

March 16, 1981

LB 245 , 139A, 249, 292A

I think that building the vet college in Nebraska, here in Lincoln, is one of the greatest things that we could do. I have often wondered how come we haven't accomplished this 50-60 years ago. Therefore I would urge you to oppose the Beutler amendment.

SPEAKER MARVEL: Some have asked me how long we are going to continue and I have no pride of authorship, so I will continue until somebody decides they want to adjourn.

SENATOR CHAMBERS: Mr. Chairman.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I move that we, do you have anything to be read in?

CLERK: Yes.

SPEAKER MARVEL: Senator Fitzgerald, do you want to make your announcement?

SENATOR FITZGERALD: Mr. President and members, as you know tomorrow is the day of the Irish, March 17th. I want to make yous all today honory Irishmen so that you can wear green. The Governor and the Mayor will cut a cake at 10:00 a.m. for us, and 8:00 to 9:00 a.m. we are going to have Irish songs and Irish humor and wit. We will have Irish punch. 12:00 we are going to have Irish sausages, baked beans at the hospitality room. I wish everybody is over there. Just a minute ago I got a "pink" notice here, I don't know what it says here, Members of the Legislature, a Polish lady, is that. . . and I just looked up this word P-O-L-I-S-H in the dictionary, and it says "polish, to make smooth and shining surface. A substance used to shine a surface." So I'm really confused a "Polish Lady". I hope to see yous all tomorrow. Everybody wear green.

SPEAKER MARVEL: Okay, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, the Clerk has something to read in and right after that I will make a motion to adjourn.

CLERK: Mr. President, a new A bill, 292A (Read title). 139A by Senator Marsh, (Read title).

Public Health and Welfare reports that LB 249 to General File with amendments.

The committee of Public Works gives notice of hearing for March 26th at 12:30.

March 30, 1981

LB 292, 292A, 479

E & R Initial.

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

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. 292A.

CLERK: Mr. President, LB 292A is a bill offered by Senator Maresh. (Read title.)

SPEAKER MARVEL: Senator Maresh, do you want to advance the bill?

SENATOR MARESH: Yes, Mr. Chairman, I move that this bill be advanced. This is to carry out the functions that we need the first year.

SPEAKER MARVEL: The motion is to advance 292A to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 0 nays on the motion to advance 292A, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 479.

CLERK: Mr. President, LB 479, offered by the Revenue Committee and signed by its members. (Read title.) The bill was first read on January 20, referred to Revenue. It was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendments. The committee amendments do really two things. Number one, it would provide if the counties' failure to implement a valuation manual, it must be established by the examination of the counties' valuation books and records, and second, that the values resulting from the tax commissioner's corrective action shall be used and may be appealed as other new values and property owners would be notified of valuation changes. The basic reasoning behind the bill and the amendments is this, that in

April 1, 1981

LB 113A, 179, 292, 292A,  
317, 327, 479.

amendments; 113A, Select File; 327, Select File; 317, Select File; 292, Select File with amendments; 292A, Select File; 479, Select File. All signed by Senator Kilgarin as Chair, Mr. President. (See pages 1235 through 1238 of the Legislative Journal.)

SPEAKER MARVEL: The next order of business is Final Reading, item #4. All legislators will please take your seats so we can proceed with Final Reading. All unauthorized personnel please leave the floor. The first bill on Final Reading is LB 179E. Senator Koch, your light is on, did you wish to be recognized? Okay. LB 179E.

CLERK: Mr. President, I have a motion on the desk. Senator Hoagland moves to return LB 179 to Select File for a specific amendment, and there are copies that have been distributed, Mr. President.

SENATOR HOAGLAND: Mr. Speaker and colleagues, we had intended to have this printed in the Journal but we adjourned abruptly enough yesterday so it was not done, and I apologize for that. I would ask you to turn to page 19 of the bill. This is an amendment which is of a technical nature basically, in my opinion, and I apologize for holding up final passage of a bill as long as this to get this change made or to seek this change made but I think it is important enough to do it. If you turn to page 19 and review Section 12 of the bill, there is an inference there in that section that if there is a lawsuit filed against a public employee or public official and that lawsuit is successful, why then the public official or public employee has to pay the entire damages out of his own pocket if the jury in that lawsuit or the court in that lawsuit finds that his action was not reasonable or that his action was not in good faith. Now, what the amendment would provide is that the political subdivision that he is working for will pay the judgment against him as long as he operated...let me get the language here, within the scope of his office or employment. The amendment goes on to provide that there is nothing that should be construed to prevent the discipline of an employee or an official who does not act reasonably and in good faith in the performance of his duties. Now the reason I think this is important is because if this particular provision stays in the law, in my opinion it is going to scare the living daylights out of a lot of public officials and a lot of public employees and they are not going to execute their statutory functions as they should. Now let me try and give you two examples of why I think this could have a detrimental

April 7, 1981

LB 292, 292A, 479

SPEAKER MARVEL: The motion is carried and the emergency clause has been added. Do you want to advance 292A?

CLERK: 292.

SPEAKER MARVEL: 292.

SENATOR KILGARIN: I move we advance LB 292 to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. 292 is advanced. Senator DeCamp.

CLERK: Mr. President, Senator DeCamp moves to add the emergency clause to LB 292A.

SENATOR DeCAMP: This makes the A bill compatible with the other bill.

SPEAKER MARVEL: Okay, the motion is the adoption of the emergency clause to LB 292A. All those in favor of adding the E clause to that bill vote aye, opposed vote no. Has everybody voted who wishes to vote on adding the emergency clause to 292A? Record.

CLERK: 25 ayes, 2 nays on adoption of Senator DeCamp's amendment.

SPEAKER MARVEL: The motion is carried. The emergency clause is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 292A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. All in favor of the motion say aye. Opposed no. The motion is carried. The bill is advanced.

SENATOR KILGARIN: I move LB 479 be advanced to E & R for Engrossment.

April 9, 1981

LR 54  
LB 167, 72, 205, 378, 40,  
44, 87, 173, 292, 292A,  
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. 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 aye.

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

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

May 12, 1981

LB 292, 292A, 317

CLERK: Mr. President, Senator Warner offers an explanation of vote on 427 and 427A.

Read LB 292 on Final reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall 292 pass with the emergency clause attached. 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: 40 ayes, 5 nays, 4 present and not voting. Vote appears on pages 1951-52 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause. The Clerk will now read LB 292A.

CLERK: Read LB 292A on Final Reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 41 ayes, 5 nays, 3 present and not voting. Vote appears on page 1952 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. LB 317.

CLERK: Read LB 317 on Final Reading.

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

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote. Senator Koch. Record the vote.

CLERK: 27 ayes, 18 nays, 4 present and not voting. Vote appears on pages 1953-54 of the Legislative Journal.

May 12, 1981

LB 22, 22A, 157, 157A, 158, 158A,  
168, 168A, 197, 197A, 245, 245A,  
253, 253A, 292, 292A, 317, 317A,  
427, 427A, 529

RECESS

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: The Clerk has some items on the desk that need to be read in for the record.

CLERK: Mr. President, I have for your signature LBs 197, 197A, 245 and 245A, LBs 168, 168A, LB 157 and 157A, LB 427 and 427A, LB 292, 292A, LB 317 and 317A, LB 22 and 22A, and LB 158, 158A, and 253 and 253A, Mr. President.

Mr. President, Senator Chronister would like to print amendments to LB 529 in the Journal. (See page 1963 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 197, engrossed LB 197A, engrossed LB 245, engrossed LB 245A, engrossed LB 168, engrossed LB 168A, engrossed LB 157, engrossed LB 157A, engrossed LB 427, engrossed LB 427A, engrossed LB 292, engrossed LB 292A, engrossed LB 317, engrossed LB 317A, engrossed LB 22, engrossed LB 22A, engrossed LB 158, engrossed LB 158A, engrossed LB 253, engrossed LB 253A. Before we begin with some other bills, it is my privilege to introduce a number of visitors from Senator Cope and Kahle's Districts, ten students, 1st to 10th Grade, First Church of God Christian Academy, Kearney, Pastor Larry Lautaret, Jane Perry, teacher and Chester Trew, sponsor. In the north balcony. Will you hold up your hands so we can see where you are? Okay. From Senator Howard Peterson's District, eight students K through 12th Grade, Calvary Academy, Grand Island, Nebraska, Agnes Rich, Louise Bonne and Bonnie Skala, teachers. Where are you located? Okay. From Senator Chronister's District, eleven students from District 9, District 43, Wisner, Nebraska. Miss Koester and Miss Kansier, teachers. North balcony. Where are you located? Okay. From Senator Dworak's District five students, 3rd and 7th Grade from Christian Liberty Academy, Leigh, Nebraska, Susan Turvy, teacher, also Barbara Hall, in the south balcony. Are you in the south or north? From Senator Beutler's District sixteen 4th Graders, Hawthorne Elementary School, Lincoln, Nebraska, Mrs. Stephenson and Mrs. Anderson, teachers, in the north balcony. Where are you located? From Howard Peterson's District seven students K through 12th Grade, York Christian Academy, York, Nebraska, Edward Moray, Irene Moray, teachers. Where are you located? Okay. From

May 12, 1981

LB 22, 22A, 144, 144A, 157, 157A, 158,  
158A, 168, 168A, 188, 188A, 197, 197A,  
204, 204A, 207, 207A, 243, 245, 245A,  
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for



May 18, 1981

LB 158, 158A, 197, 197A,  
LB 352, 204, 204A, 245,  
245A, 292, 292A, 383, 512

take your seats and the Sergeant at Arms please get those who are not in the Chamber. There are none excused. I take it back, Senator Higgins is excused. Senator Koch and Senator Fowler, would you punch in please? Senator Maresh, Senator Wiitala, Senator Warner, Senator Lamb, Senator Hefner, Senator Newell, Senator Landis, Senator Hoagland, Senator Pirsch. Senator Koch, did you ask for a roll call vote? Okay.

CLERK: Mr. President, while we are waiting, your committee on Public Works reports LB 383 to General File with amendments.

Senators Peterson, Nichol, Burrows, Lowell Johnson, and Sieck would like to print amendments to 512; Senators Beutler and DeCamp to LB 352.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 158, 158A, 197, 197A, 204, 204A, 245, 245A, 292, 292A. See page 2090, Legislative Journal.)

SENATOR NICHOL: Senator Lamb and Senator Carsten are the two that are not here yet. Senator Koch.

SENATOR KOCH: Mr. Chairman, can we take call in votes and speed this up?

SENATOR NICHOL: If you would like.

CLERK: Senator Chronister voting yes. Senator Hefner voting yes. Senator Hoagland voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 26 ayes, 19 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: The bill is advanced.

CLERK: Mr. President, finally, the last item I am going to read in is a new resolution offered by Senators Kremer, Haberman and Rumery. (Read. See page 2092, Legislative Journal.) That will be laid over, Mr. President.

And, Mr. President, I have notice of hearing from Senator Warner regarding a meeting of the special committee regarding Federal-State-Local Fiscal and Program Policy.

SENATOR NICHOL: You will recall that Speaker Marvel announced