

January 13, 1981

LR 3

simply list up for you that we are listing up for Nebraskans women's contributions to the development of the United States and it is important for us to recognize their contribution. I am pleased to have a part in LR 3 and I urge your adoption of it.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, just a simple question for Senator Beutler. I think I know the answer. You are not advocating any holiday or paid holiday with vacation or anything of that nature, are you?

SENATOR BEUTLER: None whatsoever. I am against energy holidays even.

SENATOR NICHOL: Okay, thank you.

SPEAKER MARVEL: Senator Beutler, do you wish to close on the resolution?

SENATOR BEUTLER: No closing, Mr. Speaker.

SPEAKER MARVEL: The motion before the House is the adoption of LR 3. All those in favor vote aye, opposed vote no. The Clerk will record the vote.

CLERK: 38 ayes, 0 nays on adoption of LR 3, Mr. President.

SPEAKER MARVEL: The motion is carried and the resolution is adopted. We now are ready for item #6, introduction of new bills.

CLERK: Yes, sir.

SPEAKER MARVEL: Do you have any new bills?

CLERK: (Read LB 114-121 by title for the first time as found on pages 128-129 of the Legislative Journal.)

SPEAKER MARVEL: While we are waiting for additional bills to come in, I think we will start on item #7 and begin to take a discussion on the rules. Meanwhile, we still encourage all of you to get the bills in so they can be referred.

CLERK: Mr. President, when we last considered adoption of permanent rules Senator Wesely.... We were considering the adoption of Rule 5, Section 5, dealing with limitation of bill introduction. Senator Wesely had a proposed amendment to that section which read, "strike the 10 bill limitation

April 23, 1981

LB 252, 118, 326, 555

SENATOR VICKERS: A question of the Clerk. Is this the last amendment that I put up Pat?

CLERK: Yes sir.

SENATOR VICKERS: Mr. Chairman and members, I'm going to try to work with Senator Beutler between General File and Select File to see if we can't work out some of our differences in this regard. I just want to make it clear for the record that I will vote to advance 252 over to Select File and work with Senator Beutler or any other interested parties in the mean time to try to come up with some criteria so that the proposals for the criteria are equal as best as possible for the pro and con sides of transbasin diversion. So, having said that Mr. Speaker, I would like to withdraw this amendment at this time and offer it on Select File.

SPEAKER MARVEL: Okay, the motion is to advance the bill. All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 7 nays on a motion to advance the bill Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. The next bill is LB 326?

CLERK: Mr. President, if I may right before that, Senator Vickers would like to print amendments to LB 252 in the Journal.

Business & labor reports LB 118 to General File with amendments, (Signed) Senator Maresh, Chair.

Senator Newell moves to withdraw LB 555. That will be laid over pursuant to our rules Mr. President.

Your Retirement System gives notice of hearing for certain gubernatorial appointments in Room 1019 for April 28th. That is signed by Senator Fowler, Chair.

Mr. President, LB 326 was introduced by the Public Works Committee and signed by its members. Read title. The bill was first read on January 19th of this year, referred to Public Works for hearing. The bill was advanced to General File.

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LB 129, 118

you all voted? Record the vote.

CLERK: 29 ayes, 4 nays, Mr. President.

SENATOR CLARK: LB 118.

CLERK: Mr. President, LB 118 was a bill introduced by Senator Hefner and Senator Maresh. (Read title.) The bill was read on January 13 of this year. It was referred to the Business and Labor for hearing. The bill was advanced to General File. There are committee amendments pending by the Business and Labor Committee, Mr. President.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. Chairman and members of the Legislature, originally LB 118 had to do with unemployment compensation and because we had other legislation on the floor of the Legislature there was no need to advance this from committee and because there was a need to extend the barge compact deadline from 1981 to '84, I talked to the committee and they went along with amending this bill to extend that compact that will have Iowa, Missouri and Kansas join Nebraska to promote barge transportation on the Missouri River which we passed last year to enabling legislation for the Governor to join other states in this barge compact. And this is moving right along. In Iowa they passed the compact legislation. Missouri is about ready to pass it, but Kansas has adjourned with just the House passing it and it hasn't passed the Senate. So this will give us more time to get this barge compact completed. So I move that the committee amendment be adopted. Also in this amendment we are adding...allowing other states such as North and South Dakota which have an interest in the Missouri River and even Montana does have interest to join us if they wish to. And it allows the Governor to appoint a three member advisory committee to work with the manager of this barge compact for advice and to carry out the compact, and the deadline being extended to July 1st, 1984. So that is the way the committee amendments read to the bill and I move that the committee amendments be adopted.

SENATOR CLARK: Senator Hefner, on the committee amendments.

SENATOR HEFNER: Mr. President and members of the body, I rise to support Senator Maresh. Originally this started out as my bill. It started out as an unemployment compensation bill, but we were able to get parts of my bill into 394, and so therefore I told Senator Maresh that he could use this bill for this. This bill, of course, would

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allow us to have a pact with other states controlling the Missouri River barge traffic. And I would just like to talk a little about why we need this pact. I think that we need this pact so we can stand united and say that we need X amount of cubic feet per second of water flowing down the Missouri River. We need adequate water for our barges, and if we don't have this it could curtail the barge traffic on the Missouri. And why do we want barge traffic on the Missouri? For one thing, the greatest thing we want to use it to haul our grain down the Missouri. Not only that, but we want we use it to haul molasses and fertilizer and many other commodities up the river. It is a cheap form of transportation, and, of course, in certain areas where we have lost the railroads, well it means a lot to us. I feel that if we get this pact established that we will speak with a more uniform voice and a stronger voice. I also feel that we can try and get our fair share of water and, of course, nowadays you know that there are a lot of other people competing for the Missouri River water, and irrigation is just one of them. But we also have other uses for it too. Therefore, I would strongly urge you to support the amendment, the committee amendment.

SENATOR CLARK: Senator Cope.

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

SENATOR CLARK: Senator Maresh.

SENATOR COPE: Senator Maresh, is there an A bill in connection with this?

SENATOR MARESH: No. No, there is no A bill with it. This won't be carried...I mean there won't be any expenses for quite a while because it won't be completed...we know it won't be completed before Kansas goes back into session after the first of the year, and there won't be any committee appointed until the compact is completed. So there is no expense with this bill. The only expense will be the expenses that would be incurred by the committee that will.... the three member committee. That's the only expense there will be.

SENATOR COPE: Thank you, Senator Maresh.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, a question of Senator Maresh. Senator Maresh, I certainly don't have

any problem with the basic concept of the interstate compact on barge traffic, but did this bill have a public hearing?

SENATOR MARESH: Well, Senator Dworak, the original bill did on unemployment compensation but as you know the only way we could get that extended would be to have a bill that had a sponsor that would sponsor the bill as a priority bill and Senator Hefner did have this bill as his priority and he agreed to allow us to use his bill to get this extended. Randy Moody who is head of the Missouri River Marketing Office in Omaha called my attention that we may have problems to get the compact completed and I would hate to see going through all the work of starting a new compact. This would allow us to extend the final date so they could get in compliance...so Kansas could get in compliance during the next session. There's a lot of interest in Kansas, although they adjourned too early to complete the legislation.

SENATOR DWORAK: So if I understand you, Senator Maresh, we had a public hearing on a bill that had something to do with unemployment compensation insurance. We advertised that bill and the public came and gave testimony pro and con on unemployment compensation. But now we have got a bill going across the floor of the Legislature that has absolutely nothing to do with unemployment compensation but barge traffic. Is that correct?

SENATOR MARESH: Well, yes, but it isn't such earthshaking legislation, it's just extending something that the Legislature approved I think with a 47 vote or something like that last year, so there was no opposition to this compact last year and nobody appeared in opposition to the bill when we enacted the compact and had the hearing on the barge compact bill. So I don't think it is controversial legislation that requires a hearing. It's just extension of the deadline. That's all it does.

SENATOR DWORAK: I have one other question, Senator Maresh. If you were aware, and I know you are following this very closely, that this legislation was necessary and needed this year, why would you not have introduced a bill on this subject matter and gone through the normal legislative process and designated it as your priority bill?

SENATOR MARESH: Because the Senator in Kansas that was working with me thought that they could get it through but they ran into problems getting it completed in the House and the Senate passed it but not the House. So that

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happened here just not too many weeks ago, but they adjourned so there was no way that I would have known that they needed to have it extended.

SENATOR DWORAK: Thank you, Senator Maresh. I have a question of the Clerk. I know we have discussed germaneness when we have had issues on the floor where we have gutted bills on the floor or had amendments that were questionable as far as germaneness. I can't recall where a bill in committee was totally changed from one subject matter to another. Is this within the purview of our rules, Pat? To strike the initial subject matter completely in committee and insert entirely different subject matter as it goes across the floor?

CLERK: Senator, it is not uncommon to have a committee insert an entire new subject matter in the form of committee amendments to a bill. That is not unusual.

SENATOR DWORAK: If you were to raise a question of germaneness, the fact that the whole bill was changed, would that question then become moot?

CLERK: Senator, I would feel more comfortable if you would address that to the Chair, to be very honest with you.

SENATOR DWORAK: I would direct that question to the Chair.

SENATOR CLARK: I don't know how many times I have seen it happen, Senator Dworak. To completely change a bill all the way around....

SENATOR DWORAK: But I am talking about in the stage of the committee, Mr. Chairman, in all respect.

SENATOR CLARK: Well, I didn't....(interruption).

SENATOR DWORAK: I know on the floor we are aware of that, but when this happens in committee, does the floor have an opportunity to challenge or act on that?

SENATOR CLARK: As far as I am concerned it is all right. I don't know that it is all right, but it has happened so many times, but it's in keeping with the prerogative of what we do.

SENATOR DWORAK: Thank you, Mr. Chairman.

SENATOR CLARK: Right or wrong.

SENATOR DWORAK: Thank you.

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SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman, we just voted on LB 129, and as everybody here will recall, that bill as originally written was to decriminalize public drunkenness, and we had a vote to send it back to committee because it came out of committee completely gutted and instead of being a bill to decriminalize public drunkenness, it became the bill that we just advanced, putting a tax on alcohol. Therefore, I have to say with Senator Dworak, even though the vote that day lost to send that bill back to committee, a couple of days later the Speaker did decide that taxing alcohol was not germane to making drunkenness a crime, and it was sent back to the Judiciary Committee. So I have to think Senator Dworak has a point here on this particular amendment. It has not had a public hearing. I couldn't vote for that amendment without it having a public hearing or I would be a hypocrite.

SENATOR CLARK: It would be your privilege to ask to have it sent back if you would like.

SENATOR HIGGINS: Only because I believe in it. Only because I believe it is the rules that is right that the public have a hearing on something that they have never had a public hearing on.

SENATOR CLARK: It is the prerogative of any Senator to ask to have a committee sent back to hearing, but it has to be voted on to be sent back.

SENATOR HIGGINS: Well, I did that once and lost, so I will let a stronger Senator than me do it.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Well, Mr. President, I think we are making a mountain out of a molehill. As all of you know, this has happened before. I know a lot of us don't really care about it unless it happens to be an issue that we are interested in. I think this is just an extension of something we did before, and it certainly had a hearing. I haven't heard anybody say they weren't in agreement with what we are trying to do. So I think we are just killing time. I think we ought to go ahead and move the bill along and vote on it.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Yes, Mr. Chairman, in reply to Senator Higgins,

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that was a major issue increasing liquor tax which nobody had an input on, and I don't think anybody would object to having an extension of a deadline such as this innocuous bill that all it does is just extends a date that was set up last year in error. It should have been... well, it should have been set up farther down the road, which was my mistake and I....all I want is cooperation from the body to extend this compact so we could enact it this year. Pardon? Yes, Senator Higgins, do you have a question?

SENATOR HIGGINS: Yes. Is it germane to this bill?

SENATOR MARESH: Well, no, but you have the right to ask that it be referred back to committee if you wish.

SENATOR HIGGINS: No, I won't do that. I just say that if it is not germane to the bill, I won't vote for the amendment.

SENATOR MARESH: You should have been here when Senator Schmit....(interruption).

SENATOR HIGGINS: Because it happened to me and I don't feel it's right that it happened.

SENATOR MARESH: Senator Schmit one time amended a bill that had to do with meat packing houses and put in a mal-practice bill into that and we passed it and it was because the deadline was coming for the session to end and we had to get it passed.

SENATOR HIGGINS: That was before Higgins got here.

SENATOR CLARK: There is a motion on the desk. Before we get to that motion, I would like to announce the presence of 66 Fourth Graders from Papillion LaVista School. Mrs. Char Brown, Mrs. Gleason and Mrs. Batten are the teachers. They are in the south balcony. Would you raise your hands and be recognized, please? Welcome to the Legislature. We will take the motion on the desk.

ASSISTANT CLERK: Mr. President, Senator Landis moves that LB 118 be returned to the Business and Labor Committee for public hearing.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, in talking about the rules we are mixing our metaphors here

and actually drawing...we are joining two diversion policies with our discussions today. The discussion of germaneness has to do with our rule that one subject be covered in a bill, and that is the reason for germaneness. Germaneness is to ensure that a bill has one subject matter and that is pursuant to our rules. However, we also have talked about the replacement of one subject matter with an entirely different subject matter, and there the issue is not germaneness but public notice, and those are two different policies. What we have here is we have a lack of public notice, a lack of public reaction and a lack of the opportunity of individuals to testify and give their opinions as to the efficacy of joining in this compact at this time and renewing the compact. And I think it behooves us particularly on today when I think this question is going to be before us in other contexts that we follow our rules and we don't distinguish between important and unimportant bills, but we simply follow the rules. And the rule says that for every bill you have a hearing. And that is what we have here. We have an open process of deliberation that allows the public to react to legislative proposals. What we have now in these committee amendments a legislative proposal that has not been reacted to by the public. I intend to object to that not only in this context but perhaps some of the other contexts that we'll be discussing later today. It behooves us to be consistent and I think we make no distinctions based on how small or insignificant the bill might be and the fact that the hearing might go unattended, but that we follow the normal policy of public hearings for legislative proposals. Now with respect to the germaneness issue, the germaneness issue is to see that an amendment to a bill follows along with the subject matter previously discussed. For example, a bill comes out of committee, the bill has had a public hearing and then on Select File an amendment of a very different nature comes onto the bill for which there was no contemplation at the public hearing, for which there has been no notice and for which, actually, you have the confluence of two different legislative proposals. That is the policy of germaneness, and that is actually not involved here because germaneness is an issue that takes place on the floor of the Legislature and not in the committee. However, with respect to the committee, the policy of public hearing and public notice does take place. Senator Dworak is correct to object. I think Senator Higgins is correct to object, and that is why I make this motion.

SENATOR CLARK: I would like to announce guests of Vicki Krejci from Senator Stoney's District, Mr. and Mrs. Lee and

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Mr. and Mrs. Kim. They are from Korea. They are under the south balcony. Would you stand and be recognized, please. Welcome to the Legislature if you were here. Senator Maresh.

SENATOR MARESH: Yes, Mr. Chairman, a question of Senator Landis.

SENATOR CLARK: Senator Landis.

SENATOR MARESH: You agree that you are putting a kill motion on this bill by sending it back to committee, don't you?

SENATOR LANDIS: No, I don't.

SENATOR MARESH: Sure, because the bill won't be passed this session and it is needed to....the compact expires July 1st, 1981, so we have to start all over next year to have another bill and all these other states will have to go through their process. So we are just killing the whole compact by....(interruption).

SENATOR LANDIS: No, I just asked that this bill be returned....(interruption).

SENATOR MARESH: Yes, but do you think it has a chance to have a public hearing and be back here and still be acted on this session?

SENATOR LANDIS: You bet.

SENATOR MARESH: No, it doesn't, because you have to give a week's notice for a hearing and then hold the hearing and get it back here on the floor and....

SENATOR LANDIS: I believe it is five days notice, and we have some days of recess as well.

SENATOR MARESH: I beg your pardon, it takes a week's notice now.

SENATOR LANDIS: We have days of recess coming between now and then, we can give the notice yet this afternoon. That hearing could take place a week from today. We would also have five or six legislative days....(interruption).

SENATOR MARESH: That wouldn't be long enough to get it across the board. I will argue that point.

SENATOR CLARK: Senator Schmit, did you want to talk on

the motion?

SENATOR SCHMIT: Mr. President and members of the Legislature, I agree with Senator Maresh that if the bill is sent back to committee, it is dead. No one in his wildest imagination can imagine that that bill could get back here and be discussed any more. I recognize that what we are doing here is perhaps a little unconventional but it has been done many, many times in cases of emergency, and Senator Maresh is completely right when he pointed out that we did take a bill that was supposed to govern the control of slaughterhouses and converted it into a medical malpractice bill a few years ago. We have done many such instances. The issue before us today is whether or not the compact shall be renewed. Now if you don't want to do that, then you just vote against it. But I think to hang your hat on a technicality, albeit whether you agree or disagree, is not being consistent, and I think that the issue is important enough to the State of Nebraska that we should consider it. I think that if you are around here long enough, you are always going to come upon the time when something which is of great interest to yourself or myself will need to be dealt with in this manner. We saw that happen in the case of the Falstaff Brewery earlier this session where we moved with proper haste I think to take care of an issue. We have done that before and that is a courtesy that we show each other from time to time, a courtesy which I would have to say I am sorry to say is not always present at the present time. I would be against sending the bill back to committee. If you don't like it, kill it.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, some of us who are sitting in the back oftentimes maybe have a chance to see some things that the people sitting in the front don't have the chance to see, and maybe we don't. But it appears from this seat that what we are really talking about is not Senator Maresh's 118 or not 118 at all but perhaps we are really talking about 318 and maybe trying to set some kind of a precedent as far as that bill is concerned, and, you know, that is kind of nice, I guess, if that's the position the educators like to take. But I think that these issues are not tied together. I don't think they should be tied together. I think Senator Maresh has worked on the barge thing for a great deal of time and we all like to have public hearings when that is possible and when that is appropriate. But I don't think that this issue is so complicated or so complex and I, for one,

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am willing to put my trust in Senator Maresh's leadership on this issue and support him. I think it would be unwise of us to play this game that may relate to LB 318. I think we ought to support Senator Maresh now.

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Hello. Mr. President, I have I think a solution to this problem, if Senator Maresh would yield to a question and then if Senator Landis would also yield to a question. Senator Maresh first.

SENATOR MARESH: Yes, Senator Goodrich.

SENATOR GOODRICH: Would you be agreeable, for example, to going ahead and advancing this bill to Select File and then before the bill goes off of Select File in the meantime between now and the time it goes off Select File, you would actually hold a hearing on the subject matter involved?

SENATOR MARESH: Have a hearing held by the Business and Labor Committee?

SENATOR GOODRICH: Yes.

SENATOR MARESH: Yes, I would, Senator Goodrich. I promise I would on Select File, I would set it up for public hearing.

SENATOR GOODRICH: Senator Landis, would you respond to the same question? Would you be willing to see the bill advance so that it gets off of General File and can be considered this session, at least, as long as they agree to hold a hearing on the subject matter between now and the time it goes off of Select File.

SENATOR LANDIS: That would be acceptable to me. I would withdraw my motion.

SENATOR GOODRICH: Thank you. I think then we can just go ahead and vote on the proposal and be done with it.

SENATOR CLARK: The motion is withdrawn. It will change the title to conform. Is there any further action on the bill? The question before the House then is the advancement of 118. We have to adopt the committee amendments I guess first. The adoption of the committee amendments is the motion.

SENATOR MARESH: I move that the committee amendments be adopted.

SENATOR CLARK: You have heard the motion. All those in

LB 118, 129A, 165, 181, 224, 234, 234A,
273, 273A, 303, 326, 336, 360, 394,
396, 411, 459A, 485, 551 - 554

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favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

SENATOR CLARK: Is there any discussion on the advancement of the bill? If not, all those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

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LB 318, 118, 448, 411

CLERK: 25 ayes, 1 nay on adoption of the Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. The next motion.

CLERK: Mr. President, I don't believe I have anything further on the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move that LB 318 as amended be advanced to E & R Initial.

SENATOR CLARK: You heard the motion, is there any discussion? All those in favor of moving the bill to E & R vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on advancing the bill? This is the last bill we are taking. Record the vote.

CLERK: 26 ayes, 0 nays on a motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. Senator Sieck, we have got to read a few things in and then would you adjourn us until nine o'clock tomorrow morning.

CLERK: Mr. President, Senator Koch had amendments to 318 that he would like to withdraw.

Senator Maresh offers notice of hearing on the State Labor Contracts for next Wednesday at one o'clock. LB 118.

Mr. President, Senator Sieck has amendments to 411 he would like to print in the Journal; and Senator Lamb amendments to 448 he would like printed in the Journal, and that is all that I have.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I move that we adjourn until nine o'clock tomorrow morning.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary A. Turner

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LB 248A, 318, 334, 334A,
LB 184, 118, 129, 190, 248,
LB 463, 487

at Arms will secure the Chamber. All members who are not at their desks will return to their desks. All members will record your presence. The House is under Call. The House is under Call. Senator Goodrich, Senator Wagner. Senator Haberman is right here. Senator Labedz, Senator Pirsch. We can take call in votes, Mr. Clerk, yes.

CLERK: Senator Fowler voting yes. Senator Kremer voting yes. Senator Marsh voting no. Senator Wagner voting no. Senator Labedz voting yes.

PRESIDENT: All right, record the vote.

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: All right. The motion carries and LB 184 is advanced to E & R Initial. You want to read some material in, go ahead, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 487 in the Journal.

Mr. President, LBS 190, 334, 334A, 463, 248 and 248A 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 190, LB 334, LB 334A, LB 463, LB 248 and LB 248A.

CLERK: Mr. President, an announcement from the Public Works Committee regarding an executive session to discuss interim study resolutions.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 129 and recommend that same be placed on Select File with amendments; LB 118 Select File; and LB 318 Select File with amendments; all signed by Senator Kilgarin as Chair.

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LB 129A, 118, 318

SENATOR CULLAN: Mr. President, members of the Legislature, I just rise to say I support the Warner amendment. I see no major problems with it. The one thing I wanted to clarify for the record is that LB 129 nor LB 129A do any earmarking of any sort. These programs come before the Appropriations Committee to be reviewed annually so there is absolutely no earmarking. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Warner amendment. All those in favor of that motion vote aye, opposed vote no. The Warner amendment. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Now all those in favor of advancing the bill say aye, opposed no. Motion is carried. The bill is advanced. Next bill.

CLERK: Mr. President, LB 118, I have nothing on the bill.

SPEAKER MARVEL: The motion....Senator Maresh.

SENATOR MARESH: Mr. Speaker, I would like to report that the committee held a hearing on this bill today and there was no opposition, so we cleared that part, so I would like to say that there is no problem with this bill.

SPEAKER MARVEL: Okay, the motion is the advancement of the bill. All those in favor of the advancement of the bill say aye. Opposed no. The motion is carried. The bill is advanced. 318.

CLERK: Mr. President, there are E & R amendments to LB 318.

SPEAKER MARVEL: We are talking about the E & R amendments to 318. Okay.

SENATOR KILGARIN: I move the E & R amendments to LB 318.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator DeCamp had amendments on page 1905 that I understand he wishes to withdraw.

SPEAKER MARVEL: If no objection, so ordered. Senator DeCamp.

SENATOR DeCAMP: Mr. President, we will withdraw that one because Senator Koch and I are offering a joint one. So

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LB 376, 111, 118, 129,
129A, 138, 523

SENATOR BARRETT: How many are still absent? Two excused? Yes, proceed in reverse order if you would please.

SPEAKER MARVEL: Mr. Clerk.

CLERK: 25 ayes, 22 nays, 2 excused and not voting. Vote appears on page 2206 of the Legislative Journal.

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

CLERK: Mr. President, while we are waiting your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 111 and find the same correctly engrossed, 118 correctly engrossed, 129, 192A, 138 and 523 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER MARVEL: The motion is not debatable. The motion is to adjourn until 9:00 tomorrow. A machine vote has been requested. All those in favor of adjournment vote aye, opposed vote no. Okay, motion carried. We are adjourned until 9:00 a.m.

Edited by


Mary Turner


Arleen McCrory

May 27, 1981

LB 111, 118, 129

SENATOR CLARK: The amendment is withdrawn. That is all we have. We will go to item #6. Do you have some things to read in? We will go to item #6, Final Reading. All senators will take their seats. All senators will be in their seats before we start Final Reading. Mr. Sergeant at Arms, will you keep them from scattering there before we get on it. We will start Final Reading when we get everyone in their seats. (Gavel.) Can we get everyone in their seats, please. The Clerk will read on Final Reading, LB 111.

CLERK: (Read LB 111 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? There is not much reason to hold it open up here because you are all in your seats. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2338 of the Legislative Journal.) 25 ayes, 15 nays, Mr. President, 5 excused and not voting, 4 present and not voting.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 118 with the emergency clause.

CLERK: (Read LB 118 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: (Read record vote as found on page 2339 of the Legislative Journal.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 129.

ASSISTANT CLERK: (Read LB 129 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied

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LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 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 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

May 29, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: Prayer offered.

PRESIDENT: Roll call. 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: One little one, Mr. President, on page 2378, insert the contents of LR 194.

PRESIDENT: All right, the Journal will stand published as corrected. Any messages, reports or announcements?

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.