

January 19, 1981

LB 357-388

Journal a motion he is submitting pursuant to Rule 6, Section 2, to rerefer LB 245.

Mr. President, new bills: (Read title to LB 357-388 as found on pages 261-268 of the Legislative Journal.)

SPEAKER MARVEL: Your agenda for tomorrow will show that we will adjourn until 9:30 a.m. There will be a chairmen's meeting at nine o'clock and Exec Board at eleven o'clock. Those two latter meetings will be in Room 1520. Senator Haberman, would you like to adjourn us until nine-thirty tomorrow.

SENATOR HABERMAN: Mr. President, I move that we adjourn sine die until nine-thirty tomorrow morning.

SPEAKER MARVEL: Leave out the sine die.

SENATOR HABERMAN: Move we adjourn until nine-thirty tomorrow morning.

SPEAKER MARVEL: All those in favor say aye, opposed no. We are adjourned until nine-thirty tomorrow morning.

Edited by:

  
Mary A. Turner

March 19, 1981

LB 179, 3, 6, 204, 366, 415

PRESIDENT: The Chair recognizes Senator Lamb on the amendment to add the emergency clause.

SENATOR LAMB: Mr. President, members, the reason for adding the emergency clause is obvious in that the emergency clause was on LB 120. In order to correct that situation as soon as possible we need the emergency clause on this bill also. Thank you.

PRESIDENT: Any discussion on the Lamb amendment to add the emergency clause on LB 179? Hearing none, Senator Lamb, I guess that is your opening and your closing. The question then is the adoption of the Lamb amendment to add the emergency clause. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of the emergency clause.

PRESIDENT: The motion carries. The emergency clause is adopted. Any further amendments on LB 179?

CLERK: I have nothing further on the bill.

PRESIDENT: Senator Kilgarin, is to move the bill.

SENATOR KILGARIN: I move LB 179 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 179 to E & R for engrossment. Any discussion? All those in favor of the advancing of LB 179 signify by saying aye, opposed nay. LB 179 is advanced to E & R for engrossment.

CLERK: Mr. President, your committee on Revenue reports LB 3 to General File with amendments and LB 6 as indefinitely postponed, (Signed) Senator Carsten as Chair.

Your committee on Retirement reports LB 366 to General File with amendments, (Signed) Senator Fowler as Chair.

Your committee on Public Health reports LB 415 to General File with amendments, (Signed) Senator Cullan.

Your committee on Urban Affairs reports LB 224 to General File with amendments and that is signed by Senator Landis. (See pages 1018-1024 of the Legislative Journal.)

PRESIDENT: Before we take up LB 204, the Chair would like to introduce some guests from Senator Carsten's district, 15

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LR 51, 52, 53  
LB 284, 331, 179,  
366, 296

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all registered in please. Will everyone check in please. Record.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: We are going to go to number seven. Clerk has some things to read in.

CLERK: Mr. President, new Resolutions, LR 51. Read LR 51. Read LR 52. Read LR 53. All three resolutions were laid over.

Senator DeCamp would like to print amendments to 284. Senator Schmitt to 331. Senator Marsh to 179 and Senator Landis to 366.

SENATOR CLARK: LB 296.

CLERK: Mr. President, LB 296 was introduced by Senator Ron Cope of the 36th District. Read title of bill. The bill was originally read on January 19th, referred to Public Health and Welfare. The bill was advanced to General File. There are committee amendments pending by the Public Health and Welfare Committee Mr. President.

SENATOR CLARK: Senator Cullan, committee amendments.

SENATOR CULLAN: Mr. President and members of the legislature, I would ask for your attention briefly as we review the committee amendments to LB 296. Let me say initially before I get into the committee amendments that Senator Ron Cope from Kearney again has brought to the Legislature, I think, a very important issue in LB 296. He has....it has been his record in the past several years making another strong effort to do what he can to effect the safety and welfare of the citizens of the State of Nebraska. I commend him for bringing LB 296 to us and for presenting the solution, hopefully, to a problem that we have had in the State of Nebraska in recent times as far as so many people dying in fires, very tragic fires in the State of Nebraska. Senator Cope will explain LB 296 to you in detail in a few minutes. I will tell you that I support it and the members of the Public Health and Welfare Committee support the concept of requiring smoke detecting devices in various facilities throughout the State of Nebraska and we would

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LB 11, 17, 59, 132, 167,  
LB 205, 253, 253A, 284,  
LB 284A, 329, 333, 366,  
LB 483

first one now and then see how we get along.

CLERK: Mr. President, if I may, right before we go to that, your committee on Enrollment and Review respectfully reports LB 132 correctly engrossed; 253, 253A, 284, 284A, and LB 483 all correctly engrossed.

A letter from the Governor addressed to the Clerk. (Read. Re: LB 59, 167, 17 and 205. See page 1446, Legislative Journal.)

Senator Wagner would like to print amendments to LB 11.

And your Enrolling Clerk has presented to the Governor LB 329 and 333.

Mr. President, LB 366 (Read title). The bill was first read on January 19, referred to Retirement for public hearing. The bill was advanced to General File. There are committee amendments by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler, do you wish to explain the committee amendments?

SENATOR FOWLER: I do. I move adoption of the committee amendments. LB 366 is a bill that deals only with police and fire in the City of Lincoln or that is cities of the primary class. The committee amendments are a compromise, a negotiated compromise, between the police, the fire and the city administration. It is acceptable to all sides and acceptable with an amendment that Senator Landis offers. The basic thrust and the reason for the agreement is that civilian employees if you want to use that term, the nonpublic safety employees, are currently being matched \$2 for every \$1 that they contribute. The city matches \$2 for every \$1 that is contributed. The city working with its actuary developed a proposal to improve the Lincoln Police and Fire system to the point that the same matching ratio would be used and that the 7% of employees salary contributed by the police and fire would be matched with a 14% of payroll contribution by the police. So these are amendments. 366, there is a companion bill, 367. That bill was killed. This integrates the proposals. It may be less than the public safety organizations initially wanted but it is something that provides equity and comparability between the systems. I would move for the adoption of the amendments.

SPEAKER MARVEL: The motion is the committee amendments to LB 366. Okay, the motion is to adopt the committee amendments. Senator Schmit, do you wish to speak to the committee amendments?

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LB 366

SENATOR SCHMIT: I am sorry I was wandering around. Have they been explained, Mr. President?

SPEAKER MARVEL: Sir?

SENATOR SCHMIT: Have they been explained?

SPEAKER MARVEL: No, it hasn't been.

SENATOR SCHMIT: I would like to have them explained if they could be.

SPEAKER MARVEL: I am sorry. Senator Fowler made a presentation. Okay, the motion is the adoption of the committee amendments as explained by Senator Fowler. All those in favor of that motion vote aye, opposed vote no. We are voting on the committee amendments to LB 366. Have you all voted? This will be the last bill today. Have you all voted? Record the vote.

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

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

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, LB 366 shouldn't take very much of our time. It is a bill that has been worked on quite extensively in the last couple of months. The bill was introduced along with LB 367 dealing with the question of Lincoln benefits to police and firemen. There has been a great deal of controversy in Lincoln and a court case has been brought by the police union of Lincoln challenging several aspects of the present pension benefits that they receive in Lincoln. There has been a lot of concern in this area, and with the introduction of these two bills, LB 366 and LB 367, for the first time the two parties, the city and the police and fire unions, sat down and talked through the mutual problems that they had, came to an agreement which I think is a very fair one, and have come to you with the adopted committee amendments with a proposal that is supported by all interested parties. Essentially what the amendments do, and which you have supported, would bring down the cost of this whole proposal from approximately I think \$900,000 was what LB 366 would originally have cost the city, down to more like about \$400,000, cut in a little more than half the cost of the whole proposal, but that four hundred some thousand dollars, although it is a large

sum of money, is, in fact, a very necessary step to take at this time because of the inequities that exist in the present pension benefit system we have for the City of Lincoln. That is to say that what we found in introducing this bill and looking at the matter is that other city employees are benefiting and receiving from the city about twice as much a contribution to their retirement benefits as police and firemen are and that just doesn't seem fair at all. And so what these different amendments do and what these increased benefits do and these increased costs to the city do is bring up to the same level as other city employees the contribution the city is making to their retirement benefits and I think that is a fair step to take. The city has been very generous in recognizing the fact that they have not supported it as well as they should, these different pension benefit plans. The firefighters and the policemen in Lincoln have realized they can't get everything they would like to. The fiscal restraints are there and so they have agreed to this compromise and I think everything is to a point where we can move ahead with the bill rather rapidly. That is the bill. That is the intent and I think the process we went through is a reasonable one and one which I would encourage your support for. Again this only applies to Lincoln, no other city is affected and no other retirement benefits are affected.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: I would like to ask Senator Wesely a question if he would yield please. Is the present Lincoln police and firemen's fund fully funded, Senator Wesely?

SENATOR WESELY: Yes, I can defer to Senator Fowler but I would respond that we sat down and discussed the question of funding and they have indicated a very healthy funding situation, that in fact they are (interruption).

SENATOR SCHMIT: What is the unfunded liability at the present time?

SENATOR WESELY: I don't have the answer to that. Senator Fowler.

SENATOR FOWLER: Senator Schmit, I can't remember the dollar amount but I can get that for you. In terms of percentage of funding, the City of Lincoln is at 87% of the obligations are already funded which is a very, very high and substantial funding. All the costs would be prefunded, the extra cost. When they arrived at the benefits, the city figured out that

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to reach this equity between the two systems that they would add a certain amount, I think it was \$400,000 annual contribution. All the costs would be prefunded. There would be no unfunded liability. They would not defer the cost. The City of Lincoln was very concerned that no improvements be put in that it could not have the financial capability of meeting. So already it is at a very high level of funding, 87%. I can get the exact dollar amount of unfunded liability. Maybe we just have the number's arrival, almost instantly, \$1.5 million unfunded.

SENATOR SCHMIT: Thank you, Senator Fowler. \$1.5 million unfunded.

SENATOR FOWLER: Right.

SENATOR SCHMIT: But this will not...these benefits will be taken care of fully by the payments into the fund, is that right? It will not increase the unfunded liability?

SENATOR FOWLER: Well, there will be an increase in the unfunded liability but the extra annual payment will meet that before the obligations arise. It is structured so that the money, unlike some communities that did not put the money in advance and then have to start paying when the employee retires, these will be prefunded, will be prepaid.

SENATOR SCHMIT: In other words then, although the City of Lincoln is shown as opposing the bill, they do not any longer oppose the bill, is that right?

SENATOR FOWLER: Right, with all the amendments, and I think Senator Wesely had a letter handed out, with all the amendments and limiting it just to these amendments plus Senator Landis' amendment, they can support it and live with it financially.

SENATOR SCHMIT: How many cities to your knowledge have some sort of pension plan for their police and firemen in this manner? Primary class as well as first class.

SENATOR FOWLER: First class, yes, first class has a system under state law, a police and fire. Omaha has their own police and fire under I believe their charter. (Interruption).

SENATOR SCHMIT: Do you have any idea what the unfunded liability is on the metropolitan class city and on the first class cities?

SENATOR FOWLER: Both the metropolitan, again I don't have

the exact numbers, but the metropolitan, there are some problems there with unfunded liability, and the first class, depending on the city, the League of Municipalities has just done a survey, some cities are in fairly good shape, others do face difficulty, and the problems with those public safety systems are a matter of concern to the Retirement Committee.

SENATOR SCHMIT: As a member of that committee, would you be willing to take a look at some of those responsibilities and see if there is anything that could be done yet at this late date to help the unfunded liability of both a metropolitan class city and the first class cities because I have been approached a number of times by persons who are concerned with those unfunded liabilities and I think that we need to be realistic about it and try to do something about it if we possibly can. Would you take a look at that and perhaps we could do something about it yet this session.

SENATOR FOWLER: Well, I don't know if we can...since the numbers have just come from the League of Municipalities, I am not sure quite what we can do but one thing we have done is not add...made...legislation was asked for a lot of extra benefits for some of those areas and we did not advance those until we could try and get a good picture and a good financial basis for first class cities. It is my intent and I think the committee will cooperate in trying to review the whole question of funding for these systems now that we have a good actuarial study the League of Municipalities has had done.

SENATOR SCHMIT: Do you have any idea what the unfunded liability is for Omaha at the present time?

SENATOR FOWLER: I am afraid I can't remember that figure but I will get it for you.

SENATOR SCHMIT: Thank you, Senator.

SPEAKER MARVEL: Senator Landis.

CLERK: Mr. President, Senator Landis moves to amend the bill. The amendment is on page 1335 of the Journal.

SENATOR LANDIS: This is a buy back provision which allows that an employee who had been a firefighter for the City of Lincoln and then leaves the force, getting out of the pension program, but comes back to work in a year or two, to buy back into the pension provision. It was heard



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in the form of LB 324 in the Urban Affairs Committee and had a full hearing. That bill was passed out onto the floor. However, since this is now the bill for the Lincoln police and fire pension plans, it is wiser to take that provision out of that bill, put it into this one, after its public hearing and let it pass on. That is the purpose of the amendment and I would urge its adoption. I would remind the body it has had a public hearing. It has been advanced by a committee and we are simply consolidating two bills by putting that provision, which is germane, by the way, into LB 366.

SPEAKER MARVEL: The motion is the adoption of the Landis amendment. Senator DeCamp, do you wish to speak? Okay. All those in favor of the adoption of the Landis amendment vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of Senator Landis' amendment.

SPEAKER MARVEL: Senator Wesely, do you wish to speak? We are ready to advance the bill now.

SENATOR WESELY: I think, Senator DeCamp, do you wish to talk? Okay, I will wait until close.

SENATOR DeCAMP: Mr. President, I am supporting the bill in its present form. I do want to sound a word of warning and caution on the overall aspects of retirement systems, particularly as they affect the various cities throughout the state. I really honestly believe that when we start looking you are going to see there is a disaster looming and it is not very far away. It is a multi, multi, multimillion dollar disaster in terms of pensions that aren't going to be there when people think they are there, pensions that aren't funded. The money is going to have to come from somewhere and I would commend the Retirement Committee for the work they have done thus far. I urge them to make this one of the top priorities for the future is how to address all the other cities and where we are and I would submit that the problems and excitement experienced on the \$70 million issue this year are pure peanuts compared to what you are going to find on retirement funds at the state and city level and what we have got to start addressing beginning...next year is too late but next year is about the soonest. It is really a disaster that is looming out there.

SPEAKER MARVEL: Senator Schmit, your light is on. Do you wish to speak?

SENATOR SCHMIT: Mr. President, members of the Legislature, I want to echo what Senator DeCamp has said. I think the most cruel hoax you can perpetrate upon any group of people, particularly the public employees, and in this instance police and firemen, is to assure them that they have something which they do not have and the chickens will come home to roost and there won't be any roost there. It will be like New York City all over again. So I agree with what Senator Fowler has said that Lincoln is in the best condition perhaps of any of those communities and hopefully those benefits will not increase the deficit funding but I would hope that we do not allow the session to go by without taking another good look at what we have both in our metropolitan class city and some of those first class cities because I know that those funds are way underfinanced and simply we do not have the money in those funds to take care of the benefits which we have provided. And so while I can support the bill in this instance, I think that we had better take a look because irresponsibility is going to come home and it will be our fault and no one else's. So between the time that the bill comes up again on Select File, I would like to visit with anyone who is interested to see if something can be done to correct those inequities that exist in other cities.

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

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, I would like to express my appreciation to Senator Schmit and Senator DeCamp for bringing out again a very serious problem that we have perhaps in some of our smaller towns and perhaps even in our largest town in the state concerning funding of pensions. But again I would emphasize that this bill deals only with Lincoln, that I did check very carefully with the question of are they funding their present liabilities and will they fund this new additional liability, and I found them to indeed have a good standing with their pension, a willingness to support this increased benefits adequately so that the pension is adequately funded and, quite frankly, that was my main concern with the whole situation and that is why we sat down with the police and firefighters and sat down with the city and said, "Now this is what they are looking at. What can you afford?", and worked out this compromise so that the city actually will be able to fully fund what is necessary and the benefits that are equitable in support of the firefighters and police are provided for and I think that you can see that we were able to work out, I think, a very agreeable solution to the problem. The broader questions that Senator Schmit

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and DeCamp raised, I would be happy to deal with, and in light of this legislation, it has been called to your attention but the legislation, itself, I feel has no problem whatsoever and should be advanced. Thank you for your support.

SPEAKER MARVEL: The motion is the advancement of the bill as explained. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 4 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Do you have any other items to read in?

CLERK: I have nothing to read in, Mr. President.

SPEAKER MARVEL: Senator Sieck, would you like to adjourn us until tomorrow at nine o'clock?

SENATOR SIECK: Mr. President, I move that we adjourn until 9:00 a.m., April the 14th.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until tomorrow at 9:00 a.m.

Edited by Arleen McCrory.  
Arleen McCrory

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LB 3, 40, 249, 366  
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

LB 40, 132, 200, 266, 280, 284,  
329, 330, 333, 360, 366, 371,  
379, 392, 395, 407, 437, 479, 318.

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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 3, 366

we are talking about here. We ought to know exactly what it is. I do not think that processing equipment, the word "processing" has been adequately defined, and until it is adequately defined, when you consider all the additional vagueness in the amendment, the ambiguities, the strange definition of new construction, when you add all that together, I think the least we should do is strike the word "processing" and start trying to limit the scope of this exemption. I would move for adoption of the amendment.

SENATOR CLARK: The question before the House is the adoption of the Fowler amendment. All those in favor vote aye. All those opposed vote nay. Have you all voted? It takes 25 votes. Once more, have you all voted? Record the vote.

CLERK: 13 ayes, 18 nays or adoption of the Fowler amendment to the Goodrich amendment.

SENATOR CLARK: The amendment fails. Senator Marvel, could I see you for a moment, please? Senator Lowell Johnson has a little announcement for you here.

SENATOR LOWELL: Mr. President and members of the Legislature, during this little interim it seems to me we have experienced a very severe energy drain here during the past few days, and I offer a prescription under the north and south balcony for the treatment of that drain. You know, there was an old patent medicine called N. R. Tonight, Tomorrow, All Right. I would say that this is Nebraska's remedy, today, tomorrow, all right. So enjoy the popcorn of Nebraska.

SENATOR CLARK: We appreciate your staying up all night to pop that, Senator Johnson, it was very nice of you. We also appreciate the price. We are going to skip over LB 3 for a little while and go to the rest of Select File. The next bill we will take up is LB 366.

CLERK: Mr. President, LB 366, there are E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 366.

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

CLERK: Mr. President, I now have an amendment from Senator Wesely that is found on page 1495 of the Journal.

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SENATOR CLARK: Senator Wesely.

SENATOR WESELY: This amendment is one brought to me by the City of Lincoln which is agreed to the bill along with the police and fire unions and, basically, the amendment is just to clarify the fact that when the effective date of this act will take place and it was just thought to be necessary because of the anticipated deadline in which we are going to close this session. So this is merely a technical amendment setting the effective date of the act of September 1 of this year.

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? The Wesely amendment to LB 366. Have you all voted on the Wesely amendment? If everyone will vote, we can probably continue. We need one more vote. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Wesely's amendment.

SENATOR CLARK: The amendment is adopted. What is further on the bill?

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 366.

SENATOR CLARK: You heard the motion. All those in favor say aye, say aye, opposed. Senator Schmit wants to talk. All right, Senator Schmit, continue.

SENATOR SCHMIT: Mr. President, members of the Legislature, I am not going to offer any amendments to LB 366 at this time. I do want to call your attention to the fact that it is a policy oftentimes of this body to provide for retirement programs or to provide the vehicle for retirement programs and that those retirement programs are frequently not properly funded. I think it would behoove all of us to take a good look, to work with some people who have introduced this bill, and to work with the Retirement Committee, of which Senator Fowler is Chairman, so that over the next interim period we would determine just how much underfunding

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LB 366, 146

is involved in all of these programs. I think it is important, I think it is absolutely mandatory that we do so. If we do not do that, we are going to find ourselves in the position one of these days of having been very badly embarrassed because we have told people we have provided them with a retirement program and there has not been the necessary funding to provide it. I think the local subdivisions need to be apprised of where they are at, what it will take to bring those programs up to where they belong, and they should be done so within the next six months. Thank you, Mr. President.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, Senator Schmit is usually very busy but I don't think he quite understands this comes from Lincoln. It is the only primary city. It only involves those individuals who for some reason have severed themselves from the department, and when they return, those individuals have to repay fully their investment plus the interest which has accrued in terms of again making it actuary sound so I don't think there is any danger on this particular bill.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Yes, Mr. President, members of the Legislature, Senator Schmit and I have talked about this. The problem is not one that Lincoln suffers under and presently the bill that is before you has really no problem whatsoever. It is going to be fully funded and everything has been agreed to, but what Senator Schmit is talking about is certainly a problem in other parts of this state where they do have a problem with unfunded liabilities and I think it is quite clear that we have seen through Senator Schmit's initiative that there is a problem that I hope will be addressed but, again, I think this bill is in good shape, has no problem and it is merely an opportunity to raise that issue that in the future we can deal with. So this bill has been agreed to. The city has agreed to it. The unions have agreed to it and it is going to be fully funded and so it is an example of a good retirement system and a good retirement bill.

SENATOR CLARK: The question is the advancement of LB 366 to E & R. All those in favor say aye, all opposed no. The bill is advanced. LB 146.

CLERK: Mr. President, LB 146. There are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.



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LB 548, 11A, 146, 179, 316,  
318, 322, 361, 366, 478A  
545

vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of 548? It takes 25 votes. Record the vote.

CLERK: 27 ayes, 11 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The Legislature having completed all its work that it is going to complete for today, we are now going to have a little reading in by the Clerk and then we will adjourn.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 11A and find the same correctly engrossed; 146 correctly engrossed; 316, 322, 361, 366, 545, all correctly engrossed, and those are signed by Senator Kilgarin as Chair.

A new A bill, 487A by Senator Wesely. (Title read.)

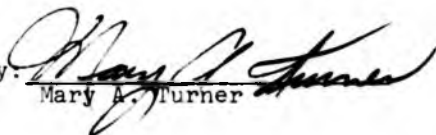
And finally, Mr. President, Senator Koch would like to print amendments to LB 318; and Senator Dworak would like to print amendments to LB 179.

SENATOR CLARK: Senator Stoney, would you adjourn us until nine o'clock tomorrow morning?

SENATOR STONEY: Mr. President, I would be pleased to. I move that we be in adjournment until May 12th at 9:00 a.m.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are adjourned until nine o'clock tomorrow morning.

Edited by:

  
Mary A. Turner

May 14, 1981

LB 361, 366, 369, 466

vote no. 361E. Record the vote.

CLERK: (Record vote read. See page 2044, Legislative Journal.)  
41 ayes, 0 nays...42 ayes, 0 nays, 3 excused and not voting,  
4 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 366E.

CLERK: (Read LB 366E on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? 366E. Those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: (Record vote read. See page 2045, Legislative Journal.) 35 ayes, 8 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Next is LB 369.

CLERK: (Read LB 369 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 369 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 2046, Legislative Journal.) 44 ayes, 0 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We shall proceed to the next item which is Select File.

CLERK: Mr. President, if I may, I have explanations of vote offered by Senators Stoney and Marsh.

SPEAKER MARVEL: Okay, LB 466.

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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 3, 234, 248, 248A,  
366, 427, 427A, 561

eight o'clock which means you can come in at eight o'clock and not make too much noise and there will be a general turn-over and it won't really affect anybody too much.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 3, 248, 248A, 366, 427, and 427A. See page 2077, Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 234 in the Legislative Journal.

SENATOR CLARK PRESIDING

SENATOR CLARK: I would like to announce Senator Remmer's guests, Merle Prior from Falls City, Gladys Koeppel from Auburn and Muriel Scott of Auburn. They are under the South balcony. Would you stand and be recognized? Senator Dworak has 26 fourth grade students from Highland Park, Columbus with two adults. Mr. Dennis Smith and Dale Brinkman are the teachers. They are in the North balcony. Will you raise your hands and be recognized please? Also Al Boettcher from Fairbury and Stephen Songster from Exeter, Mr. and Mrs. Boettcher are from Senator Burrows' District. He was the Speaker of the Silver-haired Legislature. Stephen Songster is from Senator Maresh's Office and he was a member of the Silver-haired Legislature also. I don't know where they are but will you stand and be recognized please? Welcome to the Legislature, all of you. The first motion under #5.

CLERK: Mr. President, Senators Dworak, Fowler, Stoney, Lowell Johnson, Cope and Marsh, pursuant to Rule 6, Section 4 move to override the Governor's line-item veto of the Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the final budget for each mental retardation region shown in Section 11 on pages 10 and 11 of the bill. (LB 561.)

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I find myself in a role this afternoon I am not too often in and that is advocating a veto override. I might mention the reason I am speaking instead of Senator Warner is that the Appropriations Committee was split on action or on the Governor's vetoes and Senator Warner voted in the minority. I might also suggest that I think many of those minority votes were not necessarily on the specific issues but rather in just a general philosophical approach to sustaining the Governor all the way across the board. My personal opinion is this seven hundred and seventy some thousand dollars that five