

January 16, 1981

Mr. President, Senator Schmit would like to have a meeting of the Ag Committee underneath the North balcony now if he could, and it is Ag Committee underneath the North balcony with Senator Schmit, immediately if possible.

PRESIDENT: The Legislature will be at ease until Speaker Marvel determines that we will go back.

EASE

PRESIDENT: The Legislature will come to order just for the purpose of the Clerk reading some matters into the record. Mr. Clerk, you may proceed.

CLERK: Mr. President, Senator Clark would like to announce that Senator Goodrich has been selected as vice chairman of the Telecommunications Committee.

Mr. President, new bills. Read LB 247-265 by title as found on pages 205-209 of the Legislative Journal.

Mr. President, your committee on Appropriations gives notice of agency hearings for Monday, January 26, signed by Senator Warner as chairman.

PRESIDENT: The Legislature will continue to stand at ease until approximately 11:15 a.m.

CLERK: Meet in Room 1517 at eleven o'clock? The Executive Board in Room 1517 at eleven o'clock.

PRESIDENT: The Legislature will come back to order. The Clerk has some matters to read in.

CLERK: Mr. President, I have a reference report referring LB 172-205 and rereferring LB 95. (See page 213 of the Legislative Journal.)

Mr. President, I have new bills. (Read by title, LB 266-283 as found on pages 214-218 of the Legislative Journal.)
Mr. President, that is all the matters that I have this morning.

PRESIDENT: Any other messages on the desk, Mr. Clerk?

CLERK: No, sir, I have nothing further.

PRESIDENT: In that case the Chair will recognize Speaker Marvel.

SPEAKER MARVEL: I move we adjourn until Monday, January 19, 1981, at 10:00 a.m.

March 9, 1981

LB 9, 50, 257, 266,
313, 475, 508.

CLERK: Mr. President, I have a series of Attorney General's Opinions, the first to Senator Vard Johnson regarding LB 9; one to Senator Vard Johnson regarding LB 266; a third to Senator DeCamp regarding LB 508; one to Senator Wesely regarding LB 257, and one to Senator Hefner regarding LB 206. (See pages 794 through 804 of the Legislative Journal.)

PRESIDENT: Ready then for agenda item #4, General File. The first bill on General File this morning is LB 313, Mr. Clerk.

CLERK: Mr. President....

PRESIDENT: We will pass over the first two bills which are Senator Stoney's bills and come back to them. Starting out then with LB 50. Oh, that's off of there. All right, so then we are at 475.

CLERK: Mr. President, LB 475 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Read title.) The bill was first read on January 20 of this year. It was referred to the Judiciary Committee for Public Hearing. The bill was advanced to General File. There is a committee amendment pending, Mr. President, by the Judiciary Committee to add the emergency clause.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and members of the Legislature, this is simply the emergency clause and the reason for it being that this should go into effect sooner so that we would have a Commission on Judicial Qualifications. I understand that at the present we don't have one and because of the voting of the public last November this should be done immediately. I move for the adoption of the E clause.

PRESIDENT: Any discussion on the...that is a committee amendment, Senator Nichol? A committee amendment which is to add the E clause. Any discussion? I guess that is your opening and closing, Senator Nichol. The question then is the adoption of the committee amendment to LB 475. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to adopt the committee amendments, Mr. President.

PRESIDENT: The motion carries. The committee amendment

LB 48, 62, 98, 172, 179,
 226, 239, 266, 299, 304,
 332, 342, 343, 344, 360,
 453, 454, 506, 545

March 24, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor Wayne Schroeder of the Calvary Lutheran Church and School, 28th and Franklin, Lincoln, Nebraska.

PASTOR SCHROEDER: Prayer offered.

SPEAKER MARVEL: Have you all recorded your presence? Is everybody here or are there still some missing? While we are waiting for the quorum you might be interested in the fact that our Clerk is hobbling around. The problem is that I was teaching him some dirty plays in basketball and got too vigorous. Record the vote.

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

SPEAKER MARVEL: Do you have some items under item #3?

CLERK: Yes, sir, I do, several in fact. Mr. President, I have a series of reports to read in. Your committee on Public Works whose chairman is Senator Kremer to whom was referred LB 98 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 226 to General File with amendments and LB 344 to General File with amendments, (Signed) Senator Kremer. (See pages 1082-1086 of the Legislative Journal.)

Your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 454 to General File; LB 172 General File with amendments; LB 304 General File with amendments; LB 360 to General File with amendments; LB 506 General File with amendments; LB 48 indefinitely postponed; LB 62 indefinitely postponed; LB 299 indefinitely postponed; LB 332 indefinitely postponed; LB 342 indefinitely postponed; LB 343 indefinitely postponed; LB 453 indefinitely postponed, all signed by Senator Carsten as Chair. (See pages 1086-1089 of the Legislative Journal.)

Mr. President, your committee on Administrative Rules and Regs reports, whose chairman is Senator Vard Johnson, reports LB 266 to General File with amendments.

Your committee on Government reports LB 239 to General File with amendments and LB 545 to General File with amendments, signed Senator Kahle as Chair. (See pages 1089-1093.)

Mr. President, LB 179 is reported correctly engrossed.

Mr. President, LR 40, 41 and 42 are ready for your signature.

April 15, 1981

SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

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LB 506, 44, 74, 87, 266,
173, 226A, 271, 483

appropriated in this bill, there is some question about the continued operation of the Eppley Institute. This would be a shame. I urge the body's support of 506.

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

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate all the support that has come and I appreciate Senator Warner's constructive amendments to LB 506. Senator Wesely just asked a question about what the scope of the bill now is with respect to research. The \$1.2 million which we appropriated to the Department of Health will be available for research, not only for cancer related research, but for research related to any disease or medical problem that it would be caused by smoking. There are a tremendous number of smoking related diseases and so I do not believe that is an excessive amount of money for that research. I think it really is just a start and I really hope that you will join me in advancing the bill. I would, however, have to correct Senator Hefner who urged Senator Koch to start chewing tobacco instead of smoking. Senator Dworak was recently advised by his dentist not to do that and so in light of that I wouldn't suggest Senator Koch taking that habit up either. As to why we have not increased the tax on chewing tobacco and cigars, that is something that the Revenue Committee or somebody may want to look at, but if you have as many ranchers in your district as I have in mine, that is not something you want to be involved in initiating. Thank you very much and I would urge you to advance LB 506.

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

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. Go ahead.

CLERK: Mr. President, your Enrolling Clerk respectfully reports she has presented to the Governor for his approval LB 74, 44, 87, 271 and 173.

Mr. President, a new A bill, LB 226A offered by Senator Haberman. (Title read.)

Mr. President, LB 483 is 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 reengrossed LB 483. We are now ready for LB 266.

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LB 266

CLERK: Mr. President, LB 266 was introduced by Senators Wesely and Vickers. (Read title.) The bill was first read on January 16. It was referred to Administrative Rules and Regulations. The bill was advanced to General File. There are committee amendments pending by the Administrative Rules and Regulations Review Committee, Mr. President.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, as you know, this bill's primary sponsor is Senator Don Wesely who does take advantage of certain movie offerings in town and three years ago saw the Towering Inferno five times in a row, and as a result of his view of the movie, he decided the State of Nebraska needed a high rise fire code, and as a result, he over a long period of time prepared and introduced LB 266. This bill came to the Administrative Rules and Regulations Committee. The committee held a public hearing and advanced the bill to the floor. It has several amendments which do the following: The first amendment, the first part of the committee amendments directs the State Fire Marshal to adopt a high rise fire code within six months from the time this bill passes, meaning simply that the committee felt that the Fire Marshal should take quick action now rather than to allow the matter to linger on and on and on. Secondly, the amendments make a definitional change to the buildings that will be covered by the high rise fire code and that was a suggestion given to us by one of the engineers that came in and testified on behalf of the bill. Third, the amendments make it quite clear that whatever high rise fire regulations the State Fire Marshal develops, he is to distinguish between new construction and existing construction. Under the bill as drafted the Fire Marshal was given the discretion to distinguish between new and existing construction but the committee thought that the Fire Marshal should be required to distinguish between new and existing construction with respect to the fire code. The bill eliminated references to elevators suitable for the handicapped. The committee amendments do that, I should say, and finally, one of the suggestions that had been made to the committee by several witnesses was that the State Fire Marshal in developing his high rise fire code rely on the standards set down by the Uniform Building Code, 1979 edition, so the final committee amendment or the final part of the committee amendment is to refer to the Uniform Building Code, 1979 edition, and requiring the State Fire Marshal in the development of the high rise fire code, and building code, to make sure that his regulations conform to the sections of the Uniform Building Code, and with that,

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LB 266

Mr. Speaker, I would move the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 266. The Clerk has an amendment on the desk.

CLERK: Mr. President, Senator Wesely moves to amend the committee amendments and the amendment is found on page 1497.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I appreciated very much Senator Johnson's kind remarks, and although I deny ever seeing the Towering Inferno, he is probably right. The amendments that I offer to the committee amendments deal with the question of the effective date of the rules and regulations which would be adopted under the bill. Although we didn't deal with them in the committee, my thought was that perhaps we ought to specifically set the time in which a new building would have to come into compliance and then existing buildings and provide a break for existing buildings so they wouldn't have to come into compliance with these standards until January 1 of 1983, although new construction would come into compliance with these standards in 1982, April 1st of the year, next year. So all we are doing is adding the effective date and providing an extra break to existing buildings so they could take a little more time to meet the new standards they would have to.

SPEAKER MARVEL: The motion is the adoption of the Wesely amendment to the committee amendments. All those in favor vote aye, opposed no. Have you all voted? Record.

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

SPEAKER MARVEL: Motion is carried. The Wesely amendment to the committee amendments is adopted. Any further discussion? Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, I would waive closing. I would again move the committee amendments.

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

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

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LB 266

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. Senator Wesely, do you want to explain the bill?

SENATOR WESELY: Yes. Mr. Speaker and members of the Legislature, I am very pleased to present to you LB 266 which I believe to be a very important bill. It would adopt for the first time in the State of Nebraska statewide high rise fire safety code bill. This code would apply both to existing and new buildings which would be over five stories high or seventy-five feet or higher. The impetus for this bill quite frankly came not from the Towering Inferno but, in fact, from some real life disasters that struck our nation last year, and as you recall, I did pass out a handout which lists for you a number of those disasters in Las Vegas and New York where high rises were struck quickly and violently and disastrously by these fires, and what the finding was in those states was that they just didn't have a very good code, and when that happened there, I sat down with the State Fire Marshal and said, "Well, how about Nebraska? Could it happen here?" The answer was "Yes, it could." We have very light standards. We have no statewide high rise code and it is quite clear that after this experience we should see the light and adopt a code. Now in developing this legislation, we made it rather broad. We did list for the Fire Marshal a number of things we wanted him to look at but our primary purpose was to mandate that he sit down with a review and technical board of the experts in the state, develop the specific rules and regulations to adopt a high rise code, make that code one that is fairly strict for new construction but a little more lenient, a little more flexible for existing buildings, and to come up with that code over the course of about a year, and then have the new buildings come into compliance about a year from now and existing buildings have another close to about nine months to further refine their building and then come into compliance with existing high rise fire code rules and regs which he would adopt. Now Omaha and Lincoln, specifically, do have a high rise code. They adopted each in the early 1970's a code that would apply to new construction in those cities. Unfortunately that did not apply to existing buildings and by far the most buildings that we need to look at are those that were built prior to the new codes that were adopted in Lincoln and Omaha. We did get support of Lincoln and Omaha city fire offices and the cities themselves. The firefighters in both cities support this bill. They recognized the fact that they need to apply standards to existing buildings, that is, in fact, the existing buildings, the existing high rises in this state pose the greatest danger and the greatest potential for fire, and it is in

those existing buildings that we need to develop some alternatives that will provide for more safety than they now have, and again I emphasize, we are not talking about ripping up older high rises and putting in sprinkler systems. What the intent here is is that if that is an unreasonable too costly an item, well, they have choices and the choices are listed for you in the bill. For instance, they could develop areas of refuge as one item, for instance, where they could have an area that could be sealed off in the event of a fire for say twenty minutes and protect people so that in about that amount of time the fire department would have a chance to put out the fire, at least put it out enough so that they could get somebody up there to help these people. That would be a less costly alternative. They could look at a smoke detection system. Senator Cope had the smoke detector bill. This would expand on that and insure that smoke detectors would be available that would be helpful to alert people to a problem. Alarm communication central control systems that would communicate with people if there is a problem. Fire safety features for elevators. Emergency standby power and light systems and a number of other items are listed. But clearly there are some choices that are not all that costly to existing buildings that the Fire Marshal would look at and try and come up with the least costly, most effective means to insure safety for the residents of that high rise. The Fire Marshal, I think, is going to be very reasonable in developing these rules and regulations and I think that the mandate that is called for in LB 266 is appropriate. I have gotten a lot of support for this bill. If you look at the handout I have, you will have a handout that lists some of those groups that have appeared at the hearing on this bill and testified in support. They include a wide range of interest, including owners and managers of existing high rises who have recognized the need to improve on their safety and have supported the bill. I think you will also see a letter from the Notifier Company which talks about how important it is to have a little more restrictive requirements for high rises because they do pose a much greater danger for fires than any other alternative and I have an office on the eighth floor of this building and I know what the prospect is of potentially having a fire in a high rise where I might be located and it is a scary thought. It is one that I think we shouldn't have to have people in fear of in this state, that we should have a minimum high rise code that people can feel pretty secure that their high rise building is going to be safe and that they can rest easy that the building is going to be secure from fire and I think that the experiences in those states should caution us that we can stop that from happening ever here in Nebraska by adopting this bill. I urge your support for LB 266 and request that it be advanced to E & R for Initial.

SPEAKER MARVEL: The motion is the advancement of the bill. There is an amendment on the desk.

CLERK: Mr. President, Senator Vickers moves to amend the bill and the amendment is found on page 1495 of the Journal.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I think this bill meets with the introducer's...or this amendment meets with the bill's introducer's approval and I will give the Legislature a little bit of a history as to the reason for this amendment and for my interest in this area. I also asked Senator Wesely to be included as a cointroducer of LB 266 not because I have any high rise buildings in my district. I don't intend to attempt to do anything with the silos out there. That is about the tallest buildings we have got but I think it should be a matter of concern to everybody in the State of Nebraska the safety of the buildings of the State of Nebraska as it relates to fire hazards, in particular the high buildings it would be difficult to get people out of. Because of some information that I had brought to me a couple of years ago from a contractor that did some work or had a contract to do some work in the Omaha area, and as a result of that information, I had several meetings with the State Fire Marshal's Office. We have had a few meetings with a few members of this body and the problem seemed to be quite simply that the State Fire Marshal's Office has to delegate the authority to the local people as far as regulations and codes are concerned, local authorities in cities that have home rule, such as, Omaha, Lincoln and so forth. The statute, if you will look on page 1496, the statute says the Fire Marshal shall delegate the authority. I am changing that to the State Fire Marshal may delegate the authority, and under the present system you will also notice that the local authority, their decision shall prevail subject to established appeal procedures, which means the local people can do as they choose unless the State Fire Marshal's Office appeals from the top down. It seems to me that that is backwards from the way it should be when you realize the state has the responsibility through the State Fire Marshal's Office of making sure that fire codes in the buildings are adhered to and the buildings are constructed safely. So what we are attempting to do...what I am attempting to do with this amendment is to change it around so that the Fire Marshal may delegate the authority, that the Fire Marshal then may overrule the decision, act or policy of the local fire prevention personnel, and if he does, then the local personnel may follow the same appeals procedure that the State Fire

Marshal has to at the present time, in other words, from the bottom up instead of from the top down the appeal would come. This does have the approval, by the way, of the State Fire Marshal's Office and he indicated to me that with this type of language then he could make certain that all buildings in the State of Nebraska, no matter where they are constructed, would meet the minimum codes established by the State Fire Marshal's Office. At the present time, because of this building that I am aware of in Omaha, it was constructed of a lower standard, if you will, than the State Fire Marshal would have allowed it to be constructed in places that were directly under his jurisdiction but he feels that his hands are tied without going through the established appeal procedures to do anything about it. So it seems to me that again as I indicated the other day on Senator Cope's bill that the responsibility is ours at the state level and we should shoulder that responsibility and we should make sure that our...the State Fire Marshal's Office, who we delegated that authority to, has the authority to enforce the codes throughout the State of Nebraska. I would remind this body that the analogy, it seems to me, is much as we have done with the local schools through the Department of Education. The Department of Education does have the authority to make sure the local schools do certain specific things and it seems to me that we should do this, even though we have delegated the authority to the local schools to operate their own business, it seems to me we should do the same thing as far as fire safety is concerned and fire codes and I do urge this body's adoption of this amendment.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Kilgarin, did you wish to speak to the amendment?

SENATOR KILGARIN: Yes, thank you, Mr. President, and colleagues. I will keep it brief because I know the hour is late but I just want to say that I support LB 266 and I also support Senator Vickers' amendment. Senator Pirsch, myself, Senator Wesely, Senator Vickers and the State Fire Marshal did have a meeting and we talked about some of the problems that I believe Senator Vickers' amendment will correct so I urge your support of Senator Vickers' amendment and of LB 266. Thank you.

SENATOR NICHOL: Senator Wesely, did you wish to speak to the amendment? Senator Vickers, did you wish to close on your amendment? The question is, shall the Vickers amendment

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LB 266

be adopted? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

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

SENATOR NICHOL: The Vickers amendment is adopted. Senator Wesely, did you wish to close? Senator Cope, excuse me?

SENATOR COPE: Mr. President, members, naturally I support this bill, 266, one hundred percent. It ties in beautifully with the smoke detector bill. It is kind of a coincidence. We were both working on these bills separately for a long while before each other knew that we had bills that were somewhat similar. We thought once about putting them together but thought it would be better to keep them separate. Let me say this, give you just one or two statistics to prove that we need both bills in Nebraska. These are national but each year there is over 2.7 million fires in the United States and that is twenty times more deaths are caused by these fires than by all...than by floods, hurricanes, tornadoes and earthquakes combined. Now if we can do, and we can do with bills like this, we can cut those deaths down. I think if we can pass these two bills in the Legislature this year, we are going to save many lives in Nebraska and that is important. Please vote for LB 266.

SENATOR NICHOL: Senator Wesely, are you going to close please?

SENATOR WESELY: Thank you, Mr. President, members of the Legislature. It is lunch time, Senator Fowler is getting hungry. I can hear his stomach. I would like to say that since the last bill concerned the cigarette tax in the smoking bill that Senator Cullan introduced, I think it is only appropriate that I say that where there is smoke there is fire and now we have my fire code bill and it is just working out terrific. So with the amendments and with the bill in the form it is at, I think you are going to see very, very positive results and would encourage your support for the bill. Thank you.

SENATOR NICHOL: The question is, shall LB 266 be advanced from General File? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

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LB 266, 266A

SENATOR NICHOL: Have you all voted? Please. Record.

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

SENATOR NICHOL: The bill is advanced. Mr. Clerk, shall we try the A bill?

CLERK: Yes, sir. LB 266A offered by Senator Wesely. (Read title.)

SENATOR NICHOL: Senator Wesely, did you wish to speak or that?

SENATOR WESELY: Yes, Mr. President. I just move the A bill that would allow the Fire Marshal to carry out the provisions of the bill and draft the rules and regs.

SENATOR NICHOL: The question is, shall LB 266A be advanced? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

CLERK: 27 ayes, 0 nays on the motion to advance the A bill, Mr. President.

SENATOR NICHOL: The A bill is advanced.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Labeledz, would you like to recess us until 1:30 p.m.?

SENATOR LABEDZ: Mr. Speaker, I make the motion we recess until 1:30 p.m.

SPEAKER MARVEL: All in favor say aye, opposed no. We are recessed until 1:30 p.m.

Edited by Arleen McCrory
Arleen McCrory

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LB 35, 95, 132, 173, 266, 266A,
360, 477, 506, 541, 545
LR 57, 58, 59, 60

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 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 LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, will you please stand so that we can recognize you.

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LB 266

SENATOR CLARK: The bill is advanced. LB 266.

CLERK: Mr. President, LB 266 has E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Yes, I move the E & R amendments to LB 266.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed no. The E & R amendments are adopted.

CLERK: Mr. President, Senator Wesely moves to amend the bill. (Read Wesely amendment as found on page 1835 of the Legislative Journal.)

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, this is an amendment to deal with the question of when existing buildings should come into compliance with the high rise code which would be adopted under this bill. We say in the original bill that they have until January 1 of '83 and what we are doing is giving them an extra year and I guess three months to April 1 of 1984, a full two years after the rules and regulations would be adopted for existing high rises. So this is an attempt to try and recognize the fact that existing building owners need that amount of time to comply with any rules and regs and also gives us two legislative sessions to deal with any changes we would like to make in those. So it is a flexibility amendment and one that is supported by existing high rise owners.

SENATOR CLARK: Is there any discussion on the Wesely amendment? If not, 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.

CLERK: 26 ayes, 0 nays on adoption of the Wesely amendment.

SENATOR CLARK: The amendment is adopted. Is there anything further on the bill?

CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Wesely, do you want to advance the bill?

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SENATOR WESELY: Yes, I move its advancement.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 266A.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 266A.

SENATOR CLARK: You have heard the motion on advancing LB 266A. All those in favor say aye, opposed. The bill is advanced. LB 545.

CLERK: Mr. President, there are E & R amendments on LB 545.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Yes, I move we adopt the E & R amendments to LB 545.

SENATOR CLARK: The motion is to adopt the E & R amendments on LB 545. All those in favor say aye, all those opposed. They are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 545.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 252. The Clerk wants to read a couple of things in.

CLERK: Mr. President, LR 126 offered by Senators Clark, Marsh, Barret, Nichol, Kahle, Wesely, Fitzgerald, Goodrich, Warner and Maresh. (Read LR 126 as found on page 1835 to 1836 of the Legislative Journal.) LR 127 offered by Senator Haberman. LR 128 offered by Senator Higgins and Cullan. (Read LR 127 and LR 128 ad found on pages 1836-1837 of the Legislative Journal.)

SENATOR CLARK: LB 252.

CLERK: Mr. President, LB 252, Mr. President, does have an E & R amendment pending.

SENATOR CLARK: Senator Kilgarin.

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 14, 1981

LB 228, 250, 266

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence please. While we are waiting for the other twenty-six legislators to check in, from Senator Warner and Senator Schmit's Districts in the North balcony we welcome to the Unicameral 54 eighth graders from Raymond, Nebraska Central, three parents, Sue Kendle, Trudy Pedley and Jack Gould, teachers. Where are you all located so we may welcome you to the Unicameral? Senator Remmers, would you please check in? Thank you. Okay, Patrick, record the presence.

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

SPEAKER MARVEL: Do you have items to read into the...

CLERK: No, sir, I do not.

SPEAKER MARVEL: First order of business for the afternoon under Final Reading is LB 228. The Clerk will read.

CLERK: (Read LB 228 on Final Reading.)

SPEAKER MARVEL: All provisions of the law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 228, Final Reading. Record.

CLERK: (Record vote read. See page 2036, Legislative Journal.) 33 ayes, 0 nays, 14 excused and 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 250.

CLERK: (Read LB 250 on Final Reading.)

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

CLERK: (Record vote read. See page 2037, Legislative Journal.) 44 ayes, 1 nay, 4 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill is LB 266.

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LB 266, 266A, 296, 296A

ASSISTANT CLERK: (Read LB 266 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 266. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Record vote read. See pages 2037 and 2038, Legislative Journal.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 266A.

ASSISTANT CLERK: (Read LB 266A on Final Reading.)

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

ASSISTANT CLERK: (Record vote read. See pages 2038 and 2039, Legislative Journal.) The vote is 43 ayes, 0 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next on Final Reading LB 296.

ASSISTANT CLERK: (Read LB 296 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 296 on Final Reading. Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 2039, Legislative Journal.) The vote is 39 ayes, 6 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 296A on Final Reading.

ASSISTANT CLERK: (Read LB 296A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 296A. Have you all voted? Record the vote.

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LB 3, 11, 11A, 12, 70, 99, 146,
184, 228, 250, 266, 266A, 296,
296A, 310, 328, 328A, 361,
366, 369, 376, 561

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 184 and recommend that same be placed on Select File with amendments; LB 376 placed on Select File with amendments. Those are both signed by Senator Kilgarin as Chair.

Mr. President, LBs. 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369 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 3, LB 11, LB 11A, LB 12, LB 70, LB 99, LB 146, LB 288, LB 250, LB 266, LB 266A, LB 296, LB 296A, LB 310, LB 328, LB 328A, LB 361, LB 366, LB 369. Okay, if we may have your attention, the first item will be from the Clerk's desk and the second item will be Senator Warner's. So, Mr. Clerk.

CLERK: Mr. President, I have a letter addressed to the membership from Senator Warner who is Chairman of the Appropriations Committee. (Read. See pages 2052 and 2053, Legislative Journal. Re: Line item vetoes of LB 561.)

SPEAKER MARVEL: Senator Warner, you are recognized to comment on the letter just read.

SENATOR WARNER: All right, Mr. President, again under the provision of the rule, the Appropriations Committee is to make such report, and as the report indicates, there was one item which the majority of the committee did support to offer a motion for override which at the time which will be designated by the Senator representing the majority of the committee's position on that issue. The other portion I might just go through briefly with you is the second and third page which is to give you for your information. Page two that is an analysis of the Governor's line item vetoes points out those vetoes that occurred relative to committee recommendations and it shows what the collective floor amendments were, and the last group indicates the vetoes that were relative to the floor amendments and shows the total dollar amount then of \$728 million to \$74,747 that would remain under the Governor's veto as the legislation now stands. If you look at page 3, headed Financial Status Summary, it is similar to what is on the back of the agenda but in a slightly different form. Above the line at the top it shows again the original committee level of recommendation in those bills. The next shows the allocation for A bills that was originally recommended, that subtotal, and then it shows the amount that was

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LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Salverda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 on Final Reading.)

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

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at