

January 12, 1981

LB 104-113

RECESS

SPEAKER MARVEL: The Legislature is called to order. Will you please record your presence. Clerk, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk has some business on his desk. He will read whatever the correspondence is, or whatever the....

CLERK: Mr. President, Senator Von Minden would like to have his name added as co-introducer to LB 32 and 35.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, the Retirement Committee would like to announce that Senator Goodrich has been selected as Vice Chairman.

Mr. President, I have in my possession reports to the Legislature from the Little Blue Natural Resources District and the Lower Platte North NRD regarding payment of attorney fees. Those will be on file in my office. (See pages 119 and 120 of the Legislative Journal.)

Mr. President, new bills. LB 104 (Title read). LB 105 (Title read). LB 106 (Title read). LB 107 (Title read). LB 108 (Title read). LB 109 (Title read). LB 110 (Title read). LB 111 (Title read). LB 112 (Title read). LB 113 (Title read). (See pages 120 through 122 of the Legislative Journal.)

SPEAKER MARVEL: We will now proceed with the discussion on Rules and the Chair will recognize the Chairman of the Rules Committee, Senator Wesely.

SENATOR WESELY: Mr. Speaker, I move to suspend Rule 2, Section 2 of the temporary rules which we adopted this morning so as to proceed with the adoption of the permanent rules this afternoon.

SPEAKER MARVEL: Is there any discussion on the motion? Okay, the motion is the suspension of the Rules and we need 30 votes. All those in favor of the motion to suspend the Rules as per Senator Wesely's request vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 32 ayes, 0 nays on the suspension of Rule 2, Section 2, Mr. President, of the temporary rules.

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LB 67, 72, 73, 77, 113,
144A, 186, 214, 221, 459A.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senators Burrows, Cullan, Hoagland and Beutler would like to be excused until they arrive, and Senators Higgins, Koch, Maresh and Stoney all day.

PRESIDENT: Have you all recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal, Mr. Clerk?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 459A and recommend that same be placed on Select File; 144A Select File; 72 Select File with amendments, and 73 Select File with amendments. (Signed) Senator Kilgarin. (See pages 789 and 790 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp reports LB 113 to General File with amendments. (See page 790 of the Legislative Journal.)

Mr. President, I have a report from the Public Works Committee regarding the appointments of....certain gubernatorial appointments and confirmation thereof. (See page 791 of the Legislative Journal.)

Mr. President, communications from the Governor addressed to the Clerk. (Read communications regarding LB 77, 67, 186, 214 and 221 as found on pages 791 and 792 of the Legislative Journal.)

Mr. President, I have letters making appointments to the Crime Victims Reparations Board, to the Rural Health Manpower Commission and to the Investment Council. (See pages 792 and 793 of the Legislative Journal.)

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LB 478, 113

CLERK: 13 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats, record your presence. I encourage all unauthorized personnel to leave the floor and record your presence. The Clerk is authorized to take call-in votes.

CLERK: Senator Clark is here. Senator VonMinden voting aye, Senator Wesely voting yes, Senator Chambers voting aye.

SPEAKER MARVEL: Okay, record.

CLERK: 25 ayes, 4 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Senator Landis.

SENATOR LANDIS: (Mike not turned on.) ...privilege, Mr. Speaker.

SPEAKER MARVEL: State your point to the Chair.

SENATOR LANDIS: I just simply want to inform the body, I intend to prepare an amendment to make this section applicable on the basis of an income or need basis and offer that on Select File. I will have it printed in the Journal at the appropriate time.

SPEAKER MARVEL: Thank you. Are you ready for LB 113, Mr. Clerk?

CLERK: Mr. President, yes, I believe we are. LB 113 is offered by Senator John DeCamp. (Read.) The bill was read on January 12. It was referred to the Banking Committee. The bill was advanced to General File. There are no committee amendments on the bill--there are committee amendments, excuse me, Mr. President.

SENATOR DeCAMP: Mr. President, members of the Legislature, move the adoption of the committee amendments. The committee amendments amount to a rewrite of the bill maintaining all the original concepts but in areas where the Department of Insurance and others had disagreements are all arrangements that have reached a compromise so I move adoption of the committee amendments and then I will explain the balance of the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All in favor vote aye, opposed...for what purpose do you rise?

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LB 113

SENATOR CHAMBERS: Because it is a motion that is debate-able and I want to ask a question, Mr. Chairman.

SPEAKER MARVEL: I was simply trying to clarify what you meant by holding it, that is all.

SENATOR CHAMBERS: Oh, all right, I will use less idiomatic English next time, Mr. Chairman.

SPEAKER MARVEL: No, you don't have to, as you long as you indicate what the purpose is, that is all.

SENATOR CHAMBERS: Okay. Senator DeCamp, did you say that the committee amendments will, in effect, become the bill or what?

SENATOR DeCAMP: Yes.

SENATOR CHAMBERS: Okay then and if they adopt the committee amendments you then will explain the whole thing.

SENATOR DeCAMP: I will try.

SENATOR CHAMBERS: Okay.

SPEAKER MARVEL: Okay, we are on the adoption of the committee amendments. Senator DeCamp. Okay, the motion is the advancement of the bill. Okay, the motion before the House is the adoption of the committee amendments. Is there any further discussion? All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 27 ayes, 1 nay on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator DeCamp.

SENATOR DeCAMP: Mr. President, LB 113 would regulate the sale of motor club services and this regulation would be undertaken by the Director of the Department of Insurance and as introduced would include, and as amended, requiring a motor club to obtain and renew a certificate of authority and deposit and maintain with the director, security in the amount of \$50,000 for the benefit of its members. It would require a motor club service contract, it would put the requirements for a motor club service contract, registration of club representatives and discretionary authority for limited testing on the motor club services customarily offered, authorize the revocation or suspension of a club certificate of authority or club representative's authority and would

provide for criminal sanctions for violations. With the amendments it just makes a uniform reference to service contracts as "motor club service contracts" and defines a type of insurance service offered by these motor clubs as group benefits for accidental injury and death or for any motor club service. The amendments of course cleared up fears the motor clubs had or some of them had that various lines of insurance, they did not have to be tested for the full licensing. Limits the less restrictive motor club representative registration to the selling of group benefits covering accidental injury and death or coverage of other club services set forth in Section 7 amendments. Add insurance services, a type of motor club service. Oh, and then strike the...in the original bill we have ended up with the insurance director's authority to review club names for possible misleading similarity. We have stricken that. That is already performed by the Secretary of State and we provide a little variation from the original bill. We say that financial statements can not be used or required so that the competitors would not sit there and use those one against the other and we have additional due process procedures before the director can revoke a club representative's authority. What we are talking about is, you know, like the Amoco Motor Club, these things where you pay fifteen, or twenty or thirty or so dollars a year and supposedly if you have an accident or need bond or need towing in from a flat tire or whatever they are covered or if you have accidental injury or death you have certain coverage, so on and so forth. These are a form of insurance and so we are trying to make sure that we have some limited regulation and some testing for these people that are going out selling, basically for the protection of the public. I urge advancement of the bill and I will try to answer your question, Senator Chambers.

SPEAKER MARVEL: Senator Chambers, do you wish to be recognized?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, now that the committee amendment has been adopted I would like to ask Senator DeCamp a question about new section 4 of the committee amendment which says, "A club or club representative shall not make any reference in any advertising or sales promotional effort to the financial statement of another club filed in accordance with this provision." What is the purpose of that and why is it necessary?

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, in this motor club business

apparently it is a pretty fierce competitive business and apparently some practices that maybe would not be generally approved by the public, if they knew about them, are sometimes used and so somebody gets a financial statement. If it were required to be filed with the Department of Insurance and they say, well look, we are the ABC Amoco Motor Club, let's say, and look how strong we are. We have...we are owned by Exxon Corporation. We have 1.7 billion dollars in strength versus this little Nebraska company here that is only worth 150 thousand dollars and obviously you shouldn't even be dealing with them because they are not strong enough. We wanted to eliminate this practice from being used.

SENATOR CHAMBERS: Are the financial statements public records?

SENATOR DeCAMP: Right now the statements are not even filed, not a matter of record anywhere. This would allow the filing of them but it would prevent them then taking them out and using them as a selling tactic, that is all, but they would be a matter of public record.

SENATOR CHAMBERS: All right, now, thank you, Senator DeCamp. Members of the Legislature, I am wondering if an item is a public record why it cannot be used by anybody for any legitimate purpose and when we are talking about competition and Senator Hefner is interested in free enterprise and all the other people who call themselves conservatives are, why should not a competitor be able to make reference in a promotional scheme, I would call it, of the financial statement of a competitor. Anybody can see these records. This would be similar to a type of censorship because it is saying that that which is available to the public cannot be used by certain people under certain circumstances which cannot be shown to be detrimental or harmful to the public. You all adopted this committee amendment and I think you ought to understand what you adopted and why. Senator DeCamp's explanation is not satisfying to my mind and I know this bill probably will go and I am not going to try to kill it by talking it to death but I just don't understand the principle that is being espoused in this amendment. Remember the financial statement will be a matter of public record but a competitor cannot make reference to it. If you cannot make reference to it, that means there can be no comment regarding it at all. You can't even say that one of these statements has been filed. It is as though it does not exist as far as any of your advertising or promotion is concerned. If you think that these statements ought not be made available to the public, don't make it a public record and in that case I don't see the value of filing this statement anyway. These things are

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LB 113

designed to protect the public I presume and any method by which information of a public nature is brought to the public's attention should be considered valid. I am in favor of the first amendment. Even when it comes to advertising among big crooks--I meant big business and little business, so I voted against the committee amendment and I will vote against the bill but I just thought I would call these things to your attention and see if it makes any difference to the rest of you.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, Senator DeCamp, do people like AAA and Cornhusker Motor Club adhere to most of these responsibilities now? The answer is yes, that is all I wanted to know, thank you.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Senator DeCamp, will you yield for a question, Senator DeCamp? I don't want to use up any more time than I have to and this is not intended to run the time out. Let me just ask you a quick question. It is true that we are imposing a new set of governmental regulations on an industry that is now basically unregulated. Is that right? Now my own philosophy about these things is that we shouldn't really do that unless there is a really strong showing of need. Now have there been some abuses in the industry that require that we come in with this set of regulations and registration requirements that really justify our entering in this whole area? And if so, what are they?

SENATOR DeCAMP: Well like any newly developing thing and it has expanded dramatically in the last five or ten years, a number of new companies have come into the field. There has been expansion by some of the big companies. It is a form of insurance particularly under Nebraska laws and we have just decided, in line with a number of other states, it is time to kind of at least keep track of what is going on. There have been some reported abuses. Whether they are that severe or not, we don't know. The people peddling this stuff have all agreed essentially to this bill and acceptance of this regulation rather than problems of litigation or much more severe regulation if additional problems develop and for that reason we went ahead with the legislation. In response to Senator Chambers objections, I kind of think he is halfway right and I will get together with him and maybe make a change on Select File assuming the bill advances.

SPEAKER MARVEL: There are two minutes left on the bill. Senator Cope, do you wish to be recognized?

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LB 113, 113A

SENATOR COPE: Mr. President and members, a question of Senator DeCamp.

SPEAKER MARVEL: Senator DeCamp, do you yield?

SENATOR DeCAMP: Why not.

SENATOR COPE: I just want to be real quick. At the present time these companies do not have to file financial statements.

SENATOR DeCAMP: That is right.

SENATOR COPE: And this would, the amendment would force them to file and they would be public although you say that the companies can't use it. Right?

SENATOR DeCAMP: They have to file it but you can't use it in peddling the stuff.

SENATOR COPE: Will it be reasonably hard to police?

SENATOR DeCAMP: Not really, because

SENATOR COPE: But it is open to anyone to go in and look at it.

SENATOR DeCAMP: It is such a fiercely competitive field that Agent A knows what Agent B from the other company is doing constantly and if Agent B uses it the Director of Insurance will find out about it twenty minutes later.

SENATOR COPE: That is the reason I do not think it is necessary.

SENATOR DeCAMP: I think you might be right.

SENATOR COPE: So I would oppose it until we take that part out. The rest is all right.

SPEAKER MARVEL: Okay, the motion is to advance the bill to E & R. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 25 ayes, 2 nays on the motion to advance LB 113, Mr. President.

SPEAKER MARVEL: 327. 113A first and then 327, Senator Landis.

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LB 44, 47, 56, 84, 113, 151,
173, 218, 220, 308, 313, 331,
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item #3?

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal found on page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

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LB 478, 113, 113A, 317

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion carried. The bill is advanced. Okay, LB 113.

SENATOR KILGARIN: I move the E & R amendments to LB 113.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. Do you want to advance the bill? 113.

SENATOR KILGARIN: I move LB 113 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced.

CLERK: Yes, sir, the A bill.

SPEAKER MARVEL: The A bill. Okay 113A.

SENATOR KILGARIN: I move LB 113A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Let's see, 327 we pass over at the request of Senator Landis for one day and we go to 317.

SENATOR KILGARIN: I move LB 317...I move the E & R amendments to LB 317.

SPEAKER MARVEL: Okay, the motion is the adoption of the E & R amendments. All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Koch moves to amend the bill by striking Section 8.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, the other day we were talking about 317 and I advised you then that I would probably strike this portion of the bill. There is no need for it to be in this bill. It's redundant since the same language is in LB 204 authored by Senator Wagner. So what I am saying, rather than to have this language in 317, since it is in 204, and it applies to mileage for parents transporting children who are eligible for that mileage, this is the appropriate place for it because that is an omnibus bill dealing with the mileage and the amount to be charged. So I am asking that we strike this section in 317. The amount of money that is in 317A then would accrue...or is already in 204A, which has to do...it's

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LB 113, 113A, 125, 174,
LB 179, 291, 328A, 331,
LB 257, 379, 392, 400,
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you

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LB 284, 113, 344, 253

complex problem. So I urge you to accept the Wesely amendment and to strike the...and to reinstate the sunset provision.

SENATOR CLARK: The question before the House is the adoption of the Wesely amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 15 ayes, 22 nays on the Wesely motion, Mr. President.

SENATOR CLARK: The motion failed. Do you have anything else further on the bill?

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

SENATOR CLARK: Senator DeCamp, do you want to advance the bill? The question before the House is the advancement of the bill. It will take a machine vote on it to E & R Final. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted except 22 of you. Record the vote.

CLERK: 33 ayes, 6 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Do you have any other items?

CLERK: Mr. President, I have two Attorney General Opinions, one to Senator Hoagland regarding 253; one to Senator DeCamp regarding 113. (See pages 1384 through 1387 of the Legislative Journal.) Corrected committee statement for 344; and Senator DeCamp would like to print amendments to 113. (See pages 1388 and 1389 of the Legislative Journal.)

SPEAKER MARVEL: Do you want to read the A bill?

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LR 21, 113

what the committee amendment was all about by the way, InterNorth and some other major companies like this are willing, if this state will pass the first of these resolutions,...

PRESIDENT: A half a minute, Senator.

SENATOR DeCAMP: ...to go to the other states, thirty-eight states that InterNorth is in, and try to get the same regulation or the same resolution passed so they can tell the President, so they can tell the administration, "Look! We who are involved would rather go slow than take the immediate deregulation". I urge you to support the resolution. As I say, I am not a bad Republican because I support the resolution. If Mr. Willis Strauss and Senator Kremer feel as strongly as they do, and I am sorry he is not here today, I think you had better take a second look. I urge you to support the resolution.

PRESIDENT: The question before the House is the adoption of LR 21. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 28 ayes, 9 nays on adoption of LR 21, Mr. President.

PRESIDENT: The motion carries. The Legislative Resolution 21 is adopted. That will conclude agenda item #4, Mr. Clerk, if you want to read some things in.

CLERK: Mr. President, very simply, a notice from Senator Hefner regarding reapportionment guidelines will be inserted in the Journal. (See page 1452 of the Journal.)

PRESIDENT: We are ready now for agenda item #5, Final Reading. The Sergeant at Arms will clear the aisles. All members will be at their desks, and we will commence with Final Reading. I will tell you at the outset that the order for Final Reading has been changed to this extent that the first bill on your Final Reading list, LB 76, will be at the bottom of the list rather than at the top of the list, and we will commence with LB 113. I also want to note for those who have asked a question about 113A being on the Final Reading list, this is because LB 113 is a Cash Fund and not a General Fund A bill, so that explains the reason why we have an A bill on the Final Reading list at this time. We will now...as soon as everyone is at their desks, we will commence with Final Reading. All right, we are ready, Mr. Clerk, I guess for LB 113 on Final Reading. There is a motion on the desk. Read the motion.

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LB 113

CLERK: Mr. President, Senator DeCamp moves to return LB 113 to Select File for a specific amendment. The amendment is on 1388 of the Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members, the amendment is relatively simple. Senator Chambers raised a question as did my good friend, Senator Kilgarrin, that this portion of the bill might be unconstitutional. They raised the question on General File. I kind of half-way agreed with them and said I would get an Attorney General's Opinion, and I was pretty sure we would take that off on Select File. I went to the can or something and didn't get it taken off on Select File and the bill went zip. So here it is on Final Reading, so now I have got to take it off here. So I urge you to adopt the amendment that strikes that particular portion that says this information that is public information can't be used. The other amendments are E & R, technical things, but it strikes this one section of the bill.

PRESIDENT: Any further discussion on Senator DeCamp's motion to return LB 113? If not, I guess that is your opening and closing, Senator DeCamp. So the motion is the adoption of the motion to return LB 113 for the specific amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to return the bill.

PRESIDENT: Motion carries. The bill is returned. Senator DeCamp, do you want to move the adoption of the amendment?

SENATOR DeCAMP: Mr. President, I move the adoption of the amendment and would like to apologize for using the word "can". I went to the lavatory, as Senator Lamb correctly pointed out. I ask to have those other words stricken from the record.

PRESIDENT: Okay, the motion is to adopt the amendment on LB 113. Any discussion? That also is the opening and closing. All those in favor of adopting the amendment vote aye, opposed nay. Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

PRESIDENT: Motion carries. The amendment is adopted.

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LB 113, 331

Senator DeCamp, do you want to move it back to E & R? Motion by Senator DeCamp to move LB 113 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 113 is advanced to E & R for Engrossment. We now go on to....well then we just as well hold up on 113A. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, are we on 331 yet? I wish to address a point of order to that bill, if I may.

PRESIDENT: On which bill?

SENATOR BEUTLER: LB 331.

PRESIDENT: We are coming to that next, yes, sir. In fact, we are now ready for LB 331. Go ahead. What is your point? State your point.

SENATOR BEUTLER: Mr. Speaker, just a clarification at the beginning so I can understand what is happening here. This bill in Section 8 provides for an appropriation of \$50,000 from the General Fund, and I guess my question is, one, should there be an A bill? And, two, if not, should not this bill be held along with other bills appropriating funds until such time as all those bills are heard, in accordance with rule 5?

PRESIDENT: All right, we are awaiting Senator Warner's arrival here, Senator Beutler. I think I will hold up on any ruling until we get Senator Warner back. There is a motion on the bill anyway which we will take while we are waiting for Senator Warner to get back. So there is a motion on the desk. We will just hold that in abeyance until Senator Warner comes. Go ahead and read the motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Schmit moves to return LB 331 to Select File for a specific amendment. The amendment is on page 1333 of the Journal.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, there was some concern on the part of some members of the body that the criteria for the testing procedure might be a little vague, and it was felt that perhaps we ought to tie it down a little bit so that it would reduce the possibility of expensive cost in the area of testing. We have done that with this amendment. I think it identifies the testing procedure clearly enough that we should not

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LB 44, 74, 87, 113, 271, 298,
327, 328, 331, 404, 478, 486,
252, 241, 483

not going to be built for a variety of reasons, environmental costs, eminent domain and many other reasons. You start talking about building a project and immediately you have a whole group of people that rise up in arms to it. We all know that, but yet it is nice to stand up on the floor and make glowing speeches about how we need to store more water. But now when we are talking about an issue where we might be able to save some of that water in the State of Nebraska although it might not be in your area, it might not be in your basin, you might have to drive a couple hundred miles to go fish in it, suddenly you don't want to do that and you want to put language in the statutes that I assure you is going to prohibit it from happening. I suggest that reasonable people that are of conservative nature should agree with me to remove the language in lines 13 and 14.

SPEAKER MARVEL: Okay, the motion is on the second half of the Vickers amendment, is the adoption of that amendment. All those in favor vote aye, opposed vote no. Have you all voted? Senator Vickers, where are you? Oh, there you are. Eight are excused, Senator Vickers.

SENATOR VICKERS: Record the vote. Oh, make it...I want a record vote.

SPEAKER MARVEL: Okay, record.

CLERK: (Read the record vote as found on page 1519 of the Legislative Journal.) 10 ayes, 23 nays, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The Clerk has some items to read in.

CLERK: Your Enrolling Clerk has presented to the Governor LB 483.

I have a communication from the Governor addressed to the Clerk. (Read communication regarding the signing of LBs 44, 74, 87, 271 and 483 as found on pages 1520 and 1521 of the Legislative Journal.)

Mr. President, Senator Fowler would like to print amendments to LB 404. (See pages 1521 and 1522 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 241 and find the same correctly engrossed; 298, 327, 328, 486, 113, and 331 and 478, all correctly engrossed, Mr. President. (See pages 1524 and 1525 of the Legislative Journal.)

May 12, 1981

LB 113E

Senator Dworak's District, K through 7th Grade, from Christian Liberty Academy, Columbus, Nebraska, Barbara Hall, teacher. In the south balcony. And it is my privilege to introduce the Sudan Wheat Trade Team. The Nebraska Wheat Committee is presently hosting two wheat procurement officials from the Democratic Republic of Sudan. The officials are Mr. Ali E. Hassan, Director of Supply, Ministry of Commerce and Supply, and Mr. Ahmed E. Ahmed, Assistant Inspector of Wheat and Floor Division Ministry of Cooperation Commerce and Supply, and the Team Manager is Mr. Hassan Abdel-Ghaffar, Marketing Specialist, of the U.S. Wheat Associates, Inc., Cairo, Egypt, and the officials are responsible for the procurement of 11 to 14 million bushels of wheat annually, all hard, red winter from the United States. While in Nebraska, Mr. Hassan and Mr. Ahmed are learning of the characteristics and capabilities of Nebraska's hard, red winter wheat crop and how it can meet their country's needs. The wheat they buy is mainly used for French type breads and with a population of 16.4 million Sudan's wheat imports are likely to continue upward. The gentlemen are underneath the north balcony and we welcome you to the Unicameral. Okay, in the balcony to the rear it is my privilege to introduce Mr. and Mrs. Lee from Seoul, Korea, who are visiting in Lincoln at this time. Will you raise your hands so we may see where you are? Right there, okay. Will all legislators please return to your seats and record your presence so that we can proceed with Final Reading. The first bill that we read is 113E. Okay, is everybody in your seat? Have you recorded your presence so we may proceed with the Final Reading? We cannot proceed until everybody is in their seats. Read on Final Reading, LB 113E.

ASSISTANT CLERK: (Read LB 113E on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1963 of the Legislative Journal.) The vote is 42 ayes, 3 nays, 3 excused and not voting, and 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with the emergency clause attached. Before we proceed, I might indicate to the visitors who may wonder why the strange way of reading the bills, the Constitution of the State of Nebraska indicates that all bills finally

May 13, 1981

LB 113, 113A, 529

PRESIDENT LUEDTKE PRESIDING

FATHER MAURICE CURRENT: (Prayer offered.)

PRESIDENT: Roll call. Would everyone please register your presence, if you are here? If you are not, don't do it. Senator Beutler, would you give us your presence? Thank you. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, one item, LB 113 and 113A are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign, LB 113 and LB 113A. Anything else, Mr. Clerk.

CLERK: I have nothing further.

PRESIDENT: We are ready then for agenda item #4, motions, to return to Select File, to bring back these bills, starting with LB 529. Since neither Senator Chronister or Senator Chambers are here and the Speaker is temporarily absent, I am going to go to the next...Senator Chronister is here. All right. Just in time, Senator Chronister, we were about to leave agenda item #4 standing so we will go to agenda item #4 and LB 529.

CLERK: Mr. President, Senator Chronister would move to return LB 529 to Select File for specific amendment. The amendment is on page 1962 of the Journal.

PRESIDENT: The Chair recognizes Senator Chronister.

SENATOR CHRONISTER: Thank you, Mr. Chairman. Mr. Chairman and colleagues, as soon as I catch my breath, this morning I am moving to return 529 in order to on page 3 of the committee amendments to strike beginning on line 24 the new language and reinstate the original language. Now our reason for doing this is to go back and check what is LB 529. The bill was the work of the Nebraska Grain and

May 18, 1981

LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Sal-verda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at