

January 8, 1981

LB 20-30

many in today as you can prior to the time of our recess until this afternoon. Proceed, Mr. Clerk.

CLERK: Read LB 20-30 for the first time as found on pages 80-82 of the Legislative Journal. Read LR 1 as found on pages 82-83 of the Journal. Mr. President, pursuant to our rules LR 1 will be laid over.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: The first motion I would like to make is that committee chairmen please get with the members of your committee before ten o'clock tomorrow morning at which time you can turn in a report to the Clerk as to who the other officers of your committee may be, by ten o'clock tomorrow morning. You can do it now if you want to. Is that enough of that?

PRESIDENT: All right, are there any questions by any of the committee chairpersons on that? As I understand it, Mr. Speaker, you are asking the committee chairpersons to call the committee together between now and tomorrow morning to get that done?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, any questions? Anything further, Mr. Speaker?

SPEAKER MARVEL: Now do you want me to read the escorts for this afternoon?

PRESIDENT: That will be fine if you would like to do that. If the members of the Legislature would listen. The Speaker is going to advise you as to who will be selected to escort the various people on the ceremonies this afternoon.

SPEAKER MARVEL: The green sheets indicate the inaugural ceremonies and if you will turn to that particular sheet we will give you the recommendations that we have for escorts. So we start with the Board of Education and Senator Landis will escort his father. Senator Koch will escort Mr. Monahan. Senator Goll will escort Mr. Thompson and Senator Warner will escort Mrs. Greene. The second category, escorting Mr. Payne led by Senator Cope, also including Senator Chronister and Senator Pirsch. So there will be three escorting Mr. Payne and of the three escorts, since Senator Cope comes from Kearney he will lead the parade. The third category has to do with Public Service Commission and Eric Rasmussen will be escorted by Senator Maresh and Jack Romans will be

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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with the recommendation that it be advanced to General File; LB 24 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 423-425 of the Legislative Journal.)

SPEAKER MARVEL: We now proceed to item #6, General File, and the first bill is LB 20.

CLERK: Mr. President, LB 20 was offered by Senator Howard Lamb of the 43rd District. (Read title). The bill was first read on January 8 of this year. It was referred to the Business and Labor Committee for public hearing. The bill was advanced to General File. I do have amendments pending by the Business and Labor Committee, Mr. President.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, this amendment is two part. The first part deletes the December 1st deadline and just refers to when the court receives this notice. The second part is just a grammatical error in the bill and it changes from "such" to "which". I move that the committee amendments be adopted.

SPEAKER MARVEL: The motion before the House is the adoption of the committee amendments to LB 20. All those in favor of the motion vote aye, opposed no. Record.

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

SPEAKER MARVEL: The motion is carried and the amendments are adopted. Senator Lamb, do you want to explain your bill?

SENATOR LAMB: Mr. President and members of the Legislature, the purpose of this bill is to allow officers of a newly formed corporation to waive coverage of Workmen's Comp immediately after formation of the corporation. Currently the corporations must wait until December to waive this coverage. This bill also allows the waiver to continue in effect until terminated rather than terminating automatically after one year unless renewed. As you will probably remember, I believe it was a couple of years ago, we passed a bill which allowed corporate officers, certain corporate officers to waive this Workmen's Comp coverage. However, in the case of newly formed corporations there was a problem because

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SENATOR NICHOL: Well, I guess we really discussed the bill at quite length. I am free to speak to the bill itself finally. The bill merely....

SPEAKER MARVEL: Okay, there is nothing further on the desk so proceed.

SENATOR NICHOL: Okay, the bill merely is a bookkeeping system change whereby the money instead of going to the school fund out at Grand Island, then coming to the general fund, then back to the school fund and they spend the money would eliminate one step. The money would now come directly to the State Treasurer which would credit the money to the Grand Island school. That is all the bill says. I move for the advancement of the bill.

SPEAKER MARVEL: Senator Johnson, do you wish to speak? Your light is on. Okay, the motion is the advancement of the bill to E & R for review. Is that right, is that the motion?

CLERK: Yes, sir.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed no. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. I have two more items to read before we turn it back to the Clerk. Arlo Wirth from Hartington, Nebraska, is a guest of Senator Hefner, should be underneath the North balcony clear in the back and from Senator Kremer's district, Bob Leach from Aurora, should be underneath the North balcony. Where are you, sir? Now, Mr. Clerk, do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, Senator Haberman would like to print amendments to LB 24 in the Journal, Senator Hoagland to LB 143. (See page 446 of the Legislative Journal.)

Mr. President, Senator Kremer would like to be excused all day tomorrow, February 6.

Your committee on Revenue gives notice of public hearing in Room 1520 for February 17 and dates thereafter.

Your committee on Rules gives notice on proposed rule change offer by Senator Lamb for Wednesday, February 18.

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provision for the 5/6 vote for those that are just one city and I think that would take care of the problem of Lincoln and the problem of Scottsbluff, so I see a point of compromise that we can deal with on Select File.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question, but that is class legislation.

SENATOR CLARK: The question before the House is the advancement of the bill. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote. Did you record the vote, Pat?

CLERK: 33 ayes, 0 nays, on the motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up LB 24. The Clerk will read.

CLERK: Mr. President, LB 24 was offered by Senator Rex Haberman. (Read title). The bill was read on January 8. It was referred to the Public Works Committee. It was advanced to General File, Mr. President. I do have committee amendments pending by the Public Works Committee.

SENATOR CLARK: Before I call on Senator Haberman, I would like to introduce six Webelos Scouts from Gibbon accompanied by Mr. and Mrs. Ron Erpelding. These are from Senator Ron Cope's District. Ron Cope is in District #36. They are in the north balcony. Raise your hands. Senator Haberman. Is there any amendments on this? The committee amendments by Senator Beutler first.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, you just as well listen from the beginning on this one because there are two different philosophies involved on a small bill but the philosophies are big. So it would behoove you to pay attention from the beginning. The bill...there is existent in the Nebraska statutes right now a law that prohibits the diversion

of water on or across a road, and the statute basically provides that it is a Class V misdemeanor to do that. Senator Haberman, one of his constituents had a problem with a center pivot system that I guess we can say did divert water onto the road. In fact, the pictures he brought showed that the arm of the center pivot itself went all the way across the road. It looked like something out of a Science Fiction movie. At any rate, Senator Haberman suggested to the committee that we should increase the fine from a Class IV to a Class....I'm sorry, from a Class V to a Class IV misdemeanor, and that is from a maximum of a \$100 fine to a maximum of \$500 fine. The committee felt that raising a fine in that amount would be totally ineffectual. The committee then adopted an amendment after some consideration which I think I may as well read to you. It is a little bit long but it is important. "A sprinkler irrigation system, which due to location or design diverts water across or onto a public road so as to saturate, wash or impair the maintenance, construction or passability of such public road, or allows water to accumulate on the roadway or traveled surface of the public road, shall be equipped with a device that will automatically shut off that portion of the irrigation system causing such diversion or accumulation of water, and it is a Class IV misdemeanor if that device is not attached to the center pivot system." The amendment would apply only to systems that are used which by location or design can affect the road. The cost of putting in place that kind of a device, according to Senator Kremer who has a number of them himself, is around \$50. I think that with those remarks I will leave off and let others take up the discussion. Thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Haberman, do you have an amendment to the committee amendments?

CLERK: Mr. President, Senator Haberman had an amendment on page 406. I understand he wishes to withdraw and offer in lieu thereof an amendment that would read as follows: (Read the Haberman amendment as found on page 459 of the Legislative Journal.)

SENATOR HABERMAN: Mr. President, members of the Unicameral, Senator Beutler is a little confused in his facts. It was not my constituent who had the end of the sprinkler over the road. Senator Beutler said that the fine will be only if the end gun is not attached

to the sprinkler. My bill started out saying, if the sprinkler sprinkled the road and it was due to negligence on the part of the farmer, he is already exempt from being arrested if the wind blows the water, or he is already exempt if it is a malfunction in the gun. He is exempt from being fined. What my bill did was saying, if it is due to the malfunction of an end gun that the farmer has refused to fix, then he will be fined a minimum of \$100. Now what is the problem? This is the problem. We have many, many, many of these sprinklers that sprinkle the road and if the sheriff goes down and arrests them, they are fined \$10. They are not going to get up out of bed and go shut that off and they are not going to spend two or three hundred dollars to fix it for a \$10 fine. And the sheriff isn't going to drive 20 to 25 miles out in the country and 20 to 25 miles back to the sheriff's office, say 60 miles at 20 cents a mile, for a \$10 fine. They are not going to enforce it. You have a letter in front of you from a school system where the police say they wish to have stiffer penalties. We had 11 county boards vote to increase the fine. We had 5 NRD boards pass a resolution to increase the fine. We have become a permissive...a permissive body. Why have a fine? Why put people in jail? We have become...lower the fines, let people get away with things. I think we should not be a permissive body. I will tell you this. Let one or two farmers be fined a \$100 and they are going to see that their end guns are fixed. Let them be fined a \$100 and they are going to see that they have an end gun. As it is now, they are not going to go out and buy what they say a \$50 end gun, pay another \$50 to have it installed when they are only going to be fine \$10. I do not object to the way they amended my bill. Mandating end guns is fine with me. The only thing I object to is what they did when they reduced the penalty, and therefore, I would like to have this body vote to put back in my bill making it a Class IV misdemeanor.

SPEAKER MARVEL: Senator Cullan, do you wish to speak to the committee amendment?

SENATOR CULLAN: Yes, Mr. President and members of the Legislature, I would like to address this issue. I think this is a time when there is some misunderstanding in the Legislature about the nature of this problem and perhaps what actually happens in rural areas. Let me say initially that I think the law as

it is today is adequate, and I have a motion to indefinitely postpone LB 24 that will be coming up later. The problem is...that Senator Haberman is addressing is that there are some county attorneys and there are some sheriffs and there are other people who are afraid to enforce the existing law and afraid to enforce the fine system that we have now. Today, as I understand it, it is a Class V misdemeanor, which means up to \$100 fine. Now, I don't see why a county attorney who is afraid to enforce the current system is going to be any more likely to enforce a tougher penalty. That simply just is not logical. Now you can file a complaint if you want to if you see water on a road, and I know some individuals in western Nebraska who have done that. I know some Natural Resource Districts who have approached farmers, told them that they have to correct the problem. So I don't think the problem is anywhere near as great as some of you believe it is, and it is simply a matter of enforcement and the Legislature certainly is not going to improve the situation by increasing the penalty. The only thing you are going to do is make county attorneys less likely to enforce it if they believe that the penalty is not reasonable. I believe the current system works well. Maybe we need stronger enforcement, but this bill certainly is not going to help that. Maybe what you want to do is give the Natural Resource Districts the authority to initiate an action. That might be one means of solving this problem. But just simply to increase the fine does nothing at all. Sometimes when you drive on a country road and you come across one of these wet roads, there may be several reasons for it. I don't know how many of you have worked around center pivot sprinkler systems before. We have about five on our farm and sometimes these mechanisms just don't work, and when we find that they are not working we get out there and repair them, and most people do. But there has to be some discretion in enforcement. Simply increasing the fines is not going to do anything at all. Some of you should know too that the wind often blows water onto the road and saturates it pretty good. Just the way the systems are constructed, that is going to happen now and then and people out there seem to be getting along pretty well. I think we are trying to solve a problem that isn't...doesn't need solving and I hope that you will support me later in this motion to indefinitely postpone LB 24.

SPEAKER MARVEL: Senator DeCamp, we are speaking to the Haberman amendments to the bill.

SENATOR DeCAMP: ...or the committee amendment. What the blazes is that? Everybody is talking about everything else.

CLERK: Senator Haberman's amendment changes it from a Class V to a Class IV.

SENATOR DeCAMP: And you leave the rest of it intact? Well I don't care about that. That don't bother me. Mr. President, yes, I would like to talk to it. Now I think we, so to speak, no pun intended, all better get our feet wet on this water issue because this is going to be your first major test on water issues. That amendment, the committee amendment which Rex is amending with his change in penalty, fine, adopt Rex's or don't adopt. It doesn't matter because if the rest of it is adopted it is going to function and that is the committee amendment and I am the one that offered it in committee and I am the last person in the world that should be offering it and I will tell you why I offered it. I offered that same thing ten years ago and nearly got lynched up in my territory where we have all center pivots and when the matter came up in committee I brought it up again and explained that if we were serious about this problem this was the way to address it. So let me go and, number one, tell you what the problem is. Number two, show you why this solution will work and, number three, point out why I hope to kill everything even though this is what we should do. Number one, the problem, Sam's area is not quite the same as center pivot country. Center pivot country is Holt County, Antelope County, that area. You have some other areas but that is true center pivot country and when I say center pivot country I mean mile after mile, road after road, both sides, center pivot, every step of the way. Thousands of them, not ten or five or fifty or five hundred, about six thousand of them along the county roads primarily and it is the most wonderful thing that every happened to that part of the country but any time you start doing anything sometimes you have some incidental problems. One of the problems is when that old pivot comes whipping around and gets to where it is right next to the road she soaks that road up to where you can't drive on the road very good, to where school buses have ridden and gone off the road, to where it really washes out the road in many cases and I suppose wastes some water and so my argument has always been, during the ten years I have worked on stopping anything to be done because my center pivot boys get me in a room and they are all about six-four it seems when I look at them in groups and they explain, by golly, do they want us here or not, you know.

we are doing the economy good, and they are. But then some little school teacher will come along and she will tell me she had to pay \$45 to get her car towed out of the ditch because she was going down the road or some school bus almost overturned so then I go to the County Attorney and I say, County Attorney, there is a law on the books, now will you get those people off my back and you just enforce the law and he says, well look. You are in Lincoln. It takes them longer to get there to lynch you. I am right here. They can get me just real quick and he says, I have tried to do something and this isn't one County Attorney, this is several of them, and they are just being honest with you. You are not going to be able to run around with a penalty and say, when we catch you watering and can prove this pivot did it and so on and so forth, and find the road wet, then we will fine them \$10 or \$100 or what, it ain't working is what I am telling you. And I am saying, finally the time has come when you got to actually do something about the problem whether the center pivot boys, and that includes me and my good friend Loran who will probably oppose my amendment here since our pivots would be affected maybe. It is time we do something. Now what am I suggesting? Stop the problem before it starts and we have the technology and it isn't that expensive and they can all do it. Almost all the pivots put out now have end guns on them. Now if Maury Kremer was here he could explain for example, you put a post here, a post over there, when the pivot comes around it hits the post, flips the valve, shuts it off until it hits it on the other side and turns it on again. There is a number of ways. It isn't that big a deal but it does mean somebody is going to have to do something on a whole bunch of pivots and as I said, I think most of the new ones are pretty well fixed but you are talking big bucks repairing these roads and you are getting enough of them out there where it is going to cause some damage. Now if I am willing to offer this amendment, coming from my territory and knowing the situation....

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Haberman, for what reason do you wave around here?

SENATOR HABERMAN: A point of personal privilege or a question.

SENATOR CLARK: Do you want to question the Chair?

SENATOR HABERMAN: Yes, I would like to know if Senator DeCamp is talking to my amendment or just what is he addressing?

SENATOR CLARK: Your point is well taken.

SENATOR DeCAMP: I understand why Senator Haberman would have difficulty understanding. Of course I am talking to your amendment. What else are we talking about here?

SENATOR CLARK: What we are talking about is raising the penalty from six to five.

SENATOR DeCAMP: And so I am saying if you put these devices on or make them mandatory and a pivot that doesn't have them on is ipso facto, just by that very fact, guilty of the offense. You won't have to worry about whether Rex's amendment is adopted or not adopted because the problem is going to be solved in advance. Instead of going around and trying to find out who wet the road you don't have the wet road and with six thousand center pivots out there, finding out who wet the road and getting it enforced is not working.

SENATOR CLARK: Senator DeCamp, your time is up. Senator Koch.

SENATOR KOCH: Mr. Speaker, it is difficult for me to make an analogy here because it is really rather humorous. Senator Haberman was on the floor a couple of days ago talking about overregulation, LB 69. Today in his remarks he says we are becoming a permissive society. Now I am having a difficult time figuring out how I am going to get in the middle of all this because if Senator Chambers really wants to get tough he ought to go with my amendment I am going to offer which it will make it a Class I, which means \$1000 maximum and one year in prison, but you still have to prosecute it, and if the county attorney and the sheriff don't want to take the good faith of the law into effect there is little we can do. But I will speak in defense of the committee amendment, Mr. Chairman. There is nothing in there that cannot be provided to make certain that these end guns are triggered and shut off as Senator DeCamp adequately explained to you. They move onto a certain area and again a valve is triggered and it turns on, and it is as simple as that and that should correct the problem.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: I wish to speak to the committee amendment.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, as Senator Burrows said, it is good that

we have finally gotten to the water legislation. It will probably take the rest of the session now. I would just like to point out, you know, Senator DeCamp talks about automatic shutoffs on those systems. If he got out to our farms a little oftener he would know that most all of them have them now. He lets that farming business up to me and so he doesn't get out there very often. He also would know that accidents do occur. Equipment fails once in a while. We even had two systems that ran together last year and that is kind of unusual. I don't know how that could happen, but it did happen. The bill with the amendment of Senator Haberman's I think is, you know, really wouldn't make any difference if we adopt it or not because as Senator Cullan says, if the sheriff and the county attorney does not want to enforce it and are not going to do it, we have enough selective law enforcement today I believe where the county attorneys decide what they are going to enforce and what they are not going to enforce, and a county attorney who runs for reelection is not going to go out and enforce a \$300 fine against a farmer who happened to soak down the road because the wind happened to be blowing the wrong direction. The amendment of the committee which says, any center pivot which by location or design causes water to go upon a road. I don't know of any landowner who locates a center pivot deliberately so as to water the road. It is not very economical to do that. I think that as far as the Haberman amendment is concerned, you have to defeat the amendment. It isn't going to work. It is going to be....it will have a negative effect. Insofar as the committee amendment is concerned, it is an attempt to do something. There may be a few of the older pivots that do not have shutoffs on them, but actually I believe this amendment is mostly for public consumption. It will be an attempt to show the public that we are doing something on those pivot manufacturers and that is really probably all it is good for. But if it does that much, why perhaps it is worth adding. I think that is exactly what my friend, Senator DeCamp, had in mind when he engineered the amendment in committee, but so far as having any deterrent values whatsoever, I think it will have none, because no landowner is going to deliberately allow expensive water to be sprayed upon a road. I think that either from the standpoint of conservation or cost he would not do that. I guess I would have to oppose the Haberman amendment and I am going to wait on the committee amendment until Senator Cullan comes along with his motion.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members of the body, it is always interesting to hear a discussion of irrigation and how it affects all of us and how it affects some of us more than others. I have a solution all figured out how to stop all problems, and it is very simple. All we need to do is to install a wind velocity gauge at the pivot center, wire the outside six or eight nozzles to this system and as the wind velocity increases you shut off a nozzle every ten miles or five miles of velocity. This will solve the problem. And, of course, if you really want to get practical, you would also put a booster on the end so that in case the wind went the other way you could steam up the pressure and catch that corn that always dries up on the wrong side of the field. I think it is an excellent idea and if you really want to make it work, that is what we should do. Now, of course, we also said we shouldn't mandate any legislation to the public any more without the state paying for it. So I think we do have a problem there, but it could be done, and I really think that we have the legislation that is needed if the counties will enforce it and it can be done. If you think they are going to shut all the water off of the county roads when the wind is blowing 40 miles an hour from either the south or north, well you are going to think again because it won't be done, it can't be done. It would ruin the economy of the whole country if you tried it. But we can be more particular about how those end guns work and I would go along with that part of it. I think sometimes we are very careless about seeing that they are adjusted correctly. Thank you.

SENATOR CLARK: Senator Haberman, did you wish to close?

SENATOR HABERMAN: Senator Kahle, for your information, the law already says, due to excessive wind you cannot be arrested. So you don't have to worry about that. The law says, a defective end gun. Now you can go down to a farmer and arrest him twice and it is \$10 every time. Arrest him three times, it's \$10, but if you go down and it is a defective end gun and he doesn't get it fixed, it is still \$10. A question to Senator DeCamp. Do you know Brock Reynoldson? Do you know him? R-e-y-n-o-l-d-s-o-n. Yes. Thank you. That is all. Well he is the Director of the Upper Elkhorn NRD. Now the Upper Elkhorn NRD is Rock, Holt, Wheeler and Antelope. It is the county where Senator DeCamp says is the irrigation county of the state. You know what that NRD says? Raise the fine. Raise the fine because we have a problem up here. That is what they say in your territory, Senator

DeCamp. Also, Senator DeCamp has a bill in that if somebody steals, if they are hungry and they steal some food in excess, I believe, of a \$100 or \$250, it is a felony, a felony. He wants to put them in jail for three days. Yes, he wants to put them in jail for stealing some food because they are hungry. Well, now if Senator Koch thinks he is confused, which isn't very hard for him to do it seems here lately, this really confuses me, how Senator DeCamp wants to put these people in jail just because they steal a couple hundred dollars worth of food because they are hungry. Now if this wasn't a problem, fellow Senators, I wouldn't have introduced the bill. But we do have a problem. The county boards say we have a problem. The NRDs say we have a problem. I am not afraid to have some of these six foot four farmers that John is afraid of jump on me because they are causing a problem and if you fine one of them \$100 the rest of them are going to get their end guns fixed. They are not going to go down and pay another \$100 fine. As far as the county attorney and the sheriff doing his job, he is going to do it for \$100 fine a lot easier than he is for a minimum of a \$10 fine because if the law was being enforced now, I would have never introduced the bill. I ask for your support on my amendment to the amendment to increase the fines. Thank you.

SENATOR CLARK: The question is, a vote on the amendment to the amendment. For your edification this is an amendment to an amendment and it takes a simple majority of those voting. All those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 16 ayes, 0 nays, on adoption of Senator Haberman's amendment, Mr. President.

SENATOR CLARK: The motion carried. The amendment is adopted. Now the committee amendments as adopted. Oh, one more amendment.

CLERK: Mr. President, Senator DeCamp moves to amend the committee amendments. (Read the DeCamp amendment as found on page 459 of the Legislative Journal.)

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, this merely clarifies so that there is no misunderstanding and just says, a pivot that is positioned that diverts or "is capable of diverting", in other words, comes right alongside

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the road so there is no misunderstanding. I urge you to adopt the amendment and then you can decide what you want to do on the committee amendment later.

SENATOR CLARK: Is there any discussion on this amendment? If not, all those in favor vote aye. All those opposed vote nay. Once again, this takes a simple majority of those voting. Have you all voted? Record the vote.

CLERK: 18 ayes, 0 nays on adoption of Senator DeCamp's amendment.

SENATOR CLARK: The motion carried. The amendment is adopted. Senator Beutler, we now have the committee amendments as amended.

SENATOR BEUTLER: I move to advance, Mr. Speaker.

SENATOR CLARK: The question is the adoption of the committee amendments as amended. Is there any discussion? Senator DeCamp, did you want to talk on this?

SENATOR DeCAMP: I would simply suggest to you that in the committee when we discussed this at some length, and the severity of the problem, we said, look, prevent the problem before it becomes a problem and if we want to bite the bullet and do it, then this is the way to do it. Have something on the pivot or have a system that can do it. It is going to cost some of them a few bucks because some of them aren't equipped, and it is not wind we are concerned about. That is not the problem. It is when the pivot comes right around there and I can take you up and show you gobs of them. This would do it. With Rex's amendment on it I don't know what else it will do but I urge you to adopt the amendment for a while anyway.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I wonder if Senator Beutler would yield to a question.

SENATOR CLARK: Senator Beutler, will you yield?

SENATOR CULLAN: Senator Beutler, I wonder if you could review for the Legislature, because we have adopted two amendments to the committee amendment, what really are we voting on now?

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SENATOR BEUTLER: As I understand it, Senator Cullan, we are now voting on an amendment which says that the device will be required and that not having the device will be....is it Class V misdemeanor at this point, Pat? Class IV misdemeanor. Senator DeCamp's amendment was technical in nature.

SENATOR CULLAN: Okay, thank you.

SENATOR CLARK: Is there any further discussion? The motion is to adopt the committee amendments. All those in favor vote aye. All those opposed vote nay. Have you all voted? It takes 25 votes. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the amended committee amendments.

SENATOR CLARK: The motion carried. The committee amendments as amended are adopted. Senator Haberman...

SENATOR HABERMAN: I move to advance LB...(interruption).

SENATOR CLARK: We have another motion.

CLERK: Mr. President, Senator Cullan moves to indefinitely postpone LB 24.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I simply believe that this bill is not necessary. The current state of the law is that we have a maximum of \$100 fine, up to \$100 fine, a Class V misdemeanor for an individual who runs water onto the road. What we are really doing with this particular bill is increasing the penalty and requiring that they put on a shutoff device. As Senator Schmit mentioned to you earlier, virtually every sprinkler system that is manufactured today has an end gun device on it now. I see no reason to pass this bill. I see no reason to increase the penalty. We have a problem now with enforcement. Increasing the penalty is not going to facilitate increased enforcement. If a county attorney won't file a charge on a \$100 fine, why is he going to file a charge on a higher fine for a higher penalty? The problem is not a serious one now, that at least I don't believe it is. Most people do not allow water to run on the road and when they do, if it is necessary to bring them into the judicial system, that can be accomplished now. There is nothing that we can do to

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make law enforcement officers enforce the law. There is nothing that we can do to make county attorneys exercise discretion to prosecute, and so I simply submit to you the bill is not necessary and we might as well indefinitely postpone it.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: My good friend, Vard, just said he thinks Sam is probably right. I would contend Sam is totally wrong. There are example after example of things where we have used one method and it hasn't worked and we look around and we say, hey, will this idea work better? The system now goes something like this. You go and do something after the fact, after there has been damage usually, after there is just so much pressure from somebody going into a ditch or a school bus having trouble or somebody not being able to get home. They bring and they put so much pressure on the county attorney that maybe he goes out and he talks to the one guy. But you still have the basic problem out there watering the roads, and God I hope they don't run this on ETV up in my territory. It is a problem in our territory, it really is, and I have known and argued with both sides about the benefits of having the irrigation and how we can't hamper them too much and how we can't hassle them too much, and harass them, and I do some irrigating up there. Schmit had claimed I don't do any of it physically or anything like that, any of that, but something should be done, as long as you want to say it is a problem, that more forcefully addresses it. Stop it in advance. The technology is there and I use my example again. Senator Kremer gave the best example in committee. You know, he didn't want to do this either, and he acknowledged it and he is not here but you can ask the committee members, he acknowledged it wasn't that big a deal. You don't have to go out and maybe buy the end gun, you can put a valve on there where they don't have anything at all, put a post over here where it hits it and a post over there and it is going to trigger it off and trigger it on. And, Sam, you are right, there are going to be problems. It isn't going to work a 110 percent of the time. My automobile lights don't work 110 percent of the time. But the basic system is there that prevents the problem from even occurring in the first place. Now, I will give you one good example that I am going to get every year, have every year since I have been here, the town of Inman, Nebraska. A lot of center pivots in that area, and remember this, we are up there in the sandhills country where the water is just coming out of the ground almost in most places, and so when you get a little water

on those roads and ditches, particularly in the ditches, and remember this water, this water now we run chemicals in it too, so we run our water down the ditch and into Farmer Jones' this and then into the river and so on and so on, you are putting a lot of pollution, quite frankly, nitrate's another thing, right into the streams. You will prevent a lot of that if you have the system stopping the problem in advance. And, Sam, I will make you an offer, and Schmit would offer to go along because he wouldn't risk your life that way. I will fly you this summer over our territory and show you what I am talking about. It's not like your territory. I am sure you know all kinds of things about wheat country that I will never know. It's different. We develop corn country and we have developed her good, but we have got a few problems along with it and I think this is one way to correct it, and from a personal standpoint I suppose the best thing that could happen would be if this bill got killed and I could say, well, by golly, I tried to solve the problem, and I could tell my people up home, see, you've got no harrassment now, you are all okay. But I think this should be done.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I move the previous question.

SENATOR CLARK: The previous question has been called for. Do I see five hands? I do. The question is, shall debate now cease? All those in favor vote aye. All those opposed vote nay. Have you all voted? The vote is to cease debate. Record the vote.

CLERK: 21 ayes, 3 nays to cease debate, Mr. President.

SENATOR CLARK: Debate does not cease. Senator Kahle. Senator Wagner.

SENATOR WAGNER: Mr. Speaker, I have a question of Senator Cullan. Senator Cullan, did I understand you to say right we do not have a problem?

SENATOR CULLAN: I don't think that we have a serious problem now, and if we do have a problem, increasing the fines is not going to be a solution to solve that problem.

SENATOR WAGNER: Senator Cullan, I have a picture here that I have got a center pivot that's hanging over the top of a road and there is about twelve foot of clearance,

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and that end gun goes clear across the center line of the road, and I think there is a negligence problem here for one. This problem has existed for quite a while.

SENATOR CULLAN: Well, Senator, just having an obstruction on the road is a violation of the law in and of itself.

SENATOR WAGNER: I am sure of that too, you are right there, but it is a problem and some way or another it has got to be addressed. Not only is that center pivot on the road but it also has got a lot of water on the road. So to me there is very definitely a problem.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President and members, I would have to oppose the kill motion. I think there is a problem and a serious problem. We use pivot sprinklers, live on a well traveled road. We use every precaution but the wind even can cause problems and if you didn't have, and I didn't know that they made sprinklers without automatic shutoffs for end guns. I learned that this morning. But they certainly should have every device that is possible to manufacture on end guns on sprinklers. People lose their lives, there are accidents, and I think every precaution should be taken to eliminate that possibility.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: Yes, Mr. President and members of the body, I, too, oppose the kill motion. I feel that the fine will do some good. At the present time we really have no fine because it's a minimum fine and it is nothing, and most of the courts won't even pay any attention to it, and at least here the minimum fine is \$100. I feel a couple of farmers pay this \$100, we are going to have a better situation out there. So I am going to oppose the kill motion.

SENATOR CLARK: Senator Wagner, your light is still on. Senator Kahle.

SENATOR KAHLE: Well, I think that Sam has a lost cause but I am going to support him. I think that if you think you are going to eliminate water on the highways with just affecting the end gun, you are going to have to think again because that won't do it. About the

penalties and about the trying, I really have no objection to, but I just wanted to get it on the record that if some of my city cousins think they are voting to keep water off the road by just shutting off the end gun, it is not going to do it. Thank you.

SENATOR CLARK: Senator Cullan, do you wish to close?

SENATOR CULLAN: Mr. President and members of the Legislature, I am a little bit surprised, I guess, that when we have a law enforcement problem and that is what we have in some areas and if Senator DeCamp's problem is a serious as it is, it has nothing to do with the fault of the statutes of the State of Nebraska. It has to do with the inability or the unwillingness of local officials to enforce the law of the State of Nebraska that is currently in effect, and if that is the case, changing the law is not going to solve the problem either. In our part of the state we have people who are willing to enforce the law, we have people who consult one another, Natural Resource Districts who tell a farmer if they see a problem develop, and it isn't a serious problem. I hate to see the penalty stiffened for no reason at all. So I hope that you would indefinitely postpone this bill.

SENATOR CLARK: The motion is to indefinitely postpone LB 24. It only takes a simple majority of those voting. Those in favor vote aye. Those opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 7 ayes, 24 nays on the motion to indefinitely postpone, Mr. President.

SENATOR CLARK: The motion lost. Senator Haberman, what do you wish to do with the bill? Is there any discussion on advancing the bill? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted? Record.

CLERK: 26 ayes, 6 nays on the motion to advance, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. The Clerk has some things to read into the record.

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance gives notice of hearing for

February 10, 1981

LB 14, 18, 20, 24, 41,
51, 64, 65, 121, 165A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Senator Rumery.

SENATOR RUMERY: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Chambers would like to be excused all day; Senator Burrows until he arrives; Senator Carsten and Dworak all day.

PRESIDENT: Has everyone registered your presence? Has everyone registered your presence? Record the attendance, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as printed. Proceed with any messages, reports or announcements.

CLERK: Your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 41 and recommend that same be placed on Select File; LB 18 Select File; LB 121 Select File; LB 14 Select File; LB 51 Select File with amendments; LB 64 Select File with amendments; LB 65 Select File; and LB 24 Select File. (Signed) Senator Kilgarin, Chairperson.

PRESIDENT: We are ready then for Select File. Senator Nichol, will you handle E & R? We only have E & R amendments on 178 so we will just go right down through the list beginning with LB 20.

SENATOR NICHOL: Okay, are you ready to start. Mr. President, I move that LB 20 be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 20 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 20 is advanced to E & R for engrossment. LB 165.

SENATOR NICHOL: Mr. President, I move...

PRESIDENT: LB 165A. Just hold up a minute. All right, we will

February 11, 1981

LR 15
LB 24, 65, 207

situation but I don't want to change the situation that we have had for current RTSs, so this is an attempt to maintain the status quo for them but still allow Senator Nichol to deal with the problem he has in his area.

SPEAKER MARVEL: The motion is the adoption of the Wesely amendment to LB 65. All those in favor of the motion vote aye, opposed no. Record.

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Now are we ready to advance the bill?

CLERK: Yes, sir.

SENATOR NICHOL: Mr. Chairman, I move LB 65 be advanced to E & R for Engrossing.

SPEAKER MARVEL: The motion is the advancement of the bill as amended. All those in favor say aye. Opposed no. The motion is carried. The amendment is adopted. The bill is advanced. LB 24.

CLERK: I have nothing on it, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 24 be advanced to E & R Engrossment...for Engrossment.

SPEAKER MARVEL: All those in favor of advancing the bill say aye. Opposed no. The motion is carried. The bill is advanced. Are we ready for General File now? Okay, the Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Judiciary gives notice of cancellation of public hearing and rescheduling for February 18. (See page 495 of the Legislative Journal.)

Senator Koch would like to be excused on Thursday, February 12.

Mr. President, new resolution offered by Senators Koch and Marvel. (Read LR 15 as found on pages 495 and 496 of the Legislative Journal.) Mr. President, that will be laid over.

SPEAKER MARVEL: We are ready to go to General File, item #5, and the first bill the Clerk will read is 207.

February 17, 1981

LR 16
LB 24, 109, 110, 114, 143, 188,
188A, 207, 207A, 234, 234A, 246,
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labedz and Chronister until....

PRESIDENT: Record the presence.

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 correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 19, 1981

LB 24, 34, 80, 104, 165,
167, 221, 236, 260

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Kalmer Knudson, St. Paul United Church of Christ here in Lincoln.

REVEREND KALMER KNUDSON: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Kremer would like to be excused until he arrives.

PRESIDENT: Senator Landis, Senator Koch, Senator Wiitala, would you all show your presence so we can have a quorum. Thank you. 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 correct as published. Any messages, reports and announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 34 and recommend that same be placed on Select File with amendments; 260 Select File with amendments; 80 Select File; 104 Select File with amendments; 236 Select File with amendments; 221 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of continuation of public hearing.

And finally, Mr. President, I have a report from the Nebraska Power Review Board. That will be on file in my office.

Mr. President, Senator Warner would like to print amendments to LB 167, 165 and LB 24, print amendments in the Legislative Journal.

PRESIDENT: We are ready then for Final Reading, agenda item #4. All legislators will be at their desks. All other personnel will leave the floor of the Legislature. The Sergeant at Arms will see to it that all others are off of the floor. The Legislature will be on Final Reading.

February 23, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Palmer of the Westminster Presbyterian Church.

DR. PALMER: (Prayer offered).

SPEAKER MARVEL: Roll call.

CLERK: Mr. President, Senators Hoagland and Beutler would like to be excused until they arrive. Senator Beutler has arrived, Mr. President.

SPEAKER MARVEL: Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, first of all, I have a correction in the Journal.

Senator Sieck offers an explanation of vote.

Communication from the Governor addressed to the clerk. (Read. Re: LBs 20, 28, 29, 37, 42, 43, and 46. See pages 619 and 620, Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:30 p.m. presented to the Governor the following bills: 45, 46, 81, 82, 130, 140, 14, 18, 41, 64, and 121.

Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and engrossed LB 65 and find the same correctly reengrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: The next item is #4, Final Reading. Will all legislators please take your seats. The first order of business is LB 24.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman moves to return LB 24 to Select File for a specific amendment. That amendment is to add the emergency clause to the bill, Mr. President.

SPEAKER MARVEL: Okay, you have heard the motion. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I ask your support to bring this bill back to add the emergency clause as without the emergency clause it will not go into effect to be effective this summer. It will be a year from now before we will be able to use it and, therefore, I ask for your support to bring this bill back. Thank you, Mr. President.

SPEAKER MARVEL: All those in favor of returning the bill vote aye, opposed vote no. Because we are dealing with the emergency clause, this will take 33 votes. Okay, record the vote.

CLERK: 37 ayes, 3 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The bill is returned and now the motion is to adopt the amendment. All those in favor of adopting the amendment to LB 24 as presented by Senator Haberman vote aye, opposed vote no. The motion now is the adoption of the amendment. Have you all voted? Record the vote.

CLERK: 35 ayes, 2 nays on the adoption of Senator Haberman's amendment, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted, and now the motion is to advance the bill to E & R for engrossment. All those in favor of that motion say aye, opposed no. Motion is carried and the amendment is adopted.

CLERK: Mr. President, I now have a motion from Senator Warner to return LB 24 to Select File for a specific amendment. The Warner amendment is found on page 567 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Warner. The Clerk will read the amendment.

CLERK: Mr. President, the amendment reads as follows: (Read amendment found on page 567, Legislative Journal as offered by Senator Warner.)

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move LB 24 be returned for the amendment. What the amendment does, as I understand the drafting of the section, it limits the control to an end gun only, that you would have to have an automatic shutoff to prevent an end gun on a pivot system from running on the road, and if you did not do so, you would be

subject to penalty and that is fine but it is not limited to an end gun and you do have pivot systems which are half moon in their operation with the whole side being along the road. There is no way to shut off if water is drifting other than shut the whole system off and I think all the discussion, I wasn't here the day it was on General File, but as I understood, all the discussion was relative to end gun. I am in complete agreement that end guns ought to be shut off. There ought to be a penalty for not having the equipment to shut them off but it shouldn't create an impossible situation for a half moon depending on how it is interpreted or for a half moon system where there is nothing to shut off. So I move that the bill be returned for specific amendment. I should add that this, as I understand, becomes a new section. The original bill amended an existing section of law, and as the amendment was drafted, it becomes a new section unrelated to the existing law that does allow for wind drift circumstances or malfunction, and since it is a new section, I think it ought to be limited to the purpose that those who are advocating it which is to an end gun on a pivot system only. I move the bill be returned.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: I rise to support Senator Warner's amendment, Mr. President.

SPEAKER MARVEL: The motion is to return the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

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

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

CLERK: 38 ayes, 0 nays on the adoption of Senator Warner's amendment.

SPEAKER MARVEL: The motion is adopted. Now the motion is to readvance the bill. A machine vote has been requested. All those in favor of advancing LB 24 as amended to E & R for engrossment vote aye, opposed vote no. Record.

CLERK: 35 ayes, 5 nays, Mr. President, on the motion to readvance the bill.

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

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LB 14, 24, 31, 33, 41,
45, 46, 64, 81, 82,
85, 96, 120, 121,
130, 14, 158, 213

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCZKOWSKI: Prayer offered.

SPEAKER MARVEL: Will you please record your presence?
Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Underneath the North balcony, it is my privilege to present visitors to Nebraska sponsored by Partners of the Americas and the sponsors are Mrs. Ben Schulze and Gilbert Erickson and the visitors are coordinated with Dr. Fortes and his wife Maranna and the technical title is the Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil. Would you folks please stand so we can welcome you to the Unicameral. Okay, there is some items on the Clerk's desk and we will start with those.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk regarding signing of LBs 14, 18, 41, 45, 46, 64, 81, 82, 121, 130 and 140. (See page 639 of the Legislative Journal.)

Your Enrolling Clerk respectfully reports that she has on February 23 at 2:37 p.m. presented to the Governor the following bills: 31, 33, 85, 96 and 120.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 24 and find the same correctly engrossed.

Your committee on Appropriations whose chairman is Senator Warner to whom is referred LB 158 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendment, (Signed) Senator Warner, Chair.

Mr. President, I have a report from the State Employment and Training Council. It will be on file in my office.

Mr. President, Senator Cullan asks unanimous consent to add his name to LB 213 as coinroducer.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.

March 2, 1981

LB 24, 65, 214

CLERK: (Read the record vote as found on page 705 of the Legislative Journal.) 37 ayes, 9 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 214 passes with the emergency clause attached. The next bill on Final Reading is LB 65, Mr. Clerk.

CLERK: (Read LB 65 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 65 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 705 and 706 of the Legislative Journal.) 47 ayes, no nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 65 passes with the emergency clause attached. Before we proceed with LB 24, the Chair takes great pleasure in introducing to the body former Speaker and Senator of this Legislature, Elvin Adamson from Nenzel, Nebraska. He is under the south balcony. Elvin, will you stand up and be recognized, and welcome back. We also have...the Clerk would like to have it announced that Senator Rumery's birthday was yesterday and we want to say, Happy Birthday to you and say that there will be some cake served about 10:30, so if you can all hang on long enough why you will have some sustenance about that time. We would also like to take this opportunity to introduce some guests of Senator Cullan, 22 students of Political Science from Chadron State College. I had the pleasure of visiting with some of these people earlier today. They are up here in the north balcony with Mr. Jim Shafer, Professor of Political Science. Would they be recognized and welcome to your Legislature. Do want to stand and be recognized? Stand up, students. Welcome. We will now proceed then with the reading on Final Reading of LB 24, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator Warner moves to return LB 24 to Select file for a specific amendment. The amendment reads as follows: (Read the Warner amendment as found on page 706 of the Legislative Journal.)

March 2, 1981

LB 24

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, what the amendment does is two things. The question was raised with me that the amendment I offered the other day and was adopted which limited the fine, the penalty to an endgun only was written in such a way that some, at least, interpreted that the language also required that every pivot system have an endgun, which obviously no one intends. And so this makes it clear that only when there is an endgun on the system that a means, whether it is mechanical or electrical, but a means is available to shut that off. And in the second part of the amendment it includes the language which was stricken in the process which was that portion of the committee amendment that continued the reference to mechanical failure or other than normal weather conditions that that is taken into account and would not be subject to the fine provision under those circumstances, and the reason that this is necessary to be able to have the same concept that the committee had is just the way the bill is drafted, it becomes a new section, and by the addition of this amendment it refers back to a different section that carried the provisions for the mechanical malfunction and something other than normal weather conditions. So I think it fully is in line with what the committee amendment wanted. It does restrict the penalty only to the endgun that you would have shooting over onto the road and it permits either an electrical or mechanical system to operate the endgun, and I think that as far as I know this meets the problems that everybody thought they were trying to solve.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Senator Warner, I know that you visited with me just before you introduced this, and you say this puts it back as it originally was, or are you attempting to change...(interruption).

PRESIDENT: Senator Warner, will you respond?

SENATOR WARNER: No, it doesn't put it back as it originally was, Senator Haberman. What it does is contains the concept that the committee amendment has which was stricken by the committee amendment, one that was expressed that where there was a malfunction, a mechanical malfunction or adverse weather conditions was an exception that would be permitted under your bill, and the way it was drafted that was not so because it became a

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LB 24

new section. We were not amending the section that allowed for mechanical failure or other than normal weather conditions, and that factor now will be a part of this section of law which I believe is what the members wanted and the Public Works Committee adopted.

SENATOR HABERMAN: But they still will have an endgun, or an endgun shutoff.

SENATOR WARNER: The way the bill is now, if you have an endgun the way it is now drafted, you will have to have some means of shutting it off, but the problem was some people wanted to read the words as saying that you also had to have an endgun whether you wanted one or not, and that obviously is not the intent.

SENATOR HABERMAN: Thank you, Senator Warner.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, or Mr. President, I should say, I support the Warner amendment. I have had some misgivings about this bill all along and I think this clarifies at least part of the objection that I have had. There is a possibility, of course, of not only the endgun putting water on the road but the guns be next to the endgun. So this specifies specifically endgun. I think that is reasonable. When you start talking about the rest of the sprinkler system, of course, the weather and climatic conditions have a lot to do with it, so I believe this makes it more palatable for me. So I am going to support it.

PRESIDENT: Anything further on Senator Warner's motion to return for his specific amendment. Senator Warner, would you have any closing? Closing waived. The question before the House is the motion to return LB 24 for the specific amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 42 ayes, 0 nays on the motion to return, Mr. President.

PRESIDENT: The motion carries. LB 24 is returned. Do you want to take the amendment up, Senator Warner? The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move that the amendment be adopted as it has been explained.

PRESIDENT: All right, any further discussion on the

March 2, 1981

LB 21, 24, 38

amendment? The question then is the adoption of the Warner amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 42 ayes, 0 nays on adoption of Senator Warner's amendment.

PRESIDENT: The motion carries. The Warner amendment is adopted. Senator Warner, do you want to move it on?

SENATOR WARNER: I move that the bill be readvanced to E & R Engrossment.

PRESIDENT: Motion to readvance to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 24 is readvanced to E & R for Engrossment. We're now ready for proceeding with Final Reading on LB 21, Mr. Clerk.

CLERK: (Read LB 21 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 21 pass? All those in favor vote aye. Opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 707 of the Legislative Journal.) 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: Motion carries and LB 21 is passed. The next bill on Final Reading is LB 38.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator DeCamp moves to return LB 38 to Select File for a specific amendment. The amendment would read as follows: (Read the DeCamp amendment as found on page 708 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, you may remember the "Good Samaritan Bill" that I raised the question somewhere along the line that we had to have some standard of care, otherwise we were going to have basically the supplier of food, let's say Safeway or A & P, or whoever, distributing excess food and

LB 21, 24, 38, 44, 54, 65, 67,
77, 80, 104, 109, 110, 154,
186, 214, 221, 236, 260, 264,
275, 288, 459

March 3, 1981

File with amendments; 264 to General File, (Signed)
Senator Cullan, Chair.

Mr. President, your committee on Judiciary reports LB 44
to General File with amendments.

Mr. President, new resolution offered by Senator Fowler,
LR 27. (Read.) That will be laid over pursuant to our
rules, Mr. President.

Mr. President, your committee on Enrollment and Review
respectfully reports we have carefully examined and en-
grossed LB 24 and find the same correctly engrossed, 38,
54, 104, 154 and 275 and 288 all correctly engrossed,
(Signed) Senator Kilgarin, Chair.

Mr. President, your Enrolling Clerk reports that she has
presented to the Governor for his approval LBs 110, 214,
65, 21, 67, 77, 80, 109, 186, 221, 236 and 260.

SPEAKER MARVEL: The next bill on Select File is LB 459.

CLERK: Mr. President, there are E & R amendments to LB 459.

SPEAKER MARVEL: Senator Kilgarin, E & R amendments to 459.

SENATOR KILGARIN: Mr. Speaker, I move the E & R amendments
to LB 459.

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

CLERK: Mr. President, I now have a motion from Senator
Fowler. (Read Fowler amendment as found on page 733 of
the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, this bill changes the
contribution rates with regards to certain aspects of
retirement. In working with the legislative fiscal staff
we felt that rather than have the bill take effect on what-
ever day, ninety days after the session which may be in the
middle of a pay period, that we would try and pick a date
for it to take effect so as to ease implementation. So
this is for October 1. This really is an amendment to
help with the mechanical aspects of adjusting the payroll
to reflect the new contribution rates for the retirement
plan. I would move for its adoption.

SPEAKER MARVEL: All those in favor of the Fowler amendment

March 10, 1981

LB 24, 38, 54, 275

Reading. As soon as all legislators are at their desks we will commence with Final Reading. If all legislators would get to their desks we will commence. We are waiting, valuable, valuable time. We are waiting for Final Reading, Senator. We want to get started. We've been too busy. All right then, Mr. Clerk, we will begin Final Reading with LB 24.

CLERK: (Read LB 24 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 24 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 824-825 of the Legislative Journal.) 39 ayes, 5 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 24 passes with the emergency clause attached. The Clerk will now read on Final Reading LB 38.

CLERK: (Read LB 38 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 38 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 824-825 of the Legislative Journal.) 37 ayes, 6 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 38 passes. The next bill on Final Reading, Mr. Clerk, LB 54.

CLERK: (Read LB 54 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 54 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 825-826 of the Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 54 passes. The next bill on Final Reading is LB 275, Mr. Clerk.

CLERK: (Read LB 275 on Final Reading.)

March 11, 1981

LB 4, 9, 22, 24, 34, 38,
54, 124, 171, 178, 275,
276, 288, 292, 345,
368, 460, 475, 517

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor David L. Erdman, Plains Baptist Church.

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Goll, Barrett and Waitala until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? Record the vote. Yes. Senator Marsh, for what purpose?

SENATOR MARSH: I ask for this to be a recorded vote for those who are here at 9:05 a.m.

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

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 475 and recommend that same be placed on Select File with amendments; 171 Select File; 22 Select File with amendments. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Government reports 292 to General File with amendments; LB 460 to General File; LB 276 Indefinitely postponed; 517 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, LB 288, 275, 54, 38, and 24 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 24, LB 38, LB 54, LB 275, LB 288.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 9, 34, 124, 178 and 345.) (See page 844, Legislative Journal.)

Two Attorney General's opinions, a first to Senator Koch regarding LB 368. The second to Senator Beutler regarding LB 4. They also will be inserted in the Journal, Mr. President.

Finally, Mr. President, Senator Maresh asks unanimous consent

March 11, 1981

LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

March 17, 1981

LR 21, 30
LB 24, 38, 51, 55, 83, 114, 128,
136, 150, 154, 195, 217, 246, 250,
272, 275, 279, 288, 302, 325, 354,
388, 409, 434, 444, 457, 462, 515

SPEAKER MARVEL PRESIDING

REVEREND RON WASIKOWSKI: (Prayer offered. Microphone not on. See page 951, Legislative Journal.)

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

CLERK: Yes, sir, I do. Mr. President, first of all, the Journal is without error this morning.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, 462, 24, 38, and 51. See pages 951 and 952, Legislative Journal.)

Mr. President, I have a series of Attorney General opinions. One to Senator DeCamp regarding the Executive Board and the powers thereof; one to Senator DeCamp regarding payment of salary; one to Senator Nichol regarding LB 515.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 250 to General File with amendments; LB 444 to General File with amendments. Signed Senator Kahle as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 302 to General File with amendments and Public Works reports LR 21 back to the Legislature with amendments. Signed by Senator Kremer as Chair.

SPEAKER MARVEL: From Senator Barrett's District in the North balcony it is my privilege to introduce 19 senior high students from St. Ann's Catholic School, Lexington, Nebraska. Mr. Roger Lucas, Government teacher; Dr. Phillip Vreeland, English teacher. Will you hold up your hand so we can see where you are and greet you? Okay, we will go to item #4.

CLERK: Mr. President, the first resolution is offered by Senator Dworak. It is LR 28. It is found on page 737 of the Journal.

Mr. President, while Senator Dworak is missing, LR 30 by Senator Vickers. It is found on page 787. (Read.) That resolution, Mr. President, is found on page 787 of the Journal.