

January 13, 1981

LB 122 - 133

RECESS

SPEAKER MARVEL PRESIDING

CLERK: Mr. President, Senators Sieck, Clark, Nichol would like to be excused until they arrive.

SPEAKER MARVEL: Clerk, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have some items to read in now?

CLERK: Mr. President, I do. I have a Reference Report from the Executive Board referring LBs 81 through 113. (Signed) Senator Lamb, Chairman. (See page 133, Legislative Journal.)

Mr. President, new bills: LB 122, title read; LB 123, title read; LB 124, title read; LB 125, title read; LB 126, title read; LB 127, title read; LB 128, title read; LB 129, title read; LB 130, title read; LB 131, title read; LB 132, title read; LB 133, title read. (See pages 134 to 136, Legislative Journal.)

SPEAKER MARVEL: I would like to alert you to the schedule for tomorrow. At eight thirty will the chairmen please make a note that we would like to meet in Room 1520 to discuss two or three items, one of them is the calendar; another has to do with the ending date as far as the introduction of bills is concerned. At nine o'clock the Legislature will convene, and at ten o'clock the Governor will come over and give us his State of the State message. So at eight thirty the chairmen at a caucus in Room 1520, nine o'clock we will convene and the Governor will be in at ten o'clock. Are we ready, Mr. Clerk? Senator Wesely. Senator Wesely, are you prepared to bring the Legislature up-to-date as to where we are at the moment and where we need to go in the immediate future?

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, we have now taken care of three issues dealing with the Rules that were of some controversy and we are now left with the rest of the Rules of the blue book. We have dealt with Rule 7, Section 1; Rule 3, Section 11; and Rule 5, Section 5. We are now to the rest of the rules in the blue book and that is what is now open for discussion. We have a number of rule changes that have been proposed that are on the desk of the Clerk which we will go through in the order in which they have been

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

January 12, 1982

LB 131, 255, 341,  
664, 797

CLERK: Mr. President, if I may right before that, I have notice of hearing for the Constitutional Revision and Recreation Committee for January 28 and 29. Your committee on Education gives notice of hearing for January 19. Your committee on Public Health gives notice of hearing for Monday, January 18, and Tuesday, January 19. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 664 and find the same correctly engrossed.

Mr. President, new bill, LB 797 offered by Senator Vickers. (Read title). (See page 249 of the Legislative Journal).

Senator Wagner and Hefner would like to print amendments to LB 255 in the Journal, Mr. President. (See page 249 of the Legislative Journal.)

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler to whom was reported LB 131 reports same to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Are we ready for 341?

CLERK: Yes, sir.

SPEAKER MARVEL: Okay, LB 341.

CLERK: Mr. President, LB 341 offered by Senator Hoagland. (Read title). The bill was read on January 19 of last year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Nichol, do you want to take the committee amendments?

SENATOR NICHOL: Yes, Mr. Speaker. The Judiciary Committee adopted one amendment to the bill which reinstates language which was stricken in the bill. The language which is reinstated prevents claims from being filed under the political subdivisions Torts Claim Act when these claims occurred before January 1, 1970. I move for the adoption of the committee amendments.

SPEAKER MARVEL: All those in favor of the committee amendments as explained by Senator Nichol vote aye, opposed vote no. Have you all voted?

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

SENATOR KAHLE: Well my big problem of course is that you designated who the mortician is going to be but it is an open ended thing as far as what he can charge. That bothers me a bit.

SENATOR HIGGINS: Okay, Senator, we'll see what we can do on Select File to keep them honest.

SENATOR KAHLE: Thank you.

SPEAKER MARVEL: Do you move the advancement of the bill?

SENATOR HIGGINS: Yes, Mr. Speaker.

SPEAKER MARVEL: The motion is the advancement of the bill as explained by Senator Higgins. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. 210.

CLERK: Yes, Mr. President, I have a request from Senator Vickers to pass over LB 210.

SPEAKER MARVEL: Hearing no objections, so ordered. 210 is passed over and goes down to the pass over file. 210A the same? Okay, LB 131 is the next item.

CLERK: Mr. President, LB 131 offered by Senator Newell. (Read title.) The bill was read on January 13 last year. It was referred to the Nebraska Retirements Systems for public hearing, Mr. President. The bill was advanced to General File. There are Retirement Committee amendments attached.

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I would move for adoption of the committee amendments to LB 131. The committee amendments were brought to the...this is a bill we had last year, Senator Newell's. The Omaha Schools' over the interim looked over the bill and brought these amendments to us. The Omaha School Retirement System is a separate and distinct teacher retirement plan with its own statutory provisions and then the rest of the teachers in Nebraska are under the teacher retirement plan so the Omaha has their own system. It has kind of been custom that no changes have ever been made, at

least recently no change has been made without concurrence of the Omaha Schools Administration, school board and the participants in the plan. The amendments are brought with the full concurrence of all parties, the Omaha School Board, the Omaha administration, the teachers and the service employees. They have been developed through an actuarial study and these are the committee amendments. The amendments quickly summarize highlights. It changes from a life annuity equal to sum of retirement benefits accumulated for years of service participant to a final average salary concept. The benefit formula would be 1.5 times average salary of the highest three years. Rather than the career average it moves to the final average of salary. It enables for those who have decided to work from age sixty-five to age seventy to continue to work as a... to participate in their retirement plan as far as contribution. Currently the law said that if you worked from sixty-five to seventy you could not contribute or earn benefits. This allows that to be possible. Currently there is a staggered contribution rate for employees that I think was established because it was tied into the Social Security cut off point but the Social Security cut off point has been raised considerably and really that sort of staggered percentage contribution no longer makes sense. Currently if your salary is under \$7800 teachers would contribute 2.9% of salary and above \$7800 would contribute 5.25% of salary. LB 131, the amendments would provide the same percentage of salary, 4.9% for all employees. There are some smaller technical changes. I would move for adoption of these amendments. As I indicate, they are with the full concurrence of the Omaha School Board and school administration and participants in the plan.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as explained by Senator Fowler. All those in favor of the adoption of those amendments vote aye, opposed vote no. Have you all voted? Okay, record.

CLERK: 26 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried and the committee amendments are adopted.

CLERK: Mr. President, Senator Newell, you do want to withdraw that amendment that you had printed? Is that correct?

SPEAKER MARVEL: Senator Newell, do you wish to explain the bill?

SENATOR NEWELL: Mr. President, Senator Fowler basically explained the bill. The amendments become the bill. It is an agreed to retirement change in the Omaha Public

February 2, 1982

LB 131, 287

Schools. It is agreed to by all parties. They are pretty excited about it. Everybody is very happy. Senator Fowler explained the bill. It makes some very positive changes. It's actuarially sound. Everybody is in love with it. I move the advancement.

SPEAKER MARVEL: The motion is the advancement of the bill as explained by Senator Newell. All those in favor of the motion vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

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

CLERK: Mr. President, while we are waiting, new resolution, LR 212, offered by Senators DeCamp, Beutler, Koch, Newell, Wiitala, Labedz, Fowler, Chambers, Wesely, Landis, Vard Johnson and Kilgarin. (Read LR 212 as found on pages 510-511 of the Legislative Journal.) That will be laid over, Mr. President, pursuant to our rules.

SPEAKER MARVEL: Before we return to LB 287 I would like to once again give you nine numbers to look at and the first one is 649, 571, 597, 598, 646, 654, 692, 628, 630. After we get through with 287 then we will revert to these particular bills we just enumerated. LB 287.

CLERK: Mr. President, LB 287 offered by Senator Rumery. (Read title.) The bill was read on January 19 of last year, referred to the Retirement Systems Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Fowler, do you wish to discuss the committee amendments?

SENATOR FOWLER: Yes, I think I have an amendment to the committee amendment up there. Is that correct, Pat?

CLERK: Yes, sir, you do.

SENATOR FOWLER: Okay, yes, I need to move the technical amendment to the committee amendments. Maybe I should explain the bill and the amendments and explain what the technical amendment does. Okay, the bill is Senator Rumery's bill and it originally introduced for public employees abolished mandatory retirement. Currently the retirement age is seventy. A couple systems allow an extension for a year or two, up to seventy-two. That was the original bill.

February 4, 1982

All Senators that are in their seats, please check in. Will you all check in or shall I call out the names? Senator Sieck, Senator Kremer. All right, they are all here. Do you want a roll call vote? The Clerk will call the roll. They are all here.

CLERK: (Roll call vote taken. See page 545, Legislative Journal.) 27 ayes, 20 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion is to place #758 on General File notwithstanding the action of the committee. Senator Fowler. The Clerk would like to read in and the Call is raised.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 819 advanced to General File with the committee amendments attached. That is signed by Senator Carsten as Chair. (See page 546 of the Journal).

Mr. President, Banking, Commerce and Insurance gives notice of cancellation of hearing. Signed by Senator DeCamp.

Mr. President, Senator Wesely would like to withdraw LB 237. That will be laid over.

Senator Vickers would like to print amendments to LB 230 in the Legislative Journal. (See pages 546 and 547 of the Journal). Senator Kahle to print amendments to LB 703 in the Legislative Journal. (See pages 547 and 548 of the Journal). Senator Schmit to print amendments to LB 421 in the Journal. (See page 549 of the Journal).

Mr. President, new A bill, 590A by Senator Kilgarin. (Read title).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 255A and recommend that same be placed on Select File; 440 Select File with amendments; 314 Select File with amendments; 131 Select File with amendments; 287 Select File with amendments; 649 Select File; 571 Select File; 598 Select File and 646 Select File. Those are all signed by Senator Kilgarin as Chair. (See pages 549 through 552 of the Legislative Journal).

Mr. President, Senator Fowler moves that LB 758 be placed on General File notwithstanding the actions of the Appropriations Committee.

February 5, 1982

LB 131, 314, 440

SENATOR KILGARIN: Call of the House.

SPEAKER MARVEL: A Call of the House requested? A Call of the House is requested. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 15 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. All Legislators please return to your seats, record your presence. The Chair will accept call in votes.

CLERK: Senator Burrows voting yes, Senator Warner voting yes. Senator Hoagland voting yes.

SPEAKER MARVEL: Have you all voted?

CLERK: Senator Chambers voting yes. Senator Vard Johnson voting yes.

SPEAKER MARVEL: Okay, record the vote first.

CLERK: 25 ayes, 13 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. LB 314.

SENATOR KILGARIN: I move the E & R amendment to LB 314.

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

SENATOR KILGARIN: I move we advance LB 314.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 131.

SENATOR KILGARIN: I move the E & R amendment to LB 131.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 131.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill, LB 287.



February 9, 1982

LR 217  
LB 115, 115A, 131, 255A, 274A,  
287, 314, 440, 454, 520, 591, 954

Your committee on Revenue whose Chairman is Senator Carsten reports LB 591 advanced to General File.

Your committee on Education reports LB 520 advanced to General File with committee amendments attached. Those are all signed by the respective Chairmen.

Mr. President, Senator Sieck asks unanimous consent to withdraw his name as co-introducer from LB 954.

SENATOR NICHOL: No objection, so ordered.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 115 and find the same correctly engrossed; 115A correctly engrossed; 131 correctly engrossed; 255A correctly engrossed; 274A correctly engrossed; 287 correctly engrossed; 314 correctly engrossed; 440 correctly engrossed, and LB 454 correctly engrossed, all signed by Senator Kilgarin as Chair.

SENATOR NICHOL: We will go on to LR 217, Mr. Clerk.

CLERK: Mr. President, LR 217 offered by Senator Koch, found on page 576 of the Journal. (Read LR 217).

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, this is noncontroversial I hope. This is merely an endorsement of vocational education week and this is the week that we highlight and I don't think it needs a great deal of explanation, and I ask for the adoption of resolution 217.

SENATOR NICHOL: The question is LR 217. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of LR 217.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would like to have a record vote on this and I want to see whether we are really loyal or we are just making fun.

February 19, 1982

LB 131, 274, 274A

SPEAKER MARVEL: We are now...I am going to have to have the attention of the Legislature or we won't be able to move today at all. We are now ready for Final Reading. (Gavel.) We are ready for Final Reading and I would call to your attention, still don't have the attention of the Legislature. There is a very important item coming up, and if you aren't prepared, then that is your problem. At the bottom of this sheet we indicate that noon is the deadline for priorities, noon for priorities. So I would call this to your attention as we proceed now on approximately two hours of Final Reading. All legislators please return to your seats. Our rules indicate that we cannot begin Final Reading until all Legislators are in their seats. Item #6, Final Reading. Clerk will read. Okay, the Clerk will read.

CLERK: (Read LB 131 on Final Reading.)

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

CLERK: (Record vote read. See page 762, Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Next, LB 274.

CLERK: (Read LB 274 on Final Reading.)

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

CLERK: (Record vote read. See pages 762 and 763, Legislative Journal.) 41 ayes, 2 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 274A.

CLERK: (Read LB 274A on Final Reading.)

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

February 19, 1982

LB 131, 274, 274A, 287,  
314, 402, 440, 454,  
589, 646, 649, 904

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 131, LB 274, LB 274A, LB 287, LB 314, LB 402, LB 440, LB 454, LB 589. The next order of business is Final Reading on LB 646.

CLERK: (Read LB 646 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, opposed vote no. LB 646. Have you all voted? This is voting on Final Reading, LB 646. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 786, Legislative Journal.) 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 649.

CLERK: (Read LB 649 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, opposed vote no. LB 649 on Final Reading. Record the vote.

CLERK: (Record vote read. See page 787, Legislative Journal.) 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senator Cullan would like to have an executive session of the Public Health and Welfare Committee Monday morning at nine o'clock in Room 1019. That is Public Health and Welfare Monday morning, nine o'clock in Room 1019.

Urban Affairs instructs me to report LB 904 indefinitely postponed. That is signed by Senator Landis as Chairman.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Beyer, would you like to adjourn us until Monday morning at nine-thirty.

SENATOR BEYER: Mr. Speaker, I move that we be adjourned until Monday morning at nine-thirty.

LR 211, 224  
LB 131, 192, 198, 211, 224, 231,  
239, 263, 270, 274, 274A, 287,  
314, 402, 440, 448, 450, 454,  
465, 511, 547, 589, 592, 634,  
646, 649, 669A, 672, 827

February 22, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page