

January 8, 1981

LB 1-18

duced before we recess before this afternoon's ceremonies. So would you please get all the bills that you have ready for introduction up to the desk at this time so that we can proceed. Thank you. Proceed then, Mr. Clerk, with the introduction of the bills you do have.

CLERK: Read LB 1-18 by title for the first time. (See pages 74-77 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: Is Senator Marsh in the room?

PRESIDENT: Senator Marsh is right there.

SPEAKER MARVEL: Senator Marsh, do you have a Committee on Committees report that you would like to distribute and take up at this time?

SENATOR MARSH: Yes, Mr. Clerk, would you please start the distribution.

CLERK: Yes, Senator, it is on its way.

SPEAKER MARVEL: The item that we refer to is being added to the agenda as 5(a). This is to bring before you the Committee on Committees report for your consideration.

PRESIDENT: The Chair recognizes Senator Marsh as soon as we get the...we probably ought to wait until we make sure all of the reports are distributed, Senator Marsh, so why don't you just kind of watch...

SENATOR MARSH: Mr. President, I believe we are now ready.

PRESIDENT: All right, proceed.

SENATOR MARSH: Thank you very much. I will ask that the Clerk would read the cover letter on this report.

PRESIDENT: Mr. Clerk, go ahead.

CLERK: Mr. President, a communication from Senator Marsh addressed to Mr. Speaker and Senators: The following report is submitted as a final action of the Committee on Committees five hour meeting on Wednesday, January 7, 1981. Respectfully submitted, Shirley Marsh, Chairperson.

SENATOR MARSH: Mr. President, I move for the adoption of this report as the final action of the Committee on Committees following our five hour meeting on yesterday, January 7, 1981.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

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LB 1, 2, 15, 18, 60, 71

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Jack Glass, First Assembly of God.

PASTOR JACK GLASS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Carsten would like to be excused today; Senator Sieck until he arrives.

PRESIDENT: Have you all registered your presence? Record the presence.

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, Mr. President.

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

CLERK: I have several, Mr. President.

PRESIDENT: Proceed, Mr. Clerk.

CLERK: Mr. President, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 156 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Warner, Chairman.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 1 and find the same correctly engrossed; LB 2 correctly engrossed; LB 60 correctly engrossed; and LB 71 correctly engrossed. (Signed) Senator Kilgarrin, Chairman.

Mr. President, your committee on Education gives notice of hearing for the month of February and early March. That is signed by Senator Koch as Chairman. Your committee on Public Works gives notice of public hearing for March 4 and March 12, signed by Senator Kremer as Chairman.

Mr. President, Senator Wagner would like to have his name added as cointroducer to LB 18.

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LB 57, 15

SENATOR KILGARIN: I move the E & R amendments be adopted.

PRESIDENT: Motion to adopt the E & R amendments on LB 57. Any discussion? All those in favor of approving the E & R amendments on LB 57 signify by saying aye, opposed nay. The E & R amendments are adopted. Now, Senator Kilgarin.

SENATOR KILGARIN: I move LB 57 be advanced.

PRESIDENT: Motion to advance LB 57 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 57 is advanced to E & R for engrossment. We will now then move to agenda item #5, General File, and begin with LB 15.

CLERK: Mr. President, LB 15. (Title read.) The bill was first read on January 8 of this year. It was referred to the Education Committee for public hearing. The bill was advanced to General File by the Education Committee. I have no amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, I would move for LB 7 (sic) to be advanced to E & R Initial. What this bill does is strictly a permissive legislation to allow the companies that are impacting school districts to pay to school districts for that impactation, not only school districts, but we also have it for counties and cities coming up. This is strictly a permissive legislation. It is one that has been agreed to by all of the power companies. Comstock area is going to be impacted in 1982. The Sutherland has been impacted. That was declared unconstitutional, the last bill that Senator Rumery had. This will also take care of that impactation. They will have a retroactive payment coming into the schools and I would move for the advancement of the bill.

PRESIDENT: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, I would certainly like to thank Senator Clark for his efforts with his committee this summer and he invited me to sit in on it because the Comstock unit does lay in my district. I think he has done an excellent job on here solving a kind of a very difficult problem. I certainly do support the bill and again I want to commend Senator Clark and his committee for the work they did on it.

PRESIDENT: Any further discussion on LB 15? Hearing none, Senator Clark, do you want to close?

SENATOR CLARK: No closing.

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LB 15, 16

PRESIDENT: Motion then is the advance of LB 15 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: Motion carries. LB 15 is advanced to E & R for Review. Next bill up on General File is LB 16.

CLERK: Mr. President, LB 16. (Read title.) The bill was first read on January 8 of this year. It was referred to the Education Committee for public hearing. The bill was advanced to General File. I have no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Wiitala.

SENATOR WIITALA: Mr. President, members of the body, I introduced LB 16 on behalf of the Millard Public School system. LB 16 was passed out of committee with unanimous support. It directs itself to amending Section 79-102 Reissue Revised Statutes, 1976, by changing the population limit of Class III school districts from a maximum of 50,000 to a maximum of 100,000 persons living in Class III school districts. Class IV districts would be adjusted accordingly changing their lower limit from 50,000 to 100,000. The reasons for this change is basically to maintain a Class III status for the Millard Public Schools. Millard Public Schools desire this change in order that they might maintain their joint and cooperative programs with other Class III schools, also to maintain their personnel and administrative policies which are consistent with other Class III schools. It would also retain their involvement with Educational Service Unit #3 rather than creating an ESU unit solely for their own purposes. I would appreciate your support in advancing this bill to E & R Initial. If you have any questions at this time, I would be willing to try to answer them.

PRESIDENT: The Chair recognizes Senator Higgins.

SENATOR HIGGINS: Thank you, Mr. Chairman, Mr. Speaker. Senator Wiitala, was there any fiscal impact in this bill?

SENATOR WIITALA: No, Senator Higgins, no fiscal impact that I am aware of. It is just for classification purposes. It allows them to retain their status as a Class III school.

SENATOR HIGGINS: Okay, no school funds are going to be transferred one way or the other or any new additional funds

February 2, 1981

LB 15, 16, 130, 312

PRESIDENT LUEDTKE PRESIDING

DR. PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence?

CLERK: Mr. President, Senator Burrows would like to be excused until he arrives, Senators Hoagland, Goll and Dworak, until they arrive and Senator Wagner until he arrives.

PRESIDENT: Record the presence, Mr. Clerk.

CLERK: There is a 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 printed. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 15 and recommend that same be placed on Select File and LB 16 Select File, (signed) Senator Kilgarin, Chairman.

Mr. President, your committee on Administrative Rules and Regulations whose chairman is Senator Vard Johnson to whom we referred LB 130 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, (signed) Senator Johnson.

Mr. President, LR 11 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 11.

CLERK: Mr. President, your committee on Administrative Rules and Regulations gives notice of public hearing in Room 1113 for Wednesday, February 18 and your committee on Education gives notice of cancellation and rescheduling of hearing on LB 305, signed by respective chairmen. (See page 386 of the Legislative Journal.)

PRESIDENT: We are ready for agenda item #4, Motions, and the first motion is on LB 312 and Senator Stoney. Will you read the motion, Mr. Clerk.

CLERK: (Read Stoney motion regarding LB 312 found on page 380 of the Legislative Journal.)

February 6, 1981

LB 15, 16, 165

PRESIDENT: We will pass over the agenda item #4 since Senator Warner is absent and we will go on to agenda item #5 which is Select File. Ready, Mr. Clerk, then for LB 15 on Select File.

CLERK: Mr. President, I have no E & R amendments to LB 15.

PRESIDENT: Senator Kilgarin, do you want to just move LB 15 on to E & R for Review.

SENATOR KILGARIN: I move LB 15 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 15 to E & R. All those in favor signify by saying aye. Opposed nay. LB 15 is advanced to E & R.

CLERK: Mr. President, I have no E & R amendments to LB 16.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 16 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 16 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 16 is advanced to E & R for Engrossment. LB 165.

CLERK: Mr. President, I have an amendment on LB 165 offered by Senator Beutler.

PRESIDENT: Amendment on the desk. Read the amendment.

CLERK: Well, it's a....(interruption).

PRESIDENT: Do you want to just take it up? Senator Beutler, did you want to just take up the amendment... explain the amendment on LB 165?

SENATOR BEUTLER: Okay. Mr. Speaker and members of the Legislature, get you started thinking this morning. LB 165, as you may recall, is the Keyapaha County bill which basically provides that with regard to Class school districts the state is now going to pay 50 percent of the tuition costs of those students who the State Board of Education directs should be educated outside of Nebraska. As you may recall, I had objections at

February 9, 1981

LB 15, 16, 20, 27, 30, 37,
45, 82, 93, 108, 130,
140, 165, 165A, 178, 185,
187, 238, 244, 260

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Loren Mullins of the Warren United Methodist Church of Lincoln.

LOREN MULLINS: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence.

CLERK: Mr. President, Senators Vard Johnson, Carsten, Cullan and Dworak would like to be excused.

SPEAKER MARVEL: Okay, record. The machine is acting up and somebody will be here to fix it fairly soon. Meanwhile we will call the roll verbally. The Clerk will call the roll.

CLERK: Called the roll. We do have a quorum, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 20 and recommend that same be placed on Select File; LB 165A Select File; LB 178 Select File with amendments; LB 140 Select File; LB 37 Select File; LB 30 Select File; LB 130 Select File; LB 27 Select File; LB 82 Select File and LB 45 Select File, all signed by Senator Kilgarin, Chairperson.

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan to whom was referred LB 260 instructs me to report the same back to the Legislature with the recommendation if be advanced to General with amendments; LB 93 indefinitely postponed and LB 108 indefinitely postponed.

SPEAKER MARVEL: The Legislature will be at ease for the next ten minutes.

EASE

SPEAKER MARVEL: The Legislature will come to order.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 15 and find the same correctly engrossed, 16 correctly engrossed, 165 correctly engrossed, 185 correctly engrossed, 187 correctly engrossed, 238 correctly engrossed, 244 correctly engrossed,

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LB 15, 85, 120

CLERK: There is nothing on the bill, Senator.

PRESIDENT: Senator Kilgarin. 120.

SENATOR KILGARIN: I move LB 120 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 120 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 120 is advanced to E & R for Engrossment. LB 85.

CLERK: Nothing, Senator.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 85 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 85 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 85 is advanced to E & R for Engrossment. Anything further, Mr. Clerk

CLERK: No, sir.

PRESIDENT: All right. Ready for agenda item #7, Final Reading. Everybody...the Sergeant at Arms will see to it that all members are at their desks and all personnel are off the floor. We shall proceed with Final Reading when we have everybody at their places. As soon as everyone gets to his or her desk why we shall commence with Final Reading. We have almost an hour of it, so it probably would be well to get started. Are we about ready? While we are waiting, the Chair will note that Senator Fenger had a birthday on Sunday. He didn't say how old he was but there is fudge being distributed so as to make your Final Reading hour a little bit more acceptable. So, Happy Birthday, Senator Fenger, whatever the year is, Happy Birthday to you. All right, I guess....if all the members will get to their desks we will start with Final Reading. There are a couple of Senators on the floor if the Sergeant at Arms would... yes, sir, if you would. Thank you. Thank you. All right, we will commence with Final Reading. The first bill on Final Reading is LB 15. Mr. Clerk, proceed.

CLERK: (Read 15 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

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LB 15, 16, 92, 170

having been complied with, the question is, shall LB 15 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 536 and 537 of the Legislative Journal.) 44 ayes, 1 nay, 3 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: LB 15 passes with the emergency clause attached. The next bill on Final Reading will be LB 16, Mr. Clerk.

CLERK: (Read LB 16 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 16 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 537 and 538 of the Legislative Journal.) 46 ayes, 0 nays, excused and not voting, Mr. President.

PRESIDENT: LB 16 passes. The next bill on Final Reading will be LB 92, Mr. Clerk.

CLERK: (Read LB 92 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 92 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 538 of the Legislative Journal.) 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

PRESIDENT: LB 92 passes with the emergency clause attached. The next bill is LB 170.

CLERK: (Read LB 170 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure...

CLERK: No, I'm not done, I'm waiting for someone.

PRESIDENT: Oh, okay. We do have an awful lot of noise down here. Now it is quiet.

CLERK: (Continued reading LB 170.)

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LR 17, 13
LB 15, 16, 55, 76, 83, 92, 136,
144, 170, 185, 187, 199, 217,
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 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 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

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LB 15, 16, 92, 170, 185, 187,
190, 199, 238, 244, 269, 518

addressed to Senator DeCamp regarding LB 190.

Mr. President, Senator DeCamp asks unanimous consent to have his name added to 269 as coinroducer.

PRESIDENT: Any objections? If none, so ordered.

CLERK: Mr. President, I have notice from Senator Fowler designating LB 404 as priority bill and Senator Richard Peterson designating LB 269 as his priority bill.

Finally, Mr. President, I have...your Enrolling Clerk respectfully reports that she has yesterday at 2:13 p.m. presented to the Governor for his approval the following bills: 15, 16, 92, 170, 185, 187, 199, 238 and 244.

PRESIDENT: Thank you, Mr. Clerk. We would like to take this opportunity to introduce some guests of the Legislature. First, a very special guest of Senator Clark, a good friend of his from Bridgeport, Darrell Scheuler who is seated here under the south balcony. Mr. Scheuler, would you stand up. Welcome to your Legislature. And also under the south balcony we have some guests of Senator Goll, Everett Holstein from Blair, Nebraska, and Elvin Kruse from Bennington. Would they please stand and be recognized? We are ready then for motions, Mr. Clerk. Is Senator DeCamp here?

CLERK: Mr. President, Senator DeCamp moves to withdraw LB 518. The motion was presented yesterday and laid over pursuant to our rules.

PRESIDENT: LB 518. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, very briefly. 518 was a bill introduced by myself and Senator Howard Peterson and has to do with the Soukup case over in Grand Island. Because we have an alternate procedure that is hopefully going to be more effective, we would rather utilize that other procedure, the claims procedure, than utilize the bill at this time, and we can process that near the end of the session.

PRESIDENT: Any further discussion to Senator DeCamp's motion to withdraw LB 518? If not, that will constitute the opening and closing of Senator DeCamp. All those in favor of the motion to withdraw vote aye, opposed nay. Have you all voted? Record the vote.