I've talked to some wholesalers and the cost would be at least three times as much to find a paper cup that would not be as good, and I'm going to oppose Senator Hefner's amendment. You know, if Senator Hefner's amendment is adopted, I guess I will just pull mine but I passed out my amendment. It simply says we agree with everything in nature, but since we're starting the session, between now and next year we will come up with something different and it would adhere to the intent, would adhere to the intent of Senator Morrissey. Obviously, he is correct that one cup does make a difference, but on the other hand I think we have to be reasonable and practical. I think that is a reasonable compromise. It sends the right message that we are indeed concerned about the use of styrofoam cups, but on the other hand, it takes into account the practical problems of

going forth with something like this here today. I would simply urge the defeat of Senator Hefner's amendment and then the subsequent adoption of mine and moving ahead with a very serious of statement, a very serious statement, obviously, we've probably taken more than ample time up this morning already.

SPEAKER BARRETT: Senator Chambers, Senator Schimek next.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Beck, you didn't listen very well. I didn't say that my remarks were directed to Senator Johnson, I didn't say he was a hypocrite, I said that he stated in his resolution his reason for bringing it. So sometimes ears should pay a little more attention or a brain should pay a little more attention to what comes into the ears. The hypocrisy I talked about was in terms of the Legislature trying to take a position on a matter like this while it ignores far more serious dangers to the environment and to the populace, the attendance by legislators at functions where alcoholic beverages are served, and I'll add to that the fact that many of these organizations feel that the only way they can get some senators to come is to offer alcoholic beverages. So I think what you need to do is rightly divide the words that I speak; here a little, there a little, line upon line, and you know what I'm referring to when I say that. But regardless of what the reaction is to my remarks, I stand by every one of them that I made and I'll make them every time I get the opportunity. Politics, as Terry Carpenter said, is a dirty, double-crossing game, and he added, that's why he loved it. Politics is a game wherein people say things that are not reflected by conduct. I say that, as a Legislature, we have the power to enact laws. So if we mean what we're saying, why don't we enact laws that really go to the heart of the problem? The problem with styrofoam containers of any kind of variety or styrofoam products is not how many cups will be used by members of the Legislature or their staff. Nobody in this Legislature would dare enact a bill or offer one that would impact on McDonald's use of those containers and what I really believe is that McDonald's is really a cover for a factory or an industry that sells these paper and styrofoam products. You go to McDonald's and buy anything, you get more paper and styrofoam than the product that you buy. And some of the products that they put between the bread tastes similar to cardboard, paper or styrofoam or some of those other items. But you're not going to stand up to McDonald's. You're not going to stand up to Burger King. You're not going to stand up to the dairy people. You're

not going to stand up to anybody, and after this is passed a profound statement has been made by the Legislature, a profound statement. We make profound statements through legislation. That's how we determine policy. If we're just talking about what we would like to see and, therefore, offer a resolution instead of a piece of legislation, I'd rather see us deal with the issue of abortion in that fashion. We would counsel people to do this, we advise them to do this, we would like to see them do this, but we're not going to bring forth the power of the state and the criminal justice system to compel people in their private lives to do things that certain members of the Legislature and those of various religious persuasions feel is in their best interest, therefore, they better do it or face criminal sanction. Those are the areas we ought to deal with by resolutions if we've just got to say something. There is a statement that we're all familiar with, if you can't beat them, join them. I'll still speak against resolutions that I disagree with, but they're going to continue to be offered so I'm going to start offering resolutions this session myself. And one of them that I'm going to offer will deal with one of the most misunderstood creatures...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...on the face of the earth and especially in an agricultural state and that is the poor grasshopper, alias the locust, misunderstood, slaughtered on sight by the millions. Everybody hates them, and all they really do is have a little song that they sing, make the world a better place. They don't sting people, they don't bite people. You talk about killing all the bees and we've got a member of this Legislature who would be very upset and yet bees sting you. So I've got some resolutions in mind. I just want that into the record here, but I don't think this resolution is appropriate because there is something far more significant that we could do if we had the belly for it, so I will not support it. And I have one question...how much time do I have, Mr. Chairman?

SPEAKER BARRETT: Three seconds.

SENATOR CHAMBER: Then I will not ask the question at this time.

SPEAKER BARRETT: Thank you. Senator Schimek.

SENATOR SCHIMEK: Mr. Speaker, I'm going to resist temptation

and I'm going to call for the question.

SPEAKER BARRETT: Thank you, that will not be necessary, yours was the last light. Senator Hefner, would you care to make a closing statement on your amendment?

SENATOR HEFNER: Mr. President and members of the body, I certainly would like to make a closing statement. I really don't know where we're coming from here. All my amendment says that styrofoam cups would be banned until we come up with a degradable styrofoam. I don't think that's all bad because we certainly can use the cups we're using or we can use paper cups or we can use other things. I mean, why do we need to use styrofoam? Styrofoam is causing a lot of problems in our landfill because it is not degradable and I'm not saying that degradable styrofoam is going to answer all the questions, Senator Chambers. But in the bill, LB 993, and I'm taking on the big boys, I'm taking on Big Mac, I'm taking on Wendys, I'm taking on Burger King, but I think it's time that we say that we need to do something. By the same time, we can also help our farmers. Agriculture is our number one industry in Nebraska so why shouldn't we try to help them? And in my bill, LB 993, and I don't wish to cover that too much, but I say in there degradable, recyclable or returnable. And in talking to some of the landfill operators and in talking to some of the people that are recycling garbage, separating it and like that, they say it makes no difference whether this plastic is degradable or not. It is still recyclable, reusable and so I think this is a wonderful opportunity for us. Scott Moore, I think you're absolutely wrong if you want to defeat my amendment because what this would do, it says that we ban styrofoam cups until we have a degradable styrofoam. And so I would just urge you to support this amendment to the resolution and then support the resolution. I think it's time that the Legislature set an example, try to solve some of our problems, and I think this is one way we can do it. Thank you.

SPEAKER BARRETT: You've heard the closing and the question is the adoption of the Hefner amendment to LR 231. All in favor please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of Senator Hefner's amendment.

SPEAKER BARRETT: The Hefner amendment is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Moore would move to amend the resolution. (Moore amendment appears on page 252 of the Legislative Journal.)

SPEAKER BARRETT: The Chair recognizes Senator Moore.

SENATOR MOORE: Yes, Mr. President, I'll take about 30 seconds. I don't want to take time, but the fact of the matter is that I mentioned after calling some wholesalers, there is no wholesaler that had a product that fit the description they could sell us to use in here. The only thing, if you adopt it the way it is, starting at ten o'clock, the only way...you can't use styrofoam cups, you have to use a glass container. Now Senator Johnson mentioned that he was aware of some paper products, as I said, there was no wholesaler that would sell us anything suitable for a hot product. And so I don't know if there is anything there, so, for that reason, quite simply, and also because I think Senator Hefner is right with his amendment, between now and January of next year there may very well be a product that will fit our description that we can use, but for the sake of practicality for the way we operate here, this simply says it goes into effect in '91 and that's all I want to say about it, and if you like it, fine, if you don't, that's fine too.

SPEAKER BARRETT: Thank you. Discussion on the Moore amendment, Senator Chambers, followed by Senators Rod Johnson and Landis.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'd like to ask Senator Moore a question. Senator Moore, all that your amendment does is say that 1991 session will be the day.

SENATOR MOORE: Yes.

SENATOR CHAMBERS: Okay, thank you. Is...Senator Johnson, I'd like to ask you a question.

SENATOR R. JOHNSON: Yes.

SENATOR CHAMBERS: If Senator Moore's amendment does not pass and this resolution will take effect now, what's going to happen if I have a styrofoam cup or some other styrofoam object on my desk here?

SENATOR R. JOHNSON: Well, I'll probably have to bring the Sergeant at arms in to take them away, no, I don't know, Senator.

SENATOR CHAMBERS: And what, the term "use", use for what? You can't have a styrofoam cup to put pencils in? Or to put candy in?

SENATOR R. JOHNSON: No. That's correct, yes.

SENATOR CHAMBERS: Then why don't they say possession?

SENATOR R. JOHNSON: I don't know...

SENATOR CHAMBERS: Why don't we ban possession of it? Because with drugs, you possess it with the intent to deliver and they get you. They don't get you for using it. They might get you if you're driving a car under the influence, but they don't arrest somebody because they used marijuana and a test shows you've got it on your breath. So why don't we make a possession law and make it against the Legislature's policy to possess styrofoam either for use or delivery or any purpose? With Senator Hefner's talk about these degradable products, it's clear again that he's interested in the economic advantage that can redound to farmers if corn products are used in place of plastics and I think he makes no bones about that. Senator Hefner is not known as an environmentalist and I'm sure he would not dream of a bill to stop the use of certain harmful chemicals in farming operations. No, because that impacts on how much money is going to be made, so we have to call these things what they are and if you enact this, then I'm going to bring a styrofoam cup on my desk and if somebody puts their hands on me, then they are going to see me respond to a challenge. I'm more offended by people who blow smoke around me than I am by somebody using a styrofoam cup, and does that stop it? No. Does that stop us from trying...do we stop smoking so we won't give the wrong message to the children? No. The drinking? No. I'm going to vote against the resolution because, despite Senator Johnson's reason for bringing it, the resolution itself and the Legislature's endorsement of it is not going to do anything of significance, period. We're not like a coffee club or a neighborhood organization which has to try to influence legislation. We are the legislators. And by the way, somebody told me that Burger King uses all paper, so if I had indicated that they used styrofoam, I was in error. Burger King uses

paper already, but the part about what some of the products taste like, I don't change that. After this resolution passes, which I'm sure it will do...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: What about all the glass that is taken to landfills and the tin cans and the bed springs and all these other objects that are not degradable in any way, under any circumstances? What about all that? Why doesn't the Legislature pass a resolution saying we will not use any products that wind up in a landfill that are not degradable, and then Senator Johnson can't use a glass cup or a ceramic cup to drink coffee in. Why don't we get rid of these metal microphones and the plastic ball-point pens and make everything be done with wooden pencils and require them to be used down to a half an inch of the eraser? Oh, and they can't have erasers because I don't know that the erasers are degradable. We take certain things, place a symbolic act and try to give the impression something has been done when, in effect, nothing of substance has occurred at all.

SPEAKER BARRETT: Senator Rod Johnson.

SENATOR R. JOHNSON: Mr. President, members, this debate has biodegraded to a point where I'd like to move on as quickly as possible, but, you know, the issue at hand I think is not necessarily the health of the 49 members in this body and the staff and the Pages in this room, it happens to be the health of our planet and what we do to destroy that planet and I think that we're trying in a very inconsequential resolution to make a statement to the people of Nebraska that we are concerned about those things that are contaminating our groundwater, that are polluting the soil, that are going to be in those landfills for three to 500 years, and I guess I'm just simply at a point trying to say that it's time that we wake up to the fact that something has to be done. We have to change the attitude of the public. I think Ernie is right, Senator Chambers, I believe more needs to be done in the areas of recycling. That is, quite frankly, the best environmentally sound response to the pollution problem. Unfortunately, that takes a significant change in attitude and also in the methods in which we dispose of our waste. I would simply say this. I would ask that the body reject the Moore amendment because if you don't want to do anything this year, simply vote against the resolution. Then

next year we can come in and debate the issue again and at that time Scott can bring us his products that he thinks might be more cost effective than the ones that might be made of paper, but, at this point, it's senseless to continue to debate if there is no interest in the subject and all you're doing is basically delaying a resolution that can be passed next year, so I would say vote against the Moore amendment and if you have problems, as Senator Moore and Chambers have, then I suggest you vote red and if you want to contribute to trying to attack the problem, then I would hope that you'd vote to support the resolution.

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I don't know which is more irritating, the hour that we've spent on this resolution or Senator Chambers offering to duke it out with the Sergeant-at-Arms over whether or not he's got a styrofoam cup on his desk. Both of those are pretty irritating. If we're going to do anything here, let's do it as consumers. Let's take this to our Exec Board and stop buying styrofoam cups and leave it at that. If you've got them, and you want to bring them up here, fine, but we, as purchasers, could stop buying these things without ordering our individual members to do anything, yes or no, pro or con, about what we're going to do. I would suggest we withdraw the Moore motion, withdraw the Johnson motion, take this to the Exec Board and basically have Rod Johnson say, let's stop buying styrofoam cups. There's either better products or make this our own personal responsibility to drink out of a cup, but we're not going to buy styrofoam cups and let it go at that. And we don't have to have a resolution ordering all of our individual behavior as to what we can or cannot have on our desks and make this a decision as a consumer of what products we will buy or will not buy in the marketplace, and let that be our voice. It seems to me all we have to do is stop buying these things for that statement that Rod Johnson wants to be made, to be made. It costs, saves us some money, it has us not buy a bio...a product that is, unfortunately, quite bad for the environment and it puts back to each of our own personal responsibilities how we're going to have our coffee handled and that is probably just as reasonable and fair as anything that I can think of here. I don't want to go on on our time, but I guess I have to register my irritation with this format because the resolution which is poorly drafted does aim at our individual behavior as opposed to our collective

behavior as consumers which is a reasonable topic for us to talk about, and in the format of the Executive Board, not the floor of the Legislature.

SPEAKER BARRETT: Continue discussion on the Moore amendment, before recognizing Senator Hefner, the Chair is pleased to advise that Senator Hefner does have guests under the north balcony, Mr. and Mrs. James L. Gray, Sr. from Coleridge, Nebraska, who just happen to be the grandparents of one of our Pages, Scott Gray. Would you folks please stand and be recognized by the Legislature. Thank you. We're pleased to have you with us. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I rise to oppose Senator Moore's amendment because I don't see any reason to wait a year. We have these glass or crockery cups to use, so I see no reason to use the nondegradable styrofoam cups. I think Senator Johnson has pointed out a very important problem that we have. We have a problem in our landfills, we have a problem of disposing of these styrofoam cups, and so I think the Legislature should set an example. I don't see where it would create any hardship on anybody. Also, you can buy paper cups at the supermarket or at the grocery store or at a convenience store that will take care of, that will handle hot food or hot liquids. So I don't know what the problem. And, Senator Chambers, Senator Chambers, I was pushing using corn but you can use other materials too, like now some of the researchers are using potato peelings, potato peelings to make degradable plastic or degradable styrofoam. Also, you can use wheat and you can use other products, but the University of Nebraska chemists are using cornstarch and they have applied for a patent on degradable styrofoam and so I would just like to see the Legislature take a lead and saying to the people, we are serious, we want to do something about this problem, and this would be a good way to start. I just feel we ought to vote down Senator Moore's amendment and go ahead with Senator Johnson's resolution.

SPEAKER BARRETT: Senator Chambers, followed by Senator Pirsch.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, and to Senator Landis, you done it again, you have done it again. If a statement is to be made by the Legislature, it would be much better if it were one of substance of the kind that he mentioned. But I wouldn't want it to be limited to styrofoam

cups. I would want the Executive Board, with the concurrence of the Legislature, if we're fighting against these styrofoam products, and I want Senator Morrissey and Senator Beck to pay particular attention, put your think...your listening caps on. Let us take a position that will prevent the state from purchasing any styrofoam products, from purchasing any products from any company that will deliver them in a styrofoam container. Senator Hefner is not smiling now. He's looking a little...he's kind of thinking now. Because, see, this brings us face to face with having to face some opposition. You'd have agencies that would tell you, no, we don't want to do that, and you'd have companies from whom products are purchased saying, we don't want to do that. And senators do get campaign funds from various sources, but I would much rather see the Legislature at least undertake to do something like what Senator Landis offered where we are, as a Legislature, dealing with an issue and not trying to regulate individual conduct because mine is not going to be regulated. As long as somebody can smoke a cigarette in here, I can drink out of anything I want to. Or I can have any kind of item I want to in here. And until they come up and slap the cigarettes, slap the cigars, slap the pipe out of somebody's head, then they're not going to take anything away from me. And even if they slap these smoking products out of people's head, they're not going to take anything from me. That's what we're getting down to, and you need to know that not everybody is going to roll over and be treated like they're somebody's child. I'm...nobody in here is my father or mother. They don't tell me...this is the kid, you're going to tell me what to do in the Legislative Chamber where I was sent by my constituents? Why, I've never heard such a lame-brained silly thing in my life. I would defy anybody or any collection of somebody's to take something from me that I put on this desk, and that's how deeply I feel about it because there are laws and there are policies that are put in place and they have the stamp of that attitude of people who think they're strong, thinking they're going to be in a position to lord it over somebody they perceive as weak. I have to keep trying to let people know that they shouldn't mistake my good even temperament for weakness. I'm accommodating and as easy to get along with as anybody will allow me to be, but when a group are going to try to start intruding on what I can do, now they can do it with women and tell them if you try to do such and such, we're going to have a law to stop you from making that decision, let those same ones try to stop me. We'll go nose to nose, eyeball to eyeball, mano a mano. But the Legislature is not going to do what I

would suggest which is going beyond what Senator Landis mentioned. Let us enact legislation this session that prohibits the state from purchasing any styrofoam product.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: In the meantime, let the Executive Board take the decision and have it ratified by the Legislature that the Legislature will purchase no styrofoam products, no styrofoam products, period. Senator Hefner, would you support a proposition like that? Senator Hefner, would you support the Executive Board adopting the position that the Legislature will purchase no styrofoam products of any kind?

SPEAKER BARRETT: Senator Hefner.

SENATOR HEFNER: Senator Chambers, I'd like to consider...I'd like to have the Exec Board consider degradable styrofoam.

SENATOR CHAMBERS: No, would you answer the question that I asked? There are...if it's not degradable, would you be in favor of the Executive Board adopting the policy that the Legislature will purchase no styrofoam products which are not degradable?

SENATOR HEFNER: That's okay with me.

SENATOR CHAMBERS: And you'll support it?

SENATOR HEFNER: Yes.

SENATOR CHAMBERS: Thank you.

SPEAKER BARRETT: Senator Pirsch, please.

SENATOR PIRSCH: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? I do. Those in favor of ceasing debate please vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Moore, the floor is yours.

SENATOR MOORE: Just to remind you what this amendment does, it just simply says that it would go into effect in next session and the fact of the matter is I have no problem with the statement that Senator Hefner and Senator Johnson would like to see us make. The only problem I have is when you make very good-intentioned statements like this there are consequences, I think, Senator Hefner and Senator Johnson chose to ignore and maybe because I'm a former Page myself, I think the body would be a little more reasonable to do something like this. Yes, there are alternatives, you can go to the ceramic or glass cups. There, obviously, is some paper product out there but, as I said, the wholesalers that I visited with do not have something that they said was suitable for hot products. And I think Senator Landis is right, but the fact of the matter is, as I learned painfully last year when I voted against the diaper bill, I mean, it's one of those things when people like Senator Johnson and Senator Hefner bring this to you, it kind of boxes you in. If you don't want to vote no on the amendment, you could vote for this...vote for my amendment and accomplish the same thing and in turn allow the executive Board Executive Board to develop a policy that would be quite workable and be, you know, be something that could accomplish the same goals, wouldn't cause hardship or problems with how we presently operate. I just ask for the adoption of the amendment.

SPEAKER BARRETT: The question is the adoption of the Moore amendment to LR 231. All in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 2 ayes, 13 nays on adoption of the amendment, Mr. President.

SPEAKER BARRETT: Motion fails. Anything further, Mr. Clerk?

CLERK: Nothing further on the resolution, Mr. President.

CLERK: Senator Johnson.

SENATOR R. JOHNSON: Just ask for a vote on the amendment, or on the resolution.

SPEAKER BARRETT: Senator Chambers. It is debatable.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

any resolution that comes before the body that deals with an issue that I think requires discussion on my part, I'm going to discuss it. I don't care how long the discussion goes. I didn't bring the resolution. If I bring one that is controversial in the minds of one or some, it's going to be discussed. So I'm not one of those people who, just to get along will go along, will refuse to discuss something that I feel I've got to discuss. I don't like us to rush to judgment on things like this. Remember, we're making a profound statement and since we're making a profound statement we need some profound discussion. And it's so easy to go along to get along. Some years ago I was reading an essay by Ralph Waldo Emerson and he had talked about the things that people don't have the character to refrain from doing. He said, when there are people who want to beg from him and he feels they're not entitled to what they are seeking to beg from him, it's much easier to give in and give to that beggar than to withhold it on principle. There are a lot of things with which members of this body disagree, but decide to go along just to make it a nice, good club and everybody gets along. But when it's an issue of substance to some people, you saw how the gang of four fractured yesterday, didn't you, and you see how the city got annihilated, and I applaud Senator Moore and Senator Hefner, I meant Senator Lamb for what they did. The lambs put to rout the urban wolves. I mean, those urban senators were fighting for that money, that homestead exemption idea. They came forth with all the power at their disposal and they were routed, sent yapping with their little tails between their legs and ears sticking straight out behind them, they're moving so fast in defeat. The only way they could have moved faster would be if they would run backwards and usually you run faster forward than backwards, and I watched that in amazement. I supported the city slickers, but they got royally trounced yesterday. But I read in the paper where they're going to get that all back together, they're going to be manipulated and greased and smoothed over and they'll be brought back and hitched to the wagon and suckered again as they were last year. City suckers, not city slickers. (Laughter.) I cannot allow myself to be put in that posture by going along with things that I disagree with just to be the nice guy and just to get along. There will be other occasions when I can be a nice guy and you'll know that when I support you, I really support you and that will mean more to you than some of this shallow, superficial going along to get along because you don't know what manner of support you've got from people like that and they may turn around and be the very one to pull the rug from

under your feet without telling you that they have changed, that they were never for you in the first place. I'm opposed to this resolution and I hope that we will vote it down. If there is a genuine and sincere desire to have the Legislature make a statement relative to styrofoam products, the issue should be presented to the Executive Board for serious consideration and we should go beyond styrofoam cups because I'd venture to say that there is far more styrofoam in other materials than the Legislature purchases than in the cups that are used by the members or whoever else uses them. Sometimes they are used when senators have meetings and...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...outsiders come into those meetings. They serve them coffee or whatever else is being offered in the way of a beverage. We should vote down the resolution and the matter should be given to the Executive Board and we should take a serious, meaningful decision, not this tokenism because it is not enforceable anyway.

SPEAKER BARRETT: Senator Pirsch.

SENATOR PIRSCH: I respectfully call the question.

SPEAKER BARRETT: There has been only one speaker, Senator Pirsch. I will not recognize it, but thank you. Senator Peterson.

SENATOR R. PETERSON: I want to call the question too. Let's get on with this.

SPEAKER BARRETT: There are no other lights on at the present time, it will not be necessary. Senator Rod Johnson, to close.

SENATOR R. JOHNSON: Mr. President, members, and you thought the abortion debate was going to be hot, but...this...this is a...this is one statement that I think the body can make. If this amendment, or this resolution does fail, since I am a member of the Executive Board I will be taking requests and I hope hand-in-hand with Senator Chambers to the board to ask to look into options to purchasing materials other than styrofoam materials to be used not only in this body, but in other government agencies. So, obviously, I'm going to ask for a green vote in this case, but if it fails, the issue will not

die. I will take it on then to the Executive Board.

SPEAKER BARRETT: The question is the adoption of LR 231. Those in favor please vote aye, opposed nay. Voting on the adoption of LR 231. Please vote if you'd care to vote. Have you all voted? Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: I want this resolution to have 25 votes before it can be declared passed.

SPEAKER BARRETT: That request is in order. I'm sorry, I am advised we are in the middle of a vote, Senator Chambers, so I will not recognize it. Otherwise, it would have been in order. Have you all voted? Record. A request for a call of the house. Senator Chambers requests a call of the house. The question is, shall the house go under call? All in favor vote aye, opposed nay. Senator Landis.

SENATOR LANDIS: While we're going under call, could you advise us of the rule that the Chair is operating under with respect to the vote total necessary to pass or not pass this particular resolution? I recall we do have a resolu...a rule about ceremonial resolutions and I'm interested in the Chair's perception so that we'll know, as we vote, what the situation is.

SPEAKER BARRETT: Senator Landis, please check Rule 4, Section 5, page 31 of our rule book. You'll find the distinction between the ceremonial and the 25 votes, I believe. Any member may request that there be a majority of the members elected. Otherwise, a majority of those present is all that is necessary.

SENATOR LANDIS: And that is not voting, but present, is that right? Would the Chair announce the number necessary to pass the resolution in that case if it's a majority of those present.

SPEAKER BARRETT: Simply a majority of those present.

SENATOR LANDIS: Right. What is the number present now...(interruption)

SPEAKER BARRETT: Oh, I'm sorry, Senator Landis.

SENATOR LANDIS: ...so we'll know the amount necessary to

constitute such a majority? Would the Chair announce that number for the body?

SPEAKER BARRETT: We are under call. Members that are outside the Legislative Chamber, please return. Please record, Mr. Clerk.

CLERK: 25 ayes, 6 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Now, members, please return to your seats and record your presence. Senator Landis, I believe in answer to your question, we would have to look to the second line of section 5 which says an affirmative vote of a majority of the members present and voting. Therefore, it would be a simple majority and the members excused would be irrelevant, members present and voting. Senator Haberman, Senator Smith, record your presence. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, would you say what you just said again. I was trying to follow.

SPEAKER BARRETT: I was answering Senator Landis's question, Senator Chambers, in which he was asking for a specific number.

SENATOR CHAMBERS: And your reason for saying that just a majority of those who actually vote is based on what?

SPEAKER BARRETT: Present and voting.

SENATOR CHAMBERS: Mr. Chairman, the only ones who can vote are those present, so to say present and voting I think means something other than just those who vote. You've got to be here to vote, so the word present means something in addition to just those who are sitting in this Chamber voting. I think it means whoever is present.

SPEAKER BARRETT: I was interpreting the rule as the Chair thought it should be interpreted.

SENATOR CHAMBERS: (inaudible.)

SPEAKER BARRETT: Thank you. Senator Haberman. Senator Haberman, the house is under call. Roll call vote has been requested. A machine vote has been requested on the adoption of L...I'm sorry, a roll call on the adoption of the amendment.

January 10, 1990

LB 567A, 610, 1080-1090
LR 231

Mr. Clerk, would you proceed.

CLERK: (Roll call vote read. See page 253 of the Legislative Journal.) 22 ayes, 12 nays, Mr. President, on adoption of the resolution.

SPEAKER BARRETT: The resolution is adopted. Anything for the record, Mr. Clerk? New bills?

CLERK: Mr. President, I do.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, a hearing notice from the Natural Resources Committee offered by Senator Schmit as Chair.

New bills: (Read LBs 1080-1090 by title for the first time. See pages 254-56 of the Legislative Journal.)

Mr. President, Senator Withem has amendments to be printed to LB 567A and Senator Smith to LB 610.

Mr. President, I have a priority motion.

SPEAKER BARRETT: Mr. Clerk, proceed.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote on adoption of LR 231.

SPEAKER BARRETT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, if the Legislature is going to try to impose some kind of conduct on the other members, it should at least be done by a majority vote of the members of the Legislature. That resolution did not get a majority vote, and I'll tell you something else. The Legislature is governed by the Constitution, the Legislature is also governed by the statutes and the Legislature is governed by its rules. What happens in this Legislature is determined by rules. This resolution did not amend the rules. This resolution's contents does not constitute a rule. It's just a statement and it was passed by less than a majority of the members of the Legislature. So I think it ought to be reconsidered and I think when that next vote is taken we should defeat the resolution and you should put

the matter before the Executive Board. And if the Executive Board comes up with a policy position and the Legislature really means it, then a policy can be established by the Executive Board relative to purchases made by the Legislature. It can make recommendations to other agencies, but that is all it is, is a recommendation. If the Executive Board adopts that policy position for the Legislature, we then should consider a bill that would prohibit the state from purchasing any nondegradable styrofoam products. Since this piece of paper that was voted on is not a rule, it cannot even purport to govern the conduct of the Legislature or impact on how the Legislature conducts itself. I'm not aware of any provision in the Constitution that says the Legislature is governed by resolution, and there is not any little piece of paper that is going to stop me from bringing a styrofoam cup on my desk. Very rarely do I have anything on my desk like that anyway, but I'm going to make sure I have one on my desk from now on, make sure I have it on my desk from now on. There is not even a majority that said that I can't do that or shouldn't do it or that they wish I wouldn't do it or request that I not do it. And it seems to me that the Legislature should not want to conduct business in this fashion. I also think we need to look at that rule that says that if you want a majority vote on a resolution, the request has to be made prior to the initiation of the vote or the commencement of the vote. At any point, it should be allowable to say you want a majority of those voting, but since that is the rule I'll make it a point on all the resolutions that I take any interest in, whether I'm for or against them, to say that there should be a majority vote on every resolution, then we can have enough time to properly and adequately consider these profound statements incorporated in these resolutions. But I want it crystal clear for the record that there was not a majority vote on Senator Johnson's resolution, and anything less than a majority cannot even purport to bind me to anything. So what I wish we would do is vote to reconsider. Then if a majority of you want to try to impose this, then there can at least be a majority. But if it were my resolution, and it is not, I wouldn't want it if there was less than a majority vote on it. That would make the Legislature look ridiculous. Less than a majority by an affirmative vote can bind the majority. That's what we're doing here. We're not just passing a resolution, we're attempting to regulate what the Legislature does and less than a majority can do that regulating. It's all right to have less than a majority of the elected members vote to adjourn or place the house under call, but, on final action whose intent is to bind the

Legislature, there should always be a requirement of at least a majority of the elected members. Although this can qualify as a ceremonial resolution because it is not attempting to amend the Constitution or those other things that would be mentioned in section 2 of the rule, it is far more than ceremonial. Those other resolutions that say honor a football team or a baseball team or basketball team or somebody lived to be a hundred years and honor them, that can be dealt with less than a majority because it doesn't mean anything. It doesn't relate to the activities of the Legislature or its staff. This piece of paper that was voted on and adopted by fewer than a majority of the members purports to regulate the conduct of the Legislature. That is irrational. That makes no sense, but it fits the stereotypical picture that people have of the Legislature, doing things in haste which, upon calm reflection, are revealed to be silly. I don't know of anything sillier than a Legislature allowing itself to be governed by a proposition that less than a majority has voted for. I will not be governed by it. As soon as this is over, I'm going to go get my styrofoam cup even though I don't have them here now, put it right out there on my desk and I'll hold it in my hand. Now they had 23 votes, 22 votes on this so whichever one comes can expect to have at least 21 others to help him or her take the styrofoam cup from me, and that's the point that we have reached. I think it is irresponsible for the Legislature to pretend that something significant was done here. Resolutions are not binding. This is not a rule. I think that I've said about enough on this motion to reconsider.

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

SENATOR R. JOHNSON: Mr. President, as I said, and I have reiterated it here today that, regardless of the past, the last vote that was taken that I would be taking this request to the Executive Board and at that point Senator Chambers and I and the other members of the Executive Board will then have a similar discussion, I assume, but as I think Senator Chambers said earlier in the debate, politics is a dirty business and, unfortunately, in this case, the minority did win. I have no problem with his decision to reconsider and, as I said, the battle, as he has indicated, is not over. There is still a lot to be done and we will have to discuss within the Executive Board and I have already instructed my staff to send a request to Senator Labedz's office to put this issue on the agenda so that we can begin the discussion as soon as possible on how we

may be able to purchase items other than styrofoam to comply with the resolution. So, as I said, I think back about nine o'clock, I didn't want to take a lot of time with this but, obviously, there is concern here and I respect that but, from the beginning, my concern has been on how we move forward in this state, change public attitude about the disposal of items that clutter our landfills and, quite frankly, this afternoon you will get another opportunity to talk about a more binding kind of issue with LB 163 and the solid waste management question and I hope that Senator Chambers is as equally active in the discussion of that proposal that begins, hopefully, moving this state down the path of discussing the future of solid waste disposal and how we might solve that problem, but not to spend any more time with this. I hope we move to a vote at some point to decide this issue once and for all and then again, as I said, the request has already been made to the Executive Board to take up this topic at our next meeting.

SPEAKER CHAMBERS: The Chair recognizes Senator Schimek, Senator Hefner next.

SENATOR SCHIMEK: Thank you, Mr. Chairman and members of the body. Senator Chambers, I hope you're going to be listening because I'm going to give you a lesson in brevity. I am also, Senator Chambers, as irritated as I am about this discussion this morning, how it has dragged on, I'm going to support your motion to reconsider because I think that we've spent far too much time on a little, tiny resolution here that really doesn't address the issue that we all want to address and we are going to have the opportunity this afternoon, hopefully, if we ever get to it, to discuss the more weighty kinds of issues that Senator Chambers has suggested that we should be discussing and I think that we will do it well then if Senator Johnson will take his resolution to the Executive Board, we can accomplish what we want to accomplish here; the consciousness raising I think has gone on this morning; I think all Senator Johnson wanted to do was to raise our consciousness on this issue and to raise the consciousness of the public on this issue. I don't think he meant to involve us in a protracted debate here. I also agree with Senator Chambers that it should take 25 votes on any resolution that is of consequence to the body that causes this kind of debate, should probably take 25 votes, and anything that is rule like should also take 25 votes. Therefore, I would support Senator Chambers' motion to reconsider.

January 10, 1990

LB 1004
LR 231

SPEAKER BARRETT: Thank you. Senator Hefner.

SENATOR HEFNER: Question.

SPEAKER BARRETT: That won't be necessary, Senator Hefner, thank you. We have no other lights on. Senator Chambers, would you like to close? Thank you. Closing has been waived and the question before the body is the adoption of the Chambers motion to reconsider the vote taken on LR 231. Those in favor please vote aye, opposed nay. Voting on the reconsideration motion, have you all voted? Have you all voted if you care to vote? Please record.

CLERK: 15 ayes, 14 nays, Mr. President, on the motion to reconsider.

SPEAKER BARRETT: The motion to reconsider fails. Anything for the record, Mr. Clerk?

CLERK: Nothing at this time, Mr. President.

SPEAKER BARRETT: Mr. Clerk, may we proceed to a motion that I believe you have on your desk at this time?

CLERK: Mr. President, I have, first of all, a hearing notice as offered by Senator Rod Johnson as Chair of the Agriculture Committee. Pursuant to the terms of that hearing notice, I also have a motion from Senator Johnson, Mr. President, that would suspend Rule 3, Section 13, so as to permit cancellation of a hearing scheduled, I believe, for next Tuesday. (Re: LB 1004. See page 257 of the Legislative Journal.)

SPEAKER BARRETT: Senator Johnson.

SENATOR R. JOHNSON: Speaker Barrett, members of the Legislature, we had scheduled a hearing on pseudorabies that Senator Carson Rogers had introduced. We had checked with his office yesterday to see if it would be appropriate to have a hearing next Tuesday when the Agriculture Committee meets. Unfortunately, we were given the signal of going ahead with that bill but this morning we were notified by Senator Rogers and the Department of Agriculture that there was some conflict between the hearing date next Tuesday and he had requested that I please change the agenda for next Tuesday. And so I have requested the Chair to allow me to suspend the rules and delete that

January 11, 1990

LB 346, 1050
LR 8, 231

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: (Recorder not activated) ...the George W. Norris Legislative Chamber. The opening prayer this morning by the Reverend Richard Scheerer, Pastor of Vine Congregational United Church of Christ, here in Lincoln. Reverend Scheerer.

REVEREND SCHEERER: (Prayer offered.)

SPEAKER BARRETT: Thank you so much, Reverend Scheerer. We hope you can come back again for another day. Roll call.

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

SPEAKER BARRETT: Thank you, sir. Any reports, announcements, or messages?

ASSISTANT CLERK: Yes, Mr. President, a couple of items. Senator Weihing has designated LB 1050 as his priority bill for this session; Senator Hall, LB 346; and LR 231 is ready for your signature.

SPEAKER BARRETT: Thank you, sir. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 231. Further announcement that the Clerk is still receiving new bills, introduction of new bills will continue today. Mr. Clerk, let's proceed to General File, Speaker priority bills from 1989 beginning with LR 8CA.

ASSISTANT CLERK: Mr. President, LR 8 was introduced by the Judiciary Committee. (Read.) The bill was read on January 18 of last year for the first time. It was referred to the Judiciary Committee. That committee reports LR 8 to General File with committee amendments, Mr. President.

SPEAKER BARRETT: Thank you. To handle the committee amendments, the Chair recognizes Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. Speaker, and members. This is the constitutional amendment, if you will remember last year, and I would like to give you a little bit of a background and review of what we did last year with the Supreme Court, and the problem that we had with the backlog in the Supreme Court of appeals in this state. Presently our Constitution gives us the absolute right of appeal to the Nebraska Supreme Court of any

that to happen. They took pride in the fact that they were the smallest school that was involved in that participation. They certainly did represent our state in a very admirable and commendable fashion and provided some coverage, through national TV, when those parades were followed. And this is simply then a resolution acknowledging the conduct and the activities of these young people. So I would move its adoption.

SPEAKER BARRETT: Thank you. Discussion? Seeing none, those in favor of the adoption of the resolution, offered by Senator Warner, please vote aye, opposed nay. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of LR 235.

SPEAKER BARRETT: LR 235 is adopted. LR 238, Mr. Clerk.

CLERK: Mr. President, 238, by Senator Chambers, is found on page 269 of the Journal, discusses the styrofoam cup issue.

SPEAKER BARRETT: (Gavel.)

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I have, from time to time, expressed my irritation at various resolutions that are brought before us. I haven't been able to impact at all on the introduction of such resolutions, so as I indicated the other day, since I can't beat them I'll join them. But this is a serious resolution which is in logical sequence to the one adopted the other day relative to a styrofoam cup ban. The resolution says the following: Whereas, on January 10, 1990, the Legislature, by a vote of less than a majority of the elected members, adopted LR 231; and, Whereas, LR 231 directs that the Legislature ban the use of styrofoam containers by Senators and staff of the Legislature; and, Whereas, blatant violation of this directive is possible, nay likely, ... Mr. Chairman, and Whereas, violations should not be ignored, Now, therefore, be it resolved by the members of the Ninety-First Legislature of Nebraska, Second Session: That the Executive Board of Legislature establish a corps of 100 confidential informants to ferret out and inform against suspected violators of the styrofoam ban. These are such important provisions that I think I ought to discuss each one. We don't have enough state troopers to look into the enforcement of this very important directive contained in LR 231, so since the Legislature undertook to do this by less than a majority which means that 22 are trying to tell 27 what to do and what

not to do, it's only appropriate that the Legislature also establish an enforcement arm. The next resolve. That applicants for such corps file an application with the Superintendent of the Nebraska State Patrol who shall recommend informants to the Executive Board. Since the State Patrol already has a system whereby they use confidential informants to obtain information on citizens, I feel they are the most capable and logical group to train the informants who will work in conjunction with the Legislature in enforcing this serious policy. That such corps of informants be known as Finders of Outlawed Legislative Styrofoam, or FOOLS. That such FOOLS receive at least eight hours of informants training from the State Patrol. That such FOOLS inform against suspected violators to any member of the custodial staff of the Building Division for appropriate division...disposition. That all styrofoam cups in the possession of the Legislative Accounting Office be turned over to Senator Ernie Chambers forthwith. Now, there are some people who have chuckled at this, but you'll notice that at no point did I crack a smile, at no juncture have I laughed. The Legislature made a profound and serious statement the other day worthy of a Legislature of this stripe. So what I am proposing is that we show the seriousness of our intent by enforcing what I consider to be a silly proposition, but which I feel is very serious. This directive in LR 231 is not a rule. The Legislature's conduct is governed by its rules, not resolution. So it has no impact of any kind as far as I'm concerned. I had thought instead of requiring reports of violators to go to the custodial staff that they might should go to a member of the Governor's staff, because she is so interested in enforcing drug laws. And this kind of fits into the category because an attempt has been made to make styrofoam a banned commodity, possession of which can be deemed inappropriate. And I thought the most capable person in the Governor's staff to handle this was Gary Rex. But since he's got too many jobs, I couldn't do that. He heads Policy Research, the Energy Office, Housing and he's got a new designation, that of official fall guy of the administration. And when a person has that much of a burden to carry, this serious responsibility that I'm contemplating here certainly should not be imposed upon his delicate shoulders. Now, some people, some people may see this entire thing, Senator Conway, as a tempest in a styrofoam tea cup. But I don't see it as being that because the Legislature took about an hour and a half of time to discuss it. Despite my feeling that if we were going to take some serious, meaningful action with reference to