

January 19, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer this morning will be given by Reverend Roe, the United Methodist Minister affiliated with the Trinity Methodist Church in Lincoln, Nebraska. Reverend Roe.

REVEREND ROE: Prayer offered.

SPEAKER MARVEL: Roll call. Item #3. Will you please record your presence if you haven't already. Record your vote.

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

SPEAKER MARVEL: Ready for item #3?

CLERK: Yes, sir. Mr. President, first of all, corrections to the Journal. (Read corrections to the Journal as found on page 220 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Sieck regarding LB 58. (See pages 220 and 221 of the Legislative Journal.) I have a series of reports, the first from Frank Marsh, the State Treasurer, regarding the detailed statement of the condition of the State Treasury.

Mr. President, a communication from the Metropolitan Technical Community College regarding LB 1004; a communication from the State Department of Correctional Services regarding program evaluation of the therapeutic community at the Lincoln Correctional Center.

Mr. President, a deposit or communication from David O. Coolidge who is the Director-State Engineer of the Department of Roads pursuant to LB 722. Those will all be on file in my office, Mr. President.

Mr. President, your Committee on Constitutional Revision and Recreation gives notice of public hearing in Room 1019 for January 30, February 5 and February 6. (Signed) Senator Labeledz as Chairperson.

SPEAKER MARVEL: Okay, we now go to item #4, introduction of new bills.

CLERK: Mr. President, new bills: Read title to LB 284-309 as found on pages 223 through 228 of the Legislative Journal.

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LB 285, 446

CLERK: Mr. President, I do. I have an explanation of vote from Senator Beutler. I have a request from Senator Stoney to be excused Thursday, March 19.

Your committee on Public Works whose chairman is Senator Kremer reports LB 285 to General File with amendments, (Signed) Senator Kremer. (See pages 992-993 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we will proceed with LB 446.

CLERK: Mr. President, LB 446 was introduced by the Government, Military and Veterans Affairs Committee and signed by its members. (Read.) The bill was first read on January 20 of this year, Mr. President. It was referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, members, I move the committee amendments but I think I had better explain the bill, at least briefly so that you understand what we are talking about. LB 446, this bill was introduced by the Government Committee on behalf of the Secretary of State. Most of the bill is technical and involves procedural changes in the election laws. There are some important substantive changes that I will alert you to. One involves the transfer of duties from Executive Board to the Attorney General of writing the explanatory language for constitutional amendments on the ballots. Now this is a considerable change from what we have been doing so I hope you will note this. I will read it over again. It involves the transfer of duties from the Executive Board to the Attorney General for writing the explanatory language for constitutional amendments on the ballots. There are also some changes in the law regarding petitions. There would have to be at least one-quarter of an inch of space for each signature on a petition and people would have to both write and print their names on the petition. Now we do have an amendment that changes that slightly. The committee amendments makes several changes in the bill with regards to the printing of names on the petition. The committee adds language that this is not necessary if the signature is legible. We also adopted an amendment of Allen Beerman's that makes the residency requirement for technical community college board members six months. This is the usual residency requirement. At the request of the League of Nebraska Municipalities we added language that clarifies that the term of office for

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assist him in granting waivers, the Secretary of State may wish to appoint an advisory committee made up of interested people and experts to serve without remuneration or expenses. The committee amendments are a compromise reorganizing the need to grant handicap access and the problem of finding suitable polling places in sparsely populated areas. I might say that as we progressed with the hearing, of course a great number of people that were handicapped or represent the handicapped became before the committee. We also knew from experience in outstate Nebraska that many of the polling places had been moved, for instance, to a central location causing voters to have to travel many more miles where there were not any handicapped people at all in the community. So this is sort of a compromise. If there are no handicapped, if there is no need for the accessibility that was required, it can be waived. There can be a waiver granted and that is what the committee amendments do. I move adoption of the committee amendments.

SPEAKER MARVEL: Motion is the adoption of the committee amendments to LB 70 as explained by Senator Kahle. All those in favor vote aye, opposed vote no. Have you all voted? Record.

ASSISTANT CLERK: 26 ayes, 1 nay on adoption of the committee amendments.

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. The motion is to advance LB 70 to E & R for review. All those in favor vote aye, opposed vote no. Record the vote.

ASSISTANT CLERK: 26 ayes, 1 nay, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Next bill, LB 285, Senator Clark, 285.

ASSISTANT CLERK: Mr. President, LB 285 (read title). The bill was read for the first time on January 19. It was referred to the Public Works Committee and there are committee amendments.

SENATOR CLARK: I will take the committee amendments, too.

SPEAKER MARVEL: Senator Clark.

SENATOR CLARK: All the committee amendments do is that they had the bill originally that if it was a hard surfaced road, they could not give it back to the counties until after a three year period and we removed that three year

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LB 285, 324

period if it was not necessary to have the road as a state highway or part of the state highway system and all they did is give it back to the counties with due notice and that is all the committee amendments do. I move for their adoption.

SPEAKER MARVEL: Motion is for the adoption of the committee amendments to LB 285 as explained by Senator Clark. All those in favor vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. Do you want to move the bill now?

SENATOR CLARK: I would move that 285 be advanced to E & R. What this bill does, it is strictly a permissive bill and allows the Director of the Department of Roads to classify a detour as part of the highway system until it is finished and they will have full responsibility to it and that is all it is, a permissive bill, so I would move for the advancement to E & R for 285.

SPEAKER MARVEL: All those in favor of advancing the bill vote aye, opposed vote no. Record.

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. The next bill is LB 324.

ASSISTANT CLERK: Mr. President, LB 324 (read title). It was read the first time on January 19. It was referred to Urban Affairs Committee and there are committee amendments from Urban Affairs Committee.

SPEAKER MARVEL: Senator Landis, do you want to speak to the committee amendments?

SENATOR LANDIS: Yes, sir. The committee amendments strike from the bill a definition of salary. It strikes from the bill a provision changing the method of figuring the appropriate pension benefits for firefighters in the City of Lincoln and, therefore, strikes all of the fiscal impact of the bill. The section which the committee amendments adopt is a payback section allowing the firefighter who has left the pension system, left the employ of the City of Lincoln as a firefighter and then return to work as a firefighter

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LB 70, 163, 172, 184, 242, 250,
285, 302, 310, 324, 369, 375, 494,
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labeledz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labeledz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

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LB 302, 285

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

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: I move it be advanced.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed no. The bill is advanced. LB 285.

CLERK: Mr. President, LB 285, I have a series of amendments. First are E & R amendments to the bill, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 285.

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

CLERK: Mr. President, the next motion I have is from Senator Lamb. Senator Lamb's amendments, Mr. President, are on page 1769 of the Journal.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members, I am adding four words to the statute. Currently mobile homes sixteen feet wide move during daylight hours. This adds the words, "or prefabricated livestock buildings" also the same width. It is a very simple amendment. It puts prefabricated livestock buildings on the same basis as the mobile home, the same width, same everything. I urge the adoption.

SENATOR CLARK: Is there any discussion on the Lamb amendment? If not, all those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 25 ayes, 6 nays on adoption of Senator Lamb's amendment, Mr. President.

SENATOR CLARK: Senator Lamb's amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment is offered by Senator Fowler.

SENATOR FOWLER: Mr. President, I handed out an explanation of the amendment and it probably would be as quick to read it to you. "The purpose of the amendment is to modify width requirements of intracity buses traveling on state highways." That is a bus that goes around within a city but there are state highways going through cities so intracity buses do travel on state highways. Currently an intercity bus that travels on a state highway can be a hundred and two inches wide plus safety equipment. This amendment would allow intracity buses, would change the intracity bus requirement to equal the intercity bus requirement. So buses traveling within a city on a state highway can be the same width as buses traveling between cities and the reason for this amendment is that the City of Lincoln is currently contemplating purchasing, in fact, is I think in the process of purchasing new intracity buses that are a hundred and two inches wide and the existing buses are ninety-six. Now what this would do is on main thoroughfares in the City of Lincoln that are state highways, that a bus that belongs to Lincoln Transportation system or in the case of Omaha, Metro Area Transit, or any other transit system if it travels around within the city, it would, on a state highway it could be the same width as a bus that travels between cities that is traveling on a state highway. So it really does not change the width requirement, maximum width requirement that is allowable. It just allows the bus that travels within the city to be the same width as the bus that travels between cities. Lincoln is asking for an additional six inches on this bus width. So with that I would move for adoption of the amendment.

SENATOR CLARK: Senator Beutler, do you want to talk on this amendment?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, in the Public Works Committee every year we have long and tedious debates on the effects of additional width with regard to the size of the road and the safety of the road and when you get wider vehicles then the road becomes unsafe and you build bigger highways and they get heavier. And the heavier they get they crumble the highways and cost you a whole bunch of money in the long run. This is a very dangerous type of amendment. The one that Senator Lamb proposed to you is a dangerous type of amendment. It is not a wise thing to do to start allowing wider vehicles and heavier vehicles onto our roads without a thorough discussion in committee on what the effect of those exemptions might be and I just warn you that this is something that is easy to do and difficult to see the implications of but it has sometimes very serious consequences in terms of the cost in the long run in building or repairing our highways, in terms of safety,

and I hate to just say no to these things but I really think that that is what should be done, that you should just say no until there has been a Public Works Committee hearing on it, until you have some input on it. I can't stand up here and tell you what the consequences are on this type of amendment without going to some of the experts but I think you should go to the experts first. I think you should get all the input that you can on these things first and I don't care if it is the City of Lincoln or out west. We should not be attaching these amendments on without looking at the question more closely because these are complicated areas and costly areas. Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I, too, think this is an issue that should be discussed more than we are going to be able to do it tonight or this evening. I guess it is night. And I see all kinds of problems, if we allow buses to be six inches wider, why not trucks? And I guess I wonder how they are going to get the buses here because they would be over width on the highway. Eight feet has been the going width for a good many years for trucks and on the highway and buses in town. So I am not sure I am against this idea but I certainly think it would be foolish for us to pass it at seven-seventeen on Tuesday night when we are all tired and the first time we have ever heard about it. Thank you.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Senator Kahle and Senator Chris Beutler, let me go over this one more time. This width is currently within state law on the highways outside the city. All we are asking is that that same width be extended within the city when it is on the highway within the city. It is not adding to the weight problem. It already is allowed on the highway outside the city. It is not the complication which the two previous speakers seem to indicate. Had they been listening when the introducer mentioned it, they would have been aware that this is currently state law now when it is outside the city. We would like to have the same rule apply within the city limits. I urge your acceptance of this amendment.

SENATOR CLARK: Senator Beyer.

SENATOR BEYER: Mr. Speaker and colleagues, I can just reinforce a little of what Senator Marsh has said. It does not change the difference. It does not change weight. If the

cities are willing to go along with this and that is generally where the weight problem comes in. It is more with the cities than with our highways. They complain about the damage on the streets. It is not going to increase the weights because they still come under the same weight laws that we have in the State of Nebraska. So I think I can see a lot of benefit to it in the cities without any more damage if the cities are willing to go along with it. Thank you.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. Those wishing to cease debate will vote aye. Those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: 27 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Fowler, do you wish to close?

SENATOR FOWLER: Okay, if I can try again to explain it. If a Continental Trailways bus drives down "O" Street in Lincoln it can be a hundred and two inches wide because it is an intercity bus. However, a Lincoln Transportation System Bus, a bus that travels within Lincoln, the new buses at ten feet, a hundred and six inches, would not be able, hundred and two inches, sorry, would not be able to go down that same street. So the wider Greyhound bus could go down the street now under state law. All we want to do is let a municipality's buses be the same width. It does not raise the width beyond any vehicle that is allowed. It just brings the buses that travel within a city into conformity with the buses, allowable width for buses that travel between cities. And for that reason I brought the amendment in. Buses are getting bigger in cities. I move its adoption.

SENATOR CLARK: The question is the adoption of the Fowler amendment. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 28 ayes, 2 nays, Mr. President, on adoption of Senator Fowler's amendment.

SENATOR CLARK: The amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment I have is offered by Senator Warner.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, Mr. Clerk, I substituted an amendment. Which number do you have, request number?

CLERK: Senator, I have Request #2457.

SENATOR WARNER: That is it. Mr. President, members of the Legislature, this amendment is the same amendment that was adopted by the Public Works Committee and placed on LB 383 and what it does it strikes from the existing statutes, language that is part of a definition of a mini-bike and that the seat height of not less than twenty-five inches. By striking this from the description for minibikes it does not, as I understand it, change in any way or will still permit the interpretation of minibikes separate from other vehicles. The purpose of the amendment is to make it legal to license a vehicle that would be, fit this description of a seat height under twenty-five inches. Apparently there is at least one kind of a three-wheeled vehicle called a trimuter which has a seat height below that, however, it does have an eyesight of thirty-nine inches which is at the same or less than a number of vehicles that are regularly bought. The particular vehicle has a considerable efficiency on gasoline. There is something like a hundred and sixty plans sold in the state for making these vehicles. You buy the plans and I assume some of the material and they are essentially built at home. I understood the Public Works Committee did have letters from the Department of Motor Vehicles as well as they contacted the Department of Roads, neither of which had any problem with the amendment. As I indicated the committee did place it on one bill that they have advanced to the floor so I would move adoption of the amendment.

SENATOR CLARK: Senator Dworak. Is there any further discussion? If not, all those in favor of the Warner amendment vote aye, opposed nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President.

SENATOR CLARK: The amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment is offered by Senator Remmers.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. President, members of the Legislature, I have also one that just adds a few words. I have a constituent that has been building hog Porta-pens. They are a small lightweight open type of shelter for hogs and he has been transporting them all over the United States. He thought he was in compliance with the law until he got stopped by the patrol last fall. He was stopped by the patrol and they said he could not do that. He had to have a house moving permit which cost him \$20 per permit and he has to apply for it three days in advance. Well this is quite an inconvenience to him and also a cost. When you consider that he can go into the State of Kansas and pay a port of entry fee of \$5 and go anywhere there and that is about what he has to pay most places. Some places he has to pay a port of entry fee of \$10. My amendment would simply add "portable livestock buildings not exceeding fourteen feet in width," included in a group of exemptions. For instance farm equipment in temporary movement during daylight hours or during hours of darkness when the clearance light requirements are fully complied with, they don't need any special permit. Combines or vehicles used in transporting combines do not need a permit if they are not over fifteen feet wide. Farm equipment dealers hauling, driving, delivering or picking up farm equipment do not need any permit regardless of the width. So I am simply adding in this one paragraph, farm equipment dealers hauling, driving, delivering or picking up farm equipment including portable livestock buildings not exceeding fourteen feet in width. That keeps the restriction down lower than what we have presently. What the present law allows in most farm equipment and as far as weight, this is not a heavy load. It is a very light load and it is secured on a flat bed and there is certainly no danger involved and I realize it is for a special interest for a constituent in Falls City but I am sure it will apply to other people in the state and I would appreciate it if this amendment was adopted.

SENATOR CLARK: Senator Dworak, did you want to talk? Your light is still on.

SENATOR DWORAK: Mr. Speaker, just briefly I think we are going too far on this thing. I think Senator Lamb kind of slid one by us there pretty fast and I voted against that but these rules and these regulations and laws are designed for two things, number one, the structural capacity of the

roads and, number two, the safety of people driving on the roads. To all of a sudden open this up to almost any type of situation without more knowledge and more expertise I think is a mistake. I think the committee should make the decisions on this. The committee and its staff are aware of the safety ramifications. They are aware of what the highways can stand and I think this is just a poor way to legislate especially this type of technical legislation and I am going to vote against it and I would urge others to take a look at this a little closely before you cast a green.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, Senator Remmers, a question if I could. This fourteen foot limit that you are talking about, can the implement companies exceed that now?

SENATOR REMMERS: For other items or for a special permit on a house moving permit but not...

SENATOR KAHLE: For farm machinery.

SENATOR REMMERS: I would like to have...I think that he is deserving of the same kind of permit that any farm equipment dealer has now.

SENATOR KAHLE: Well what I am concerned about is that you may be restricting the implement dealer. He is probably hauling farm machinery that is over fourteen feet wide and you would be restricting him to fourteen feet would you not?

SENATOR REMMERS: No, I was only adding this particular class to fourteen feet. The other items he can already haul beyond them and I don't think mine would change that a bit.

SENATOR KAHLE: Okay.

SENATOR REMMERS: In other words, the farm equipment dealer, even with my amendment, could still exceed the fourteen foot width according to present law.

SENATOR KAHLE: When the amendment was read I was not sure. It sounded like the restriction was on the implement dealer also.

SENATOR REMMERS: No, just on that particular item.

SENATOR KAHLE: Okay, thank you.

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LB 285

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

SENATOR REMMERS: Well I just want to say again that the man that was hauling these thought he was within the law and I thought he was too so I went to the State Highway Department and thought that it would just be a matter of explaining what he was hauling but they had already fined him or arrested him last fall so they were not about to turn around on their decision. But it is not a matter of weight. They are light and they are not a matter of hazard because we have wider vehicles on the road today. Implement dealers can haul, I believe, almost any width on a truck according to the way I read the present statutes. So I don't think we are increasing the danger to traffic and I am sure we are not increasing the danger as far as the weight destroying the highways and I think the amendment should be adopted.

SENATOR CLARK: The question before the House is the adoption of the Remmers amendment. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Remmers amendment? Well they have all voted but 24. Have you all voted? I hope we don't have to go under Call. Have you all voted? Record the vote.

CLERK: 26 ayes, 6 nays on the motion to advance the bill, Mr. President. I'm sorry, on the adoption.

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LB 285

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

CLERK: Mr. President, I now have an amendment from Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I hope this is the last of the amendments on the desk on this bill. This is an amendment that the Legislature has seen once before on consent calendar, that this amendment is one that was previously adopted by the Public Works Committee. What the amendment does is to allow for beets to be hauled from the stockpile in western Nebraska. Actually I think this affects a very very small part of the state, west of Scottsbluff to the Wyoming state line. It allows for beets to be hauled from the stockpile to the factory with the same weight limitations as they are hauled from the field to the stockpile. The reason that this is necessary is because of what I think is a very bizarre interpretation from the State Department of Roads that says that when you haul...that does allow the beets to be hauled in a certain way to market and they say that the stockpile is market and the factory is not the market and I think that is a very unusual interpretation. It costs a great deal of money and a great deal of inconvenience to the farmers of western Nebraska. I simply ask you to adopt the amendment which allows them to haul beets from a stockpile and I think the total distance involved is about twenty miles total. I think it is even less than that but it is a very small distance in the State of Nebraska and again, I think that these amendments carry out...was already adopted in one bill that the Legislature passed several years ago but the very unusual interpretation from the Department of Roads has created this problem so now we are trying to clarify it. I would ask you to adopt the amendments and move with the bill quickly.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, I rise in opposition, a very strong opposition. I opposed it on consent file. I think we have to recall why we put this exemption from the field in in the first place. It was argued that it is night, they are out in the field, they are harvesting crops, it is difficult to know exactly when they have a legal load and they don't have a legal load so we passed a 25% variance. It was never intended that agricultural commodities should go 25% over legal weights. This is devastating to our highways, devastating. You know we passed an increase in gas tax. We have done it several

times in the last three, four years. People are getting tired of paying it. Our roads are deteriorating and this is the reason why. Now this is even more broad than the allowance we granted farmers in saying that not only do they take it from the field to the market, which essentially means the nearest elevator, but virtually market could be anyplace, anyplace at all. We are virtually giving them overload capacity to go anyplace in the state. It is a mistake. It is wrong. It is expensive and I urge you to defeat this amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I urge you to support this for one reason. At one time we say to the people hauling sugar beets, yes, you may overload 25%. It may be the next day we say, no, you may not overload. Whichever way we should go, it should be the same way. In other words we should not say, yes, today you may overload, tomorrow you may not. This is confusing to the people who haul them many times and most of the times they are the same people hauling the beets from one place to another. So I urge you to support the bill simply to make it consistent.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: A question of Senator Cullan.

SENATOR CLARK: A question of who?

SENATOR HABERMAN: Senator Cullan.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Yes, Senator Haberman.

SENATOR HABERMAN: This extends the same privileges that are now available in other grains to beets. Is that correct?

SENATOR CULLAN: What this allows them to do is do the same thing from the stockpile to the factory that they do from the field to the stockpile. That is all.

SENATOR HABERMAN: Very well, thank you. I will support the amendment.

SENATOR CLARK: Senator Higgins. Well, you were the last one. Oh, I'm sorry. The question has been called for. Do I see five hands? I do. All those wishing to cease debate will vote aye, all those opposed no.

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LB 285, 324, 487, 544

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 27 ayes, 3 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate has ceased. Senator Cullan.

SENATOR CULLAN: Adopt the amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Cullan amendment? Report the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on adoption of Senator Cullan's amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: All right, the question before the House is the advancement of LB 285. Is there any discussion? All those in favor say aye, opposed nay. The bill is advanced. LB 324. Senator Landis, I think it is a motion.

SENATOR LANDIS: Mr. Speaker, I want everybody to recognize the fact that I am withdrawing LB 324. Take it off your schedules and let's all save a little time.

SENATOR CLARK: That will lay it over one day.

SENATOR LANDIS: Oh, ...you may want to object. The introducer moves to withdraw LB 324.

SENATOR CLARK: That will lay over one day. LB 487. Do you want to withdraw this one, Senator Wesely?

SENATOR WESELY: Mr. President, I think we can just pass over that until tomorrow. That is fine.

SENATOR CLARK: Fine, we will pass over 487 and 487A. 544. You have been a wonderful audience. We are down to the last four bills. 544.

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LB 285, 531, 544
LB 389, 389A, 234A

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read LB 389.

ASSISTANT CLERK: (Read LB 389 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 389 pass. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2348-2349 of the Legislative Journal.) 34 ayes, 9 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 389A.

CLERK: (Read LB 389A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2349 of the Legislative Journal.) 31 ayes, 11 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. Do you have anything to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right, go right ahead.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 285 and find the same correctly engrossed; 544 correctly engrossed; 234A correctly engrossed and 531 correctly engrossed. Those are all signed by Senator Kilgarrin as Chair.

SENATOR CLARK: How many more do you have to come up yet, Pat? What? We are waiting for seven more bills. Senator Marvel, I imagine we had better stand at ease until they come up. This might be a good time to discuss a lot of

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LB 172, 218, 234, 234A, 285

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 172 passes. The next bill on Final Reading, Mr. Clerk, is LB 218.

CLERK: (Read LB 218 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 218 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2392-2393 of the Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 218 passes. The next bill on Final Reading is LB 234, Mr. Clerk.

CLERK: (Read LB 234 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President, on adoption of LB 234.

PRESIDENT: LB 234 passes. The next bill on Final Reading, Mr. Clerk, is LB 234A.

CLERK: (Read LB 234A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234A pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2394 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 234A passes. The next bill on Final Reading, skipping over then, 242, is LB 285.

ASSISTANT CLERK: (Read LB 285 on Final Reading.)

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LB 285, 302, 321

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 285 pass. All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2395 of the Legislative Journal.) 40 ayes, 9 nays, and all members were voting.

PRESIDENT: LB 285 passes. The next bill on Final Reading, Mr. Clerk, is LB 302.

ASSISTANT CLERK: (Read LB 302 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 302 pass. All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read record vote as found on pages 2395-2396 of the Legislative Journal.) The vote is 37 ayes, 10 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 302 passes. The next bill on Final Reading is LB 321.

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

PRESIDENT: Motion on the desk, read the motion.

ASSISTANT CLERK: Mr. President, Senator Beutler moves to bracket LB 321 to the time uncertain.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I am just going to get up a couple of times today and they are both on what I consider to be extremely important policy matters that have come to my attention just in the last day or two. With regard to this bill you may recall it is the bill that creates a Educational Facilities Authority which is allowed to issue tax exempt bonds on behalf of private institutions, both religious and nonreligious institutions for the purposes of helping them finance capital construction projects essentially. Today, this morning, I received from the Attorney General a reply to a request for an opinion which I had sent out last week. That reply has been passed around to you and it should be on your desk and the reply says two things. Basically it says that in the opinion of the Attorney General it would appear that Section 3 of Article VIII, of Article XIII of the Constitution of the