

January 14, 1981

LB 176-184

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I feel guilty about offering this amendment, and it won't offend me at all if you reject it. In the most serious setting there should be a bit of humor to show that human beings are involved and not mere automatons. The sentence now says, "those individuals and groups not included, introduced, may be inserted in the Journal by request", and since the Journal is composed of pages it would be difficult to insert an individual let alone a group in the Journal. So my amendment was to say "recognition of those individuals and groups" could be inserted in the Journal, or the word could be "acknowledgement" whichever seems more appropriate, but maybe I ought to just leave this like it is, so I ask unanimous consent to withdraw this amendment.

SPEAKER MARVEL: Senator Newell, your light is on. Hearing no objection, so ordered. Senator Beutler, do you have an amendment?

SENATOR BEUTLER: I am sorry, I have lost track here. Senator Chambers had one more amendment, or....

SPEAKER MARVEL: No, it has been completed.

SENATOR BEUTLER: Yes, I think I do have three amendments that are being reproduced right now but I did notify Pat that they were filed.

SPEAKER MARVEL: Are the amendments ready to be processed?

SENATOR BEUTLER: Yes, they are.

SPEAKER MARVEL: Okay, the Clerk is going to read some bills while we are waiting for the next item.

CLERK: Mr. President, the committee on Urban Affairs gives notice of public hearing for January 28. (See page 170 of the Legislative Journal.)

Mr. President, new bills: LB 176 (Read title). LB 177 (Title read). LB 178 (Title read). LB 179 (Title read). LB 180 (Title read). LB 181 (Title read). LB 182 (Title read). LB 183 (Title read). LB 184 (Title read). (See pages 170 through 173 of the Legislative Journal.)

Mr. President, Senators Wiitala, Pirsch and Labeledz and Kiigarin ask to be added as co-introducers to LB 61.

SENATOR CLARK PRESIDING

February 27, 1981

LB 23, 32, 87, 90, 99,
111, 128, 166, 175, 180,
215, 283, 347, 413, 437,
465, 483

Senator Hefner reports 483 to General File.

Your committee on Ag whose Chairman is Senator Schmit reports 283 be advanced to General File with amendments.

Your committee on Judiciary whose Chairman is Senator Nichol reports 413 to General File with amendments; 32 General File with amendments; 215 General File with amendments; 180 General File; 347 General File with amendments; 111 General File with amendment; 465 General File; 99 General File with amendments; 87 General File with amendments; 23 Indefinitely postponed; 90 Indefinitely postponed; 166 Indefinitely postponed; 175 Indefinitely postponed. (Signed) Senator Nichol, Chair.

Your committee on Urban Affairs whose Chairman is Senator Landis reports 437 to General File with amendments. (Signed) Senator Landis.

Mr. President, LB 128 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 13 and referred to Retirement for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

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

SENATOR RUMERY: Mr. President, members of the Legislature, if I could have your attention for a few minutes, I would appreciate it. We introduced this bill for these reasons, that should a member of the school employee's retirement system die before retirement, LB 128 would provide an option for the payment of benefits to the spouse of the member, if the spouse is the sole surviving beneficiary. Presently the law provides that if a teacher has twenty years service and is at least 55 years of age or thirty years of service regardless of age and dies before retirement, a monthly annuity for life would be paid the spouse if the spouse is the sole surviving beneficiary in an amount equal to the joint and survivor benefit that would have been paid if the deceased member had retired on the date of death. The joint and survivor benefit is a greatly reduced benefit. The amount of the reduction is determined by the age of the deceased member and the age of the spouse. There are times when the surviving spouse would prefer to have a lump sum benefit rather than a meager monthly payment for life. Often a surviving spouse of a deceased member needs funds for retraining or to enter another job market or to invest in a business that may have some opportunity. LB 128 would give a spouse who is the sole surviving beneficiary

April 27, 1981

LR 64
LB 58, 283, 491, 499, 180

Mr. President, a communication from the Governor addressed to the Clerk. (Re: LB 58, 283, and 491. See Legislative Journal, page 1594.)

Mr. President, a new resolution offered by Senator Wesely. (Read LR 64. See pages 1596 and 1597, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senators Fowler and DeCamp ask unanimous consent to add their names to LB 180 as coinroducers.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: That is all that I have at this time, Mr. President.

SPEAKER MARVEL: I would like to recognize Senator Vickers for an announcement and then we will go to LB 499 which will be the last bill for the afternoon. Senator Vickers.

SENATOR VICKERS: Mr. President, thank you very much. Mr. President and members, on your desks this morning you found a little page with the schedule of events for Heritage Days to be held at McCook, Nebraska, May the 1st, May the 2nd and May the 3rd, and along with that schedule, I am issuing to you an invitation from the McCook Chamber of Commerce to any and all of you that are able to be there on Saturday, May the 2nd for their parade at ten-thirty and they would like to have you there a little bit ahead of time and vehicles will be provided for anybody that...any of the members that were able to be there and also the luncheon put on by the Cordials, the ladies group of the Chamber of Commerce, and I might add it will be a very enjoyable luncheon, I am sure. As you notice, there is a variety of ethnic foods will be available, and also, of course, it is out in the middle of the 38th District and I would be happy and proud to be your host to any and all that could make it. Thank you, Mr. President.

SPEAKER MARVEL: Thank you, sir. Okay, we are now ready to go to LB 499.

CLERK: Mr. President, LB 499 (read title). The bill was first read on January 20, referred to Public Health and Welfare. The bill was advanced to General File. There are committee amendments pending by Public Health and Welfare Committee, Mr. President.

SPEAKER MARVEL: Senator Cullan, committee amendments to LB 499.

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LB 180, 180A, 198, 359,
387, 687, 688, 689

Senator Fowler would like to print amendments to LB 387.
(See page 142 of the Journal.)

Senator Warner would like to print amendments to LB 198.
Senator Landis to 180 and 180A. (See page 143 of the Journal).

Mr. President, two new bills. LB 687 offered by Senators Haberman, Nichol, Kahle and VonMinden. (Read title). LB 688 offered by Senators Fowler, Landis and Wesely. (Read title). LB 689 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title). (See page 144 of the Legislative Journal).

SPEAKER MARVEL: Next take up LB 359.

CLERK: Mr. President, LB 359 was a bill introduced by Senator Newell. (Read title). The bill was introduced on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I am not sure how to proceed procedurally and would ask the opinion of the Chair. There is before the Clerk a substitute amendment which would, in effect, gut all of 359, at least as it is written, and rewrites much of the same provisions placing all responsibility for elections rather than with the SID as it is now currently with the Election Commissioner. Much of what was to be accomplished by the committee amendments and the terms of LB 359 would be accomplished under this substitute amendment but ultimate responsibility would be shifted, and I think since that is what the introducers want to approach now, I would ask that we not handle the committee amendments at this time but proceed to the substitute amendment and since that is in effect the LB 259 incarnation that the introducers want to talk about perhaps we should pass over the committee amendments at this time.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, I was going to suggest to Senator Landis that perhaps since they have changed the bill considerably they might wish to take it back for another hearing. I notice it changes it substantially, whatever that means and I wonder if you would consider that,

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LB 215, 347, 180

SPEAKER MARVEL: Senator Chronister, do you wish to close?

SENATOR CHRONISTER: Yes, Mr. Speaker and members of the body, I think the issues to keep in mind regarding LB 215 is to remember that no change was made in the substantive law of the termination of parental rights. The bill only corrects a deficiency in Section 42-364. It would put parents on notice about conduct which could subject them to termination of parental rights. Section 42-364 is part of the divorce statutes. The inserted language is taken from Section 43-209 which is part of the juvenile court statutes. Section 43-209 has withstood a constitutional challenge in Nebraska similar to the one which overturned Section 42-364. I urge advancement of the bill. Thank you.

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

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. The next bill is LB 180.

CLERK: Mr. President, LB 180 introduced by Senator Landis and DeCamp and Fowler. (Read title). The bill was first read, Mr. President, on January 14 of last year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Yes, Senator DeCamp was planning to handle this bill, and since he is not here, why don't we I guess move on because he wanted to handle it.

SPEAKER MARVEL: Okay, do you want to move on?

SENATOR FOWLER: Yes, the same for the A bill, too, until Senator DeCamp gets back.

SPEAKER MARVEL: Okay, any objection. If not, so ordered. We will go to LB 347.

CLERK: Mr. President, LB 347 (Read title). The bill was first read on January 19 of this year. The bill was referred to the Judiciary Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee

January 8, 1982

LB 180, 347, 709

SENATOR SCHMIT: Mr. President and members of the Legislature, I think the bill is in better form than it was and again I want to commend the persons who drafted the bill for their efforts in attempting to provide some additional methods of correcting the abuses that are addressed by this bill. But I want to ask you to again review the bill very carefully, as I did yesterday. I think that we were treading on dangerous ground. I think that we need to be especially careful of this kind of legislation so that we do not find ourselves in a situation where innocent parties are going to be in serious jeopardy in a few years because of this legislation. So read it very carefully before it comes up on Select File. I hope that we all know the bill very, very closely. I ask you again because I think that without Senator Chambers' amendments and without Senator Beutler's amendments the bill could not have passed.

PRESIDENT: All right, anything further? Anything further, Senator Nichol? The motion then is the advancement of LB 347 to E & R Initial. All those in favor vote aye, opposed nay. I would remind you the House is still under Call. Have you all voted? Record the vote, Mr. Clerk.

CLERK: 40 ayes, 0 nays to advance LB 347, Mr. President.

PRESIDENT: The motion carries, LB 347 is advanced to E & R Initial. The Chair would like to take this opportunity to introduce some visitors of Senator Vickers and I believe he is visiting with them back here under the south balcony. Mr. and Mrs. Donald Ankenman, Jr. of Wilsonville, Nebraska. Welcome to the Ankenmans to their Unicameral. Would you stand up folks and be recognized. The Clerk may read some matters in for the record.

CLERK: Mr. President, I have a new bill, LB 709 offered by Senator Beutler. (Read title). (See page 167 of the Legislative Journal).

Mr. President, Senator Barrett would like to have a meeting of the Business and Labor Committee underneath the north balcony at 10:30. The Business and Labor Committee underneath the north balcony at 10:30.

Mr. President, Senator Chronister asks unanimous consent to add his name to LB 657 as co-introducer.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The next order of business is LB 180.

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LB 180, 465

CLERK: Mr. President, LB 180 was a bill introduced by Senators Landis, DeCamp and Fowler. (Read title). The bill was first read on January 14 of last year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are no amendments pending at this time, Mr. President.

SPEAKER MARVEL: Senator DeCamp, do you wish to be recognized on the bill? 180.

SENATOR DeCAMP: Why don't we just pass over it.

SPEAKER MARVEL: Do you want it passed over and go down to....

SENATOR DeCAMP: Pardon?

SPEAKER MARVEL:the bottom of the heap. Okay, do you want both 180 and 180A? Is there any objection? If not, so ordered. The next item, LB 465, Mr. Clerk.

CLERK: Mr. President, LB 465 introduced by Senator Pirsch. (Read title). The bill was first read on January 20. Referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have amendments pending by Senator Pirsch, Mr. President, that are found on page 89 of the Legislative Journal.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker. Members of the body, to fully explain the amendment to LB 465 I will have to give you a little background and explanation of the original bill so you can understand the need for an amendment. I was first made aware of this problem of assaults behind correctional walls from county correctional facility employees and I assumed at first that this was a county corrections problem to be addressed. There are a wide variety of persons being held in the city-county detention facility at any given time and they hold essentially two kinds of status. Those being held prior to trial are those who cannot afford to post bail or who are being held on murder or sexual assault charges and have been denied bail. Then you have the people who are serving a sentence imposed by the court. Now the Jail Standards Board recommends that pretrial and posttrial prisoners be separated, but many of the city-county facilities often do not have the space to do that, and consequently those persons are in close contact with each other which creates a tense society. When an assault is committed in the facility either on another inmate or on a correctional officer, the present course of action is to turn it over to the county or city attorney's office. The assaulted officers do not