

January 8, 1981

LB 37-48

RECESS

PRESIDENT: The Legislature will come to order and register your presence.

CLERK: Mr. President, Senator Higgins and Beutler would like to be excused this afternoon.

PRESIDENT: Record the presence, Mr. Clerk.

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

PRESIDENT: Quorum being present, do you have any messages on the desk, anything to read into the record?

CLERK: Yes, sir, I do. Senator Maresh would like to announce that Senator Fitzgerald has been elected as vice chairman of the Business and Labor Committee. Senator Marvel would like to announce a chairperson's caucus for Monday, January 13, 1981, at 9:00 a.m. in Room 1520. It is a chairperson's caucus at 9:00 a.m., Room 1520, Monday morning.

Mr. President, Senators VonMinden, Senator Hoagland would like to be excused all day tomorrow.

PRESIDENT: We are ready for the introduction of new bills, Mr. Clerk, proceed.

CLERK: Mr. President, new bills: Read LB 37-48 by title for the first time. (See pages 85-88 of the Legislative Journal.)

Mr. President, Senator Hefner would like to have the Miscellaneous Subjects Committee meet upon adjournment this afternoon underneath the South balcony. That is the Miscellaneous Subjects Committee upon adjournment underneath the South balcony.

Mr. President, I have the communication from the Secretary of State addressed to the Speaker and members of the Legislature regarding the bonds and oaths for the following elected officials: Public Service Commissioner, Eric Rasmussen, Jack Romans; Treasurer of Workmen's Compensation Court, James Monen; Regents: Robert Simmons and John Payne; State Board of Education, Frank Landis, James Monahan, Walter Thompson, Helen Greene; and for Judge of the Nebraska Supreme Court, Lawrence Clinton, Hale McCown and C. Thomas White. That will be inserted in the Legislative Journal. (See pages 88-90.)

will explain to those owners the procedure to be followed if they don't agree with the formation of the district. It will also call for publication by legal notices in the newspapers in the area. It was simply my intention to make sure that people whose property in many cases are affected by tremendous large amounts of assessments on their property were aware of the creation of these ordinances and were aware of these assessments in time to protest if they so desired. You will also notice that the length of time given them to file written protest to the city council was extended by ten days, from twenty to thirty days in an attempt to be more reasonable to the people whose property was being affected.

SPEAKER MARVEL: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, if I could just, Senator Vickers, get a quick statement of intent from you. I assume with regard to the mailing of the notice it is required that it be mailed to the last known address of the owners of the record title and that is intended to be owners of record title as of the date of the passage of the ordinance. Is that correct?

SENATOR VICKERS: Yes, Senator Beutler, that is correct.

SENATOR BEUTLER: Thank you.

SPEAKER MARVEL: The motion is to advance the bill. Is there any further discussion? All those in favor of that motion vote aye, opposed no. Record.

CLERK: 29 ayes, 2 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Are we ready for 214E now?

CLERK: Mr. President, if I may right before that, your committee on Ag and Environment whose chairman is Senator Schmit to whom is referred LB 9 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 38 General File with amendments, (Signed) Senator Schmit, Chairman.

SPEAKER MARVEL: We will take up LB 214E.

SENATOR DeCAMP: Mr. President, members of the Legislature, the reason I held up on 214 was because I have always tried no matter what the bill is to make sure the Legislature

The American Farm Bureau Federation, The National Farmers Union, The National Grange, The National Farmers Organization, Rural America and the USDA. So it isn't just that we are running scared or anything like that. I think the major farm organizations are real concerned because this is really something that has come up lately that is here and is going to come about. I don't think we would have all these farm organizations opposing this action if there was nothing to it. I would like to quote Congressman Robert D. Kastenmeyer from Wisconsin. He says, "Heavy investment in farmland will drive up farm values making it even more difficult for small farmers to expand their holdings or get into farming in the first place. Soil and water conservation practices will deteriorate as corporate farm managers seek to maximize short term profits by cutting corners on conservation. Agriculture markets will be dominated by large nonfarm corporations and the family farmer will lose his place in the American farming". Somebody mentioned that big is good. I don't think that is the way the figures show now. This Congressman Kastenmeyer says that "Americans recognize that it is the family farm which has made the U.S. the most efficient producer of food in the world. We are slowly learning the painful lesson that economic concentration does not necessarily result in greater efficiency and productivity." So I think there must be some studies made on this that the large farm operations are not the most efficient, that it is the small family type farm that is efficient. So I would like to call your attention that these funds are growing and that by the year of 1995 they are predicting that we will have 3 trillion dollars available for investment in this area. So I hope that you vote to advance this bill.

SPEAKER MARVEL: The motion is the advancement of LB 9 to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 7 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 38.

CLERK: Mr. President, LB 38 was offered by Senator Martin Kahle. (Read title.) The bill was read on January 8. It was referred to the Agriculture and Environment Committee. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

February 18, 1981

LB 38

SPEAKER MARVEL: Senator Schmit, do you want to move the adoption of the amendments to LB 38?

SENATOR SCHMIT: I move the adoption of the amendments, Mr. President.

SPEAKER MARVEL: Any further discussion? All those in favor of the adoption of the amendments to LB 38 vote aye, opposed vote no. Record the vote.

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

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

SENATOR KAHLE: Mr. Speaker and members, I distributed a part of the morning's World Herald. I am sorry that it is so small that they had to condense it in order to get it on the sheet. But I think it explains a great deal about this bill, and I hope you have had some chance to look at that, and if your eyesight is poor I do have a copy of it out of the World Herald that is much larger. This bill was brought to me last summer by people in my general area who work with the CAP program and other programs that deal with the poor and the less fortunate. It was brought to my attention that 15 other states already have what we call this, the nickname or the term is the "Good Samaritan" bill. It allows the distributors of food, the food stores, those that handle food in any way, shape or form to give the food away for redistribution and relieve them of part of the liability of that food. It would be distributed then by agencies, a number of which are already in existence. We had testimony from a number of people from the Omaha area where they already have a food bank and are distributing food to those that need it. You might wonder why the grocery stores would be willing to give away food. Well, right now they can haul it to the dump and dump it in with the garbage and bury it and receive the same treatment from the Internal Revenue Service as they would if they gave it for food for someone to use. You all know that articles on the store shelves have dates, some of them, and that they have to be moved out. I guess a good example is milk. We all buy milk and most of us look at the date on it when we buy it to see how much shelf life it has left, but I am sure that all of you have had milk in the refrigerator at home that was perhaps as much as a week over the shelf life mark on that milk

and it is still good. But even if it was sour it could be used for a number of things as food. So this is just once incidence where you can see where the waste occurs. We all have used day old bread. Bread and bakery products are good for a number of days. With the modern technology of putting things in the process of baking the dough the shelf life is much longer. Dented cans, of course, are another thing that are generally thrown away. One of the examples in the article of the paper is that bottles that are perhaps broken in shipment may stain the labels. Maybe there is only one bottle broken in the whole case and it stains the labels on the other bottles in that case and has to be thrown away. So the idea of this bill is to let those stores that wish to donate the food to an agency for distribution to those that need it. It does relieve them of some of the responsibility and the liability that they have. And, of course, this is the key to the bill, and if there is no...if they have no change in the liability and they are still liable for a lawsuit for that food they are not going to probably give it away. They will throw it in the dump. I know there is some criticism and some fear among some of our Senators, especially attorneys, that we are relieving them of the liability and we should do that, and I understand there will be some amendments coming on this. But I, for a long time, have thought that we waste too much food in this United States of ours. I said in the committee hearing that my mother taught me it was a sin to waste food, and if that is the case why we are wasting a lot of food. We all know that. I think we have enough food in this country to feed many more people than we are feeding if we were to use it all instead of throwing it away. We just had an accident on the highway not too far from where I live where a semi went off the road and upset in the ice and snow conditions and I am sure much of that canned food was thrown away because the cans had gotten dirty on the outside and were perhaps dented somewhat. So what this bill is trying to do is to allow the grocery stores, those handlers of food, warehouses, to give it away, no cost whatsoever to agencies that would distribute it. It sounds too easy because we know that we have people that can use that food. Many of our elderly we hear every day in the Legislature about those that need help and are going hungry. We have heard many stories of people eating dog food to survive. Yesterday we had a bill on shoplifting and it was said during the debate that if a person was starving to death he might have a reason to steal food and to shoplift. I would hope that this would

eliminate that temptation because there would be an agency within most communities where food would be available. One of the other things that we all talk about and, of course, that is the food stamps that are issued. Many times a family or an individual will come into a community destitute and before they can be issued food stamps they certainly run the risk of getting mighty hungry and perhaps even starving before the food stamps could be issued to them. So this would allow, especially in our larger cities, a food bank to be established which would serve this purpose. Now the food that comes from off the shelf would necessarily be marked and that is what the amendment was about that Senator Schmit just put across, so that the food has to be marked that it cannot be sold to an individual, it has to be given away and this would allow the stores to give it to an agency, the agency to distribute it to the people that need it. It sounds simple. I hope you will support it. I think it is one of the better things we could do for those less fortunate than we are. Another thing before I finish, and that is the fact that it looks like government programs are going to be cut down. We are not going to have all the funding that we have had in the past to supply people with the necessities of life. They are going to be cut down to say the least. How bad, we don't know yet. But I think this would be one way we could provide some semblance of nourishment to those that need it. I hope you will support the bill and I think it is one of the better bills that we have seen in this Legislature. Thank you.

SPEAKER MARVEL: There is an amendment on the Clerk's desk.

CLERK: Mr. President, Senator DeCamp moves to amend the bill. (Read the DeCamp amendment as found on page 562 of the Legislative Journal.)

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Very briefly, Mr. President and members of the Legislature. I agree with every single thing Senator Kahle said. I think this country wastes food about as much or more than any country in the history of mankind and we could be utilizing that food much more effectively and I think as most of you know I have seen starvation just about every place in the world. My amendment, I hope, I think actually helps the bill. All I am doing is striking the word "gross". I am saying basically then that if somebody donates food and they are

guilty of negligence we are still pardoning them. If they are guilty of recklessness, we are still pardoning them. I am leaving all that language in. I am saying though if they are guilty of gross negligence and the gross negligence does cause a problem, that they should have some exposure or some liability to at least have some slight standard of care or caution. Nebraska laws and case law on the subject of gross negligence has pretty well indicated that gross negligence means no standard of care whatsoever, lacking in any responsibility, and I think from one of my conversations that was with a fellow from Safeway or some of the others, they, I got the impression, didn't have any problem with striking the word "gross" and I think we will have a much more workable law and maybe eliminate some problems. So I urge you to adopt the amendment. I do support the bill completely.

SPEAKER MARVEL: Let's see, Senator Wagner, your light was on, do you wish to speak to the...we are on the amendment. Do you wish to speak to the amendment? Okay. Senator Nichol, do you wish to speak to the amendment?

SENATOR NICHOL: Mr. Speaker, yes I do want to speak to the amendment. Senator DeCamp, I think I have this just opposite of what I think you intend to do. Now, my only hangup on the bill, and I like the bill and I want it to pass, it has to do with negligence. Now, as you are well aware, we are concerned this year about the guest statute which deals with negligence other than gross negligence, and doesn't your amendment do what we don't want to do? Now, here is the way I understand your amendment. If we accept your amendment, these entities either the donor or the entity relaying the food to the customer would have to be guilty of only ordinary negligence to be liable. In other words, you are taking out the word "gross" and it would make them much more liable than if we left the word "gross" in. Right?

SENATOR DeCAMP: Quite correct, that is what I am saying. I think with the bill the way it is you are saying, no matter what they do basically there is no liability. I am saying I am going to pardon them for ordinary negligence. I am going to pardon them, I think it is recklessness in there, but I am saying gross negligence is going too far. I am saying...(interruption).

SENATOR NICHOL: Let me suggest a compromise perhaps, Senator DeCamp. Maybe this would do it. The donor should be free of liability because they are giving the food

away and should have no responsibility for the food once they have given it away. Now the entity, we will say a church, who is distributing the food should be held responsible for that and this could be covered by an insurance policy very simply, and I think should be covered because they could very well pass food on that would be injurious to the public, perhaps even kill some people, and they should be responsible which could be covered very simply by liability insurance. Why would it not be well to leave the word "gross" in the first portion but take "gross" out in the second portion. In other words....do you follow me?

SENATOR DeCAMP: Yes. I think I do follow you, and I think it might make sense but I'd have to look at it for 30 seconds.

SENATOR NICHOL: I think maybe Senator Kahle might be interested in this. I don't want to take the floor's time. Maybe we could talk about this.

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

SENATOR KAHLE: Yes, I would like to speak to the amendment.

SPEAKER MARVEL: Okay.

SENATOR KAHLE: I think that the tougher we make it for the store, let's say, to give the food away, the more we hurt the bill. I would be much more in favor of what Senator Nichol says that we put the liability on those that actually distribute the food. They are the ones that are going to have to guarantee its wholesomeness anyhow. I understand that right now Congregate Meals, Meals on Wheels and a number of those agencies that are going to handle this food have to have liability insurance and I certainly wouldn't object to that. I think they are the ones that should be responsible. They should have a nutritionist on their staff and a few other things to make sure that that food is wholesome. I believe they are willing to do this from what I have discussed with them. So I think that that would be a much better way to go than to put the liability on that grocery store because they really can't tell what is going to happen to that food once it leaves their shelves.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: I would like to rise in support of Senator DeCamp's amendment. I think the issue that Senator DeCamp is pointing to with his amendment is a very, very important one. I think if we are not awfully careful about monitoring the quality of the food that we distribute through this program, we could wind up with some real serious problems on our hands. Now, currently, when food is sold to the general public, manufacturers of food are liable under a strict liability theory. In other words, if something is wrong with the food, it doesn't matter whether they are negligent or gross negligent, or grossly negligent, they are simply liable for any problem or any defect in the food at all. Now, what Senator DeCamp's amendment would do is it would change it from absolute strict liability to a negligent standard. Now that still means that the manufacturer has to be careless to one degree or another before he can be held liable. I think it is very important to retain some sort of standard like that. The way the bill is written now, I think that Senator Nichol was implying in his remarks just like the guest statute and there is virtually no liability, you know, for a manufacturer even in situations where his conduct is really very difficult to justify. Now Senator Kahle certainly comes up with a good idea about requiring these community action agencies that distribute the food to have product liability insurance, but I don't think we can rely on them to have that. A lot of these are going to be charities. A lot of them are going to be little storefront operations that will have virtually no assets at all against which somebody injured by this food could sue. So I think if we are going to go with Senator Kahle's alternative, we ought to write into the statute a requirement that they carry liability insurance of certain relatively high limits, because if somebody is injured by defective food, of course, their damages could be exceedingly high and we do need to protect potential consumers from that danger. So, again I think Senator DeCamp is to be commended for bringing this issue to the body and I would support his amendment. If we are going to put all of the liability on the distributors though I think we need some pretty darn tough language in there to be sure they have got the kind of insurance coverage that we need, and to say that food can't be distributed unless it is distributed through an organization that has that kind of insurance coverage. Thank you, Mr. President.

SENATOR CLARK: I would like to introduce to the Legislature Bill and Mary Umberger under the south balcony from Elwood, Nebraska and they are guests of Senator Vickers.

Will you stand and be recognized, please? Senator Fowler. Senator Johnson...Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I rise in support of the DeCamp amendment. When LB 38 was first introduced and I became aware of it, I became... I was quite troubled in my mind frankly about the bill and the trouble I have with this bill I guess represents a problem that I have had with the common law for many, many years. Right now under the tort law that operates in basically the English speaking world, if you and I are standing on the beach and we see somebody that is drowning, if we see someone out there that is drowning, if I make an attempt to help that person and I am careless in how I help that person, and that person drowns or somehow otherwise harmed, that person can turn around and sue me by virtue of my carelessness, and he can recover. By the same token, by the same token, if I just stood by on the beach and let the person flounder and drown, he has no action, or his estate has no action against me whatsoever, and the rule of the law for years and years and years has been simply when one goes to the rescue or to the assistance of someone else, then that person who does go to the rescue or the assistance of someone else must operate in a non-negligent manner, and if they are negligent, if they are negligent then the person who they attempted to help can sue them and recover damages. And you may recall we have had other good samaritan law. Doctors, for example, found themselves being sued by people who were injured, for example, in a street fight or automobile accident, and the doctor happened to observe it and went over to provide assistance and somehow and in some way the person was able to say later on that the assistance so rendered was rendered in a negligent manner and they can turn around and sue the individual. And so doctors were saying, well, we would never go to anybody's help because of that. We are not going to help anybody. We are going to stand by and let the sick and the lame and the halt go without the help. It's so funny that society places a duty of care on the person who goes to help but no duty of care on the bystander. We have no obligation whatsoever to go to someone's assistance, none. Now what troubles me I guess with the original concept of the bill, of LB 38, is that we are saying simply that the poor person who takes the food and who eats the food sacrifices virtually every kind of right that he or she might have against someone who prepared the food. Now you remember several years ago in New York State a number of people died of botulism from the Beau Viva consomme soup. Remember that? Now under LB 38 as it is written, if one of those had died from

eating the Beau Viva soup was a poor person who happened to get the soup at a soup kitchen in New York, the survivors of that poor person would never be able to recover against the Beau Viva consumme soup manufacturers, whereas everybody else who ate the soup and died, the estate would be able to recover. Okay. Now it doesn't seem right to me that we are saying to a poor person, if you want to get this charitable help, if you want to get the charitable help, you have got to forfeit your legal rights, and that is what LB 38 would do. So what Senator DeCamp has done is Senator DeCamp is trying to carve out a middle ground. He is saying simply, you don't have to fully forfeit your legal rights to receive the free food, you only forfeit some. Concepts of strict liability and tort with respect to the manufacturers and distributors of food will not be present. On the other hand, if the manufacturer or the distributor of food operates in a careless fashion, a negligent fashion and causes you some injury as a result of that, then you have an action, and I think that is a respectable middle ground for this legislation. I can support this legislation with that kind of amendment because it balances the needs of the poor folk on the one hand against the concerns of the manufacturer and the distributor for some absolution from tort liability. It is a good middle ground.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: I am going to ask unanimous consent to withdraw the amendment at this time with this understanding. I have talked to Senator Nichol, Senator Fowler, who is interested in it, Senator Kahle. We are going to rework the language a little to home in on the very things that Vard addressed so that we do have some point of responsibility and so we can get this program implemented. So I would ask to withdraw it and then let's hustle the bill along and I think on Select File we will have the language that everybody can live with and we will get this goal done.

SPEAKER MARVEL: Is there any objection? If not, so ordered. The amendment is withdrawn. Senator Wagner, do you wish to speak to the bill as a whole?

SENATOR WAGNER. Mr. Speaker and members of the body, I think this bill here has been very well explained by Senator Kahle. I think it is a very excellent bill. Maybe some of the wording there needs change, but this bill

had a very heartwarming hearing. I think it was one of the better hearings we have had in relation to trying to help people because there is food around. We need just to find the means in which we can distribute it to people that can use the food. Therefore, I support this bill.

SPEAKER MARVEL: Senator Kahle, your light is on, do you wish to be recognized? We are on the bill as a whole now.

SENATOR KAHLE: How many more lights are on, Mr. Speaker?

SPEAKER MARVEL: There are two other lights.

SENATOR KAHLE: Why don't you pass me up and then I will close on it.

SPEAKER MARVEL: Senator Nichol, your light is on. Do you wish to be recognized?

SENATOR NICHOL: Just briefly. Mr. Chairman and members of the Legislature, with the amendment that Senator DeCamp is talking about what we are trying to do is to get the donors of food to give it to somebody and with this amendment he is talking about, this would allow them to do that without any responsibility. But those who transfer the food from the donor to the public would be responsible and that is where it can be covered by an insurance policy or if they want to carry it on their own, okay. But it still would protect the public from lack of care, from recklessness or gross liability, gross conduct, so that there is somebody responsible that Senator Johnson was talking about, and I support the bill wholeheartedly.

SPEAKER MARVEL: Senator Hoagland, did you wish to speak on the bill? Okay, Senator Kahle, do you want to close?

SENATOR KAHLE: Mr. Speaker and members, I think that as was stated by Senator DeCamp, we will probably want to put an amendment on to perhaps make the distributors more responsible than the bill now calls for, and I think we have agreed to try to do that. As far as the grocery stores are concerned, I can't see how they could possibly be responsible for the food once it was taken out of their store and taken off the shelf. So that is the reason I resisted the liability thing for the grocery stores. Of course, by the same token they probably would not be willing to donate the food if the responsibility were theirs from the time it left the shelf clear to when it might

reach somebody's table. So I certainly hope you will support the bill at this time and we will try to work out some sort of a liability for those that distribute the food. I think that is where the problem should be faced and that way we get the food and have it for distribution and put the burden on those that distribute the food to see that it is wholesome when it is delivered to the constituent. I think that is all I have to say about it. I hope I have explained the bill and that you understand what we are trying to do. I hope you will support LB 38. Thank you.

SPEAKER MARVEL: The motion is the advancement of LB 38 to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 345. Do you have some....

CLERK: Mr. President, LB 345 was introduced by the Judiciary Committee and signed by its members. (Read title.) The bill was read on January 19. It was referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, the Judiciary Committee adopted four amendments to LB 345. These amendments were presented to the committee by the Child Support Enforcement Office and the Douglas County Attorney's office and are merely clarifying in nature. The amendments make it clear that the child support enforcement provision apply not only to the male gender, that is in the nonsupporting father or stepfather, but also against a nonsupporting parent or stepparent of either gender. The amendments also modify the language which speak in terms of an absent parent changing the language from absent parent to nonsupporting parent or stepparent. It should be noted that under the present law we currently have both criminal and civil penalties for nonsupporting parents and stepparents. These amendments are merely clarifying current procedure in regard to child support enforcement provisions so that they apply equally and across the board without reference either to gender or direct blood relationship. I move

February 20, 1981

LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARDES: (Prayer offered).

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

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

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

CLERK: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

February 23, 1981

LR 20
LB 34, 38, 77, 197A,
290

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 77.

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

SENATOR KILGARIN: I move LB 77 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced. LB 38.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 38.

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

SENATOR KILGARIN: I move LB 38 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Do you have anything else on the desk, Mr. Clerk?

CLERK: Yes, sir, I have several things to read.

Mr. President, first of all, a new A bill, LB 197A. (Read title.)

Mr. President, a new resolution, LR 20. (Read) That will be laid over, Mr. President.

Mr. President, Senator Wesely would like to have his name added to LB 34 as coinroducer.

Mr. President, Senator Burrows wants to remind the body that the tour of the Beatrice State Developmental Center is for tonight. Vans will leave the west door at 4:00 p.m. today for those planning to attend. Please let Senator Burrows' office know if you plan on going.

Mr. President, I have Committee on Committees confirmation reports from the Miscellaneous Subjects Committee and the Constitutional Revision and Recreation Committee.

I have an Attorney General's opinion addressed to Senator Clark regarding LB 290.

LR 23
LB 21, 38, 67, 77, 80,
104, 109, 144, 186, 205,
206, 206A, 221, 236, 260,
204A.

February 25, 1981

SENATOR LABEDZ: Will it be on the agenda tomorrow morning?

SPEAKER MARVEL: It will either be on the agenda tomorrow or the next day.

SENATOR LABEDZ: Thank you.

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

CLERK: Yes, sir, I do. Mr. President, Senator Warner would like to print amendments to LB 144 in the Journal. (See pages 659 and 660 of the Legislative Journal.) New resolution, LR 23 by Senator Maresh and Senator Beutler. (Read LR 23 as found on page 660 of the Legislative Journal.) Mr. President that will be laid over. New bill, LB 204A, offered by Senator Wagner. (Read title to LB 204A for the first time.) Your committee on Public Works gives notice of public hearing. Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 21 and find the same correctly engrossed, 38, 67, 77, 80, 104, 109, 186, 206, 206A, 221, 236, and 260 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Okay, we revert to General File, LB 205.

CLERK: Mr. President, LB 205 was considered by the body yesterday. There was a motion to adopt the committee amendments which prevailed. There was some discussion and I now have a motion to indefinitely postpone the bill as offered by Senator Chambers.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the first thing I have to do is apologize to Senator Pirsch because yesterday I said this bill emerged from committee without a single dissenting vote, but she did vote against it. It is kind of interesting that she being from Omaha and I being from Omaha, she being notoriously law and order, I being notoriously whatever the contrary is, both agree that this bill is not a very good thing. So what I am asking that you do is consider what the purpose and role of an arson investigator is. The bill states it's to study the cause, origin and circumstances of fires. Nothing in this bill enhances that responsibility or that function. We don't want to create quasi law enforcement people when their job is not law enforcement. They have the team concept in Omaha right

March 2, 1981

LB 21, 24, 38

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

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

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

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

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

CLERK: (Read LB 21 on Final Reading.)

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

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

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

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

PRESIDENT: Read the motion.

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

PRESIDENT: The Chair recognizes Senator DeCamp.

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

the organizations that got them distributing them with no standard of care or protective standards whatsoever. So I sought to remove the word "gross" from the word "negligence" and thereby impose some standards on the distributor, such as the Safeway or the A & P, and to remove the word "gross" and put some standards on the distributors, the noncharitable groups or...I mean... yes. Senator Nichol proposed as an alternative that if I did that I would not get the main purpose of the bill accomplished, Senator Kahle's purpose, which was to get excess food that stores and organizations or manufacturers do have into the hands and stomachs of people ultimately rather than into the garbage heap. So we settled on as an alternative imposing a standard of care, that being negligence, ordinary negligence, on the distributors, the ultimate distributors, the nonprofit groups and so on and so forth, and that is basically what the amendment does. It leaves what Senator Kahle intended to do on the manufacturers so that they will distribute the food, we are assured, but it does impose ordinary negligence standard on the distributors. I urge you to adopt the amendment. I understand Senator Hoagland is concerned because he believes, as I understand it, that the real standard should be let's say on Safeway, the deep pockets, the one that would have assets, and the counter to this, of course, that I think we heard last week was that, look, these people are willing to give this food that they are now throwing away in many cases, but they are not going to do it if you are making it so risky for them. I am not sure it is a perfect solution for anybody, but I think it is a solution that will get large quantities of food available and distributed and used in something other than a garbage dump, and it does impose a standard on the groups so that they are going to have to be careful and watchful and cautious. And I guess I think it is something that we should give a try to.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Well, this bill...Mr. President and members, this bill sort of sneaked through Select File the other day and we knew that we would need to put some responsibility on what I thought should be the distributor rather than the donor of the goods. I might say that we have done some looking into this situation and of the states that already have done this, Maryland, Colorado, Idaho, Georgia, have no gross negligence at all in their laws. Oregon and Arizona do have some. My experience with this bill since I have been involved in it has been that the distributors of food, whether it be wholesale, retail, or

March 2, 1981

LB 38

even perhaps farmers at times, would be willing to give the food away, but they are not very anxious to take the responsibility or the chance of suit for the liability involved. Grocery stores today are allowed tax deduction for the food that they have to throw away or take off the shelf. There would be absolutely no advantage to them to give it away to the type of situation we are talking about in LB 38 where it could be used as food, but the easiest thing for them would be to take it to the dump and cover it up and forget about it. Financially it would be just as easy for them and perhaps with a lot less risk. So I am not objecting to putting on some responsibility on the people that distribute the food, but I am against putting it on those that do give it away because they have nothing to gain and everything to lose. I believe the amendment that Senator DeCamp has put on would put some responsibility on the people that distribute this food whether it be a church organization, any community action group, Salvation Army, whatever it might be, Food Bank people. We had people at the hearing who have Food Banks and distribute this food. It would be distributed at no cost. It has to be free. So I think it is an excellent idea in the times that we are living in. We are finding out that the government is going to cut back on many of its programs. We hear about people being hungry and not being able to be fed. We hear about people that are held up on their food stamps at times and have no physical means to get food, or any way to keep from starving to death at times, and this is a shame, I think. We throw away more in America than we should. So I hope that you will bring the bill back, put the DeCamp amendment on it, which may not be what all of you want, but I think it is a reasonable approach and let's try it and see if there are any infractions. I would be the first to be back to try to do something with it. But let's not deprive people of the food that is being thrown in the dump today and wasted. So please support the amendment and let's move this bill along.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I think Senator DeCamp's amendment is a good one, and along with Senator Kahle I will surely support it because it needs to be done. The problem I have is I am not sure it goes far enough, and let me explain why. Now we basically have two entities that are going to be involved. We are going to have the chain grocery stores and the food manufacturers that are going to donate the food, and they are dealt with in Section 1 of the bill. And then we are going to

March 2, 1981

LB 38

have the charitable organizations that are going to distribute the food and they are dealt with in Section 2 of the bill. The way the bill is currently written, both of them are virtually immune from liability if some elderly person gets ahold of some food that appears to be okay but, in fact, isn't, and I think that is a dangerous situation. Now what Senator DeCamp's amendment does is it goes into Section 2 of the bill and makes it possible to hold the charitable organizations liable, but the problem is that in many cases the charitable organizations aren't going to have the assets or we don't know from this bill that they will have the assets to satisfy any judgment in case somebody is injured and has a legitimate claim or a legitimate cause of action because of difficulties with the food. This amendment would make it so that the charitable organizations can be sued but is there going to be anything there to be sued, number one, and number two, do we want to have a situation where those charitable organizations might be put out of business? Now my feeling is that it improves the bill because it does give a cause of action at least against the charitable organizations, but it doesn't reach the people who are really going to be responsible, that is the manufacturers of the food and the large scale distributors of the food. I think my preference would be to pass the bill with normal liability against everybody involved and then if, as Senator Kahle indicates, nobody is willing to donate the food, why then we could come in at a later time and amend the bill to give them the kind of liability guarantees that they want. But in any event, I would urge that we support this amendment and give serious thought to whether we don't also want to amend Section 2. Thank you, Mr. President.

PRESIDENT: Any further discussion on the DeCamp motion to return LB 38? Hearing none, Senator DeCamp, do you wish to close?

SENATOR DeCAMP: Mr. President, I would and I don't think a closing is necessary but in this case I am going to do it so that we have on the record an understanding because several Senators have asked me how this really would work. We have got two separate entities, and just for example let's use the Labeledz chain store. They are grocers. They have a lot of excess food. At the present time what they do with their excess food, perfectly good food, turn it over to the dump, throw it away for garbage. Why? Because they are under strict liability and they say, why be a good samaritan, so to speak, why take our Labeledz chain store food and give it to Senator Haberman's nonprofit

charitable group that gives food to the elderly, when if anything goes wrong why they could sue us for a million dollars and break us. Why take that risk? Throw it to the garbage. We can write it off for tax the same way as if we gave it away. We come out the same way and we have no risk. What we are doing in the bill and with the amendment particularly is we are saying, okay, Bernice Labeledz chain store, you can go ahead and give your excess food, good food, not garbage, give the food that is good food to Senator Faberman's nonprofit group and you won't be subject to the strict liability. In fact, we are going to let you get away with up to gross negligence. Now I realize that sounds outrageous at some point and that is why I tried to change that originally. We are going to say, we know you are pretty careful in your handling of food, go ahead and give your food to Rex and he will distribute it, but we are saying to Rex, Rex, we are not going to let you as the distributor get away with gross negligence, you've got to have some standard of care, you've got to use some ordinary negligence standards. So what Rex is going to do, he is going to say, fine, at least we can get the food, we're going to be careful in what we select because we have got a standard there of being reasonably careful in even accepting the food, then in distributing it we have got a standard of ordinary negligence so we're going to be pretty cautious there. We probably will buy liability insurance just to be safe, but at least that way we get the food from being thrown away to the garbage, to the distributor and hopefully they will get it distributed to the people and it will serve some good rather than being thrown away. That is what the amendment does. I would urge you to adopt the amendment and see how it works for a year.

PRESIDENT: All right, the motion is the return of LB 38 for purposes of the specific DeCamp amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 41 ayes, 0 nays, Mr. President on the motion to return the bill.

PRESIDENT: The motion carries. LB 38 is returned. Do you want to take up the amendment right now? Senator DeCamp, do you want to move the amendment? The motion is to move....any discussion on the DeCamp amendment? If not, that is the opening and the closing and the wave of the hand. We will now vote on the amendment on LB 38. All those in favor vote aye, opposed nay. Record the vote.

March 2, 1981

LB 38

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion carries. The DeCamp amendment is adopted. Does someone want to move this back to E & R for Engrossment? Senator Kahle.

SENATOR KAHLE: I move that we move this back to E & R for Engrossment.

PRESIDENT: The motion is to readvance LB 38 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. It is back for reengrossment. I understand there is another amendment on the desk. Read the amendment, Mr. Clerk.

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

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker and members of the body, if you would just turn to your yellow copy, Final Reading copy, page 3, section 2, line 5, you will see what section 2 does. Section 2 says, any charitable or nonprofit organization distributing food pursuant to the act shall put on a label. It says you have to have a label on all the food or on the individual container or package of the food stating that the food is not for resale. Okay, that's what it says. But what my amendment does, it says you have got to have a few more words on the label. My amendment says that you have to also put on the label the expression that this organization shall not be liable for damages in any civil action based on strict liability in tort for any injury or death because of the condition of such food. In other words, it's a warning, a warning to those persons who get the food that the State of Nebraska has modified state law with respect to liability for food distribution. Now there is plenty of precedent for this. As you may recall, under our medical malpractice bill we require such a warning to be posted in the doctors' offices i.e. that the doctor has opted to be covered by Nebraska's medical malpractice laws and therefore you patient enter at your own risk, so to speak, or you enter subject to the Nebraska laws. So this amendment says the same thing, to any person who

March 2, 1981

LB 38

receives as free food from the charity or nonprofit organization there is affixed to that same label that is going to say the food is not to be used for resale and not to be resold, the little warning to the effect that the law of liability has been changed. Now, obviously, most people will totally disregard the warning. It will mean very little to most people, but there may be one or two people who will say, you know, what's this all about? And somebody will say, well, you know, this is kind of eat at your own risk, and that just may have an effect on those individuals. It may make no difference whatsoever, but at least if we are going to change the law on liability it seems to me only fair that those who do consume the food have some way of being warned.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, since we have as he states made a major change in Nebraska law with the proposal, it seems only reasonable as long as we are adding the information on there that we should add this additional information and I certainly have no opposition and do, in fact, support it, and I suspect Senator Kahle does too.

SPEAKER MARVEL: The motion is to return the bill to Select File. Senator Kahle, do you wish to speak to the motion to bring the bill back?

SENATOR KAHLE: Yes, very briefly. I see no objection. It was my idea to put the mark on in the first place that the food had been donated and it could not be sold. I really see no objection to stating on there what Senator Johnson wants. It may deter some from using the food, but I doubt it. It will be available and if that will make the attorneys feel better, I will go along with it.

SPEAKER MARVEL: Senator Hoagland. The motion is to return the bill. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 41 ayes, 0 nays on the motion to return the bill, Mr. President.

PRESIDENT: The motion is carried. The bill is returned. The motion is to adopt the Vard Johnson amendment. Is there any further discussion? All those in favor vote aye, opposed vote no. Record.

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

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

March 3, 1981

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

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

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

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

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

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

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

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

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

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

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

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

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

SPEAKER MARVEL: All those in favor of the Fowler amendment

March 10, 1981

LB 24, 38, 54, 275

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

CLERK: (Read LB 24 on Final Reading.)

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

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

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

CLERK: (Read LB 38 on Final Reading.)

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

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

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

CLERK: (Read LB 54 on Final Reading.)

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

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

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

CLERK: (Read LB 275 on Final Reading.)

March 11, 1981

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

SPEAKER MARVEL PRESIDING

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

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

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

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

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

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

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

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

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

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

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

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

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

Finally, Mr. President, Senator Maresh asks unanimous consent

March 11, 1981

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

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

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

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

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

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

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

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

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

Senator Koch offers explanation of vote.

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

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

Senator Warner would like to print amendments to LB 198.

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

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

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

March 17, 1981

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

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

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

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

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

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

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

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

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

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