

January 20, 1981

LB 389-433

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mama mammal that we called Mama and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarrassing questions.

March 17, 1981

LB 245, 11, 179, 206, 206A,
257, 346, 396, 452,
468, 495, 542, 543

Banking, Commerce and Insurance Committee reports LB 257 to General File with amendments. (Signed) Senator DeCamp.

Ag and Environment reports LB 542 to General File; LB 11 to General File with amendments; LB 396 General File with amendments; LB 452 and 468 indefinitely postponed. All those signed by Senator Schmit as Chair.

Business and Labor reports LB 495 as indefinitely postponed. (Signed) Senator Maresh.

Banking, Commerce and Insurance reports LB 543 to General File with amendments. (Signed) Senator DeCamp.

Senator Lamb would like to print amendments to LB 179 in the Journal.

Senator Nichol's Judiciary Committee reports LB 346 to General File with amendments.

I have a set of Rules reports from Senator Wesely's Rules Committee. That will be inserted in the Journal. (See pages 977-979.)

Mr. President, I have a communication from Secretary of State and accompanying certificate regarding the Legislature's override of LB 206 and 206A. Both will be inserted in the Journal. (See pages 980-982.)

SENATOR CLARK: Senator Schmit, do you want to advance 245?

SENATOR SCHMIT: Mr. President, I move that LB 245 be advanced.

SENATOR CLARK: We have two more amendments up here.

CLERK: Mr. President, the first amendment I have is offered by Senators Dworak, Goll, Vickers, Sieck, Warner, Lowell Johnson, Carsten, Clark, Haberman and Koch and it is found on page 868 of the Journal.

May 1, 1981

LB 307, 396

SPEAKER MARVEL: Record.

CLERK: 27 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 396.

CLERK: Mr. President, LB 396 (read title). The bill was read on January 20, referred to Ag and Environment for hearing. It was advanced to General File. There are committee amendments pending by the Agriculture and Environment Committee, Mr. President.

SPEAKER MARVEL: Senator Schmit, do you wish to...LB 396 which has to do with...Senator Carsten's bill on adoption of agricultural lime testing and we need the committee amendments.

SENATOR SCHMIT: Mr. President, members of the Legislature, I am going to let Senator Carsten explain the committee amendments because they basically constitute the bill and it is his bill and I don't want to take anything from him, and I wasn't at the hearing.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, you are most kind, Senator Schmit. I appreciate that. Mr. Speaker and members of the Legislature, LB 396 as amended by the Agriculture and Environment Committee does make some changes from the original bill but I accept them believing them to be to the advantage of the bill. They amend to lessen the regulatory burden of the original bill and to also clarify some of the provisions. Changes include the reduction of the licensing fee from \$25 to \$5 to be paid by the manufacturer, a requirement of a labeled package of liming material stating quality and quantity information, registration of all liming material with the Department of Agriculture, optional testing by the Department and reporting by net tonnage annual sales by the registrants and the licensees. Mr. President, I move for the adoption of the committee amendments.

SPEAKER MARVEL: Motion is the adoption of the committee amendments as explained by Senator Carsten. Record the vote.

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

May 1, 1981

LB 396, 543

SPEAKER MARVEL: The motion is carried. Senator Carsten.

SENATOR CARSTEN: Now, Mr. President, LB 396 is a bill that I introduced on behalf of the Nebraska Farm Bureau Federation and the farming industry. Several years ago the federal government had a combination of matching funds and a program whereby lime was tested. It was a program where there was cost sharing. At that time lime was tested and we did have an analysis before it was put on and we knew for sure. When that lime act was suspended the Ag College also suspended the testing process. Since that time we have had no real serious problems but we have had a few cases where at least the farmer himself felt that he was not getting that which he had been told he was receiving. It did seem appropriate that we reinstate that testing program. We were in contact with the Ag Department. There were no problems with that and so we proceeded then to draft the bill as it is. I want to alert you also that there is a fiscal note with this but due to the changes in the bill by way of the amendments there is a revised version and I was told that we had to have an A bill with it which I have introduced this morning. It is a minimal amount for the use of the sampling and the testing and the extra work that the Ag College is going to have to do. It amounts to \$21,167. We do believe that the bill is all right. There has been some question relative to the slurry in the lime products which we believe is all right but I assure you and want to alert you at this point that we are going to continue to look at that, and if there is a problem there, on Select File we will be ready to correct that problem but we believe the bill is worthy of your consideration and your support and I move, Mr. President, that LB 396 as amended be advanced to E & R Initial. Thank you.

SPEAKER MARVEL: Motion is to advance the bill as explained by Senator Carsten. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. Next bill, 543.

ASSISTANT CLERK: Mr. President, LB 543 (read title). It was read for the first time on February 3rd and referred to the Banking, Commerce and Insurance Committee and there are committee amendments from the Banking, Commerce and Insurance Committee.

SENATOR SCHMIT: Okay, Mr. President, members of the Legislature,

May 7, 1981

LR 75
LB 181, 224, 316, 396, 441,
485, 487, 543, 544

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Bob Chitwood of Capitol City Christian Church here in Lincoln.

REVEREND BOB CHITWOOD: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence? We are going to have to suspend in order to take up some of these bills, so I hope everyone has registered their presence so we can see if we have 30 people here. Mr. Clerk, why don't we record the presence and at least get started on the early things we have got.

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

PRESIDENT: All right, quorum being present, Mr. Clerk, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal stands correct as published. Are there any messages, reports, announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 181 and recommend that same be placed on Select File with amendments; 396, Select File with amendments; 543, Select File with amendments; 487, Select File with amendments; 316, Select File with amendments; 441, Select File with amendments; 224, Select File; 485, Select File with amendments; 544, Select File with amendments. All signed by Senator Kilgarin, Chair. (See pages 1809 through 1811 of the Legislative Journal.)

Mr. President, your committee on Education gives notice of hearing on gubernatorial appointments for May 21. (See page 1812 of the Legislative Journal.). And, Mr. President, LR 75 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 75. The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President. The Lincoln Journal on Monday, May 4th, printed an inaccurate article regarding an interview about the Treasurer's office vacancy which will occur June 15th. I should have moved to correct the misstatement immediately, which stated: "State Senator Shirley Marsh of Lincoln said Monday she will ask Governor Charles Thone to appoint her to the soon to be vacated post

May 8, 1981

LB 70, 181, 396, 543

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 70.

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

SENATOR KILGARIN: I move we advance LB 70 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The next bill, Senator Kilgarin, is 181.

SENATOR KILGARIN: I move the E & R amendments to LB 181.

SPEAKER MARVEL: 181, what was your motion, I am sorry?

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 181.

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

SENATOR KILGARIN: I move we advance LB 181 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. 181 is advanced. Next bill, 396.

SENATOR KILGARIN: I move the E & R amendments to LB 396.

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 we advance LB 396 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. The next bill is 543.

SENATOR KILGARIN: I move the E & R amendments to LB 543.

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

SENATOR KILGARIN: I move we advance LB 543 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill is 487.

LB 118, 129A, 165, 181, 224, 234, 234A,
273, 273A, 303, 326, 336, 360, 394,
396, 411, 459A, 485, 551 - 554

May 12, 1981

favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

SENATOR CLARK: Is there any discussion on the advancement of the bill? If not, all those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

May 27, 1981

LB 129, 129A, 138, 396

with, the question is, shall the bill pass. All those in favor vote aye. All those opposed vote nay. Voting no.

ASSISTANT CLERK: Senator Clark voting no.

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

ASSISTANT CLERK: (Read record vote as found on pages 2340-2341 of the Legislative Journal.) The vote is 34 ayes, 8 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 129A.

ASSISTANT CLERK: (Read LB 129A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, those opposed vote nay. It takes 30 votes. Voting no.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2340 of the Legislative Journal.) The vote is 35 ayes, 9 nays, 5 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 138, a constitutional amendment. It will take 40 votes to put this on the primary ballot. Senator Johnson, for what purpose do you arise?

SENATOR V. JOHNSON: Yes, I would ask unanimous consent of the body to have this passed over. With five members excused and this bill requiring 40 votes to go on the primary ballot, it really is swimming upstream it seems to me and I think maybe tomorrow morning we would have more of our members here.

SENATOR CLARK: Senator Marvel. All right, we will pass over it.

SENATOR V. JOHNSON: Thank you.

SENATOR CLARK: The Clerk will now read LB 396. Senator Carsten, for what purpose do you arise?

SENATOR CARSTEN: Mr. President, I would respectfully ask that we pass over LB 396 momentarily at least this morning. The Attorney General found one section that he feels is unconstitutional. We are trying at the moment to get an

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LB 396, 523, 548

amendment drafted that will take care of that problem and it has not come to me yet. I would hope that you would bear with me that we may pass over it at least for awhile until we get that amendment.

SENATOR CLARK: All right, we will pass over it. LB 523.

ASSISTANT CLERK: (Read LB 523 on Final Reading.)

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

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2341 of the Legislative Journal.) The vote is 37 ayes, 6 nays, 5 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 548 with the emergency clause.

ASSISTANT CLERK: (Read LB 548 on Final Reading.)

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

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? We have five excused. Have you all voted? Have you all voted? Record the vote. Senator Wesely, for what purpose do you arise?

SENATOR WESELY: I think you need 30 votes on this, don't you?

SENATOR CLARK: No, it needs 33. It has the emergency clause on it.

ASSISTANT CLERK: (Read record vote as found on page 2342 of the Legislative Journal.) The vote is 29 ayes, 15 nays, 5 excused and not voting, Mr. President.

SENATOR CLARK: The bill having failed to receive a constitutional majority is declared not passed with the emergency clause attached. We will now vote on the bill without the emergency clause attached and I would ask Senator Warner, does this take 30 votes? It's not in the Governor's budget. All those in favor

May 27, 1981

LB 556A, 396

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

CLERK: (Read record vote as found on page 2344 of the Legislative Journal.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. We will now take up a motion on the desk on LB 396.

CLERK: Mr. President, Senator Carsten would move to return LB 396 to Select File for a specific amendment.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I certainly do want to apologize to you for having to do this but in order for this bill to be what we believe to be proper, we need to do this and it was from the Attorney General's opinion that we have done it and I would move then, Mr. President, that we return the bill for this specific amendment. I have circulated the amendment to you. It is basically a clarifying amendment. The decision that was rendered on the potash bill a couple of years ago said it lacked clarity and was not detailed enough. This language in these two parts is taken from the court decision, the first one on page 2, strike "product" and insert "finished product which is sold in the normal course of business to the ultimate consumer and". Secondly, on page 6, line 12, after the period, insert "The distributor who first causes the distribution of the agricultural liming material into or within this state shall be responsible for compliance with the registration requirements of this section." Now this language is taken out of the correction bill that was passed last year relative to that potash. It is a clarifying and does answer the objection that the Attorney General had and I do believe we need it and I would ask your cooperation in bringing this bill back and adopting this amendment.

SENATOR CLARK: The question before the House is the return of 396. Is there any discussion? All those in favor vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: The bill is returned.

SENATOR CARSTEN: Now, Mr. President, I move for the adoption of the amendment as I have explained it.

May 27, 1981

LB 396, 412

SENATOR CLARK: You heard the motion. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of the amendment.

SENATOR CLARK: The amendment is adopted. Senator Carsten.

SENATOR CARSTEN: I move for the advancement of LB 396 to E & R for engrossment.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. The bill is readvanced. Mr. Speaker.

SPEAKER MARVEL: Mr. Clerk, do you want to report first of all on E & R?

CLERK: Mr. President, my best information is at this point that all bills that the Legislature has considered this day will be reported back to the body approximately at 7:00 p.m. Yes, sir.

SPEAKER MARVEL: Seven o'clock, okay. Is that your report? Okay, now we will proceed, since we have to wait until they come up with E & R amendments, so it will take, what, an hour and a half roughly?

CLERK: Approximately, yes, sir. It might be sooner.

SPEAKER MARVEL: Then I would move in item #7, that we pass over LB 376 and LB 466E and LB 512 which is on the agenda for tomorrow.

SENATOR CLARK: How about 234? We amended the A bill I think this morning. We can't read 234. There is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to amend the rule suspension motion to read, "All bills on Final Reading under item #7 of the agenda to exclude LB 412E.

SENATOR CLARK: We don't have the motion yet. Or do you have it up there? All right, go ahead. Senator Warner.

SENATOR WARNER: I had not indicated to the Speaker but I had...was waiting for an Attorney General's opinion on some provisions of LB 412 other than the interest rate and I would like, if no one objects, that we pass over that pending a letter from the Attorney General. So I would move that the motion be amended to exclude 412 from the suspension.

RECESS

LB 396, 396A, 411

May 29, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Record the presence.

ASSISTANT CLERK: Quorum present, Mr. President.

PRESIDENT: All right, the Speaker has recommended that we....in order to get the Final Reading out of the way, that we continue on where we left off before lunch, this time with LB 396. Would the Sergeant at Arms please prepare the...secure the Chamber. All members be at your desks. As soon as you are, we are ready for Final Reading on LB 396. As soon as all members are at their desks we will start with LB 396. Will the Sergeant at Arms please get everyone at their desks so that we can. The Speaker's point about the day coming to and end rather late is certainly going to be true if we don't get started. Okay, let's go. LB 396, Mr. Clerk.

CLERK: (Read LB 396 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 396 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2410 of the Legislative Journal.) 39 ayes, 6 nays, 2 excused and not voting, Mr. President, and 2 present and not voting.

PRESIDENT: All right, LB 396 passes. The next bill on Final Reading is LB 396A. And members would you please be at your....there is such....we are going to have an awful time finishing this day if you don't, and Sergeant at Arms, will you please enforce the rules and see to it that all members are at their desks. Continue with the reading, Mr. Clerk, of LB 396A.

CLERK: (Read LB 396A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 396A pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2411 of the Legislative Journal.) 37 ayes, 7 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 396A passes. The next bill on Final Reading is LB 411.

CLERK: (Read LB 411 on Final Reading.)

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May 29, 1981

LB 321, 385, 396, 396A, 411, 460,
487, 487A, 494, 544, 552, 561.

health when they reach there. I ask you to support the motion to reconsider the previous motion.

PRESIDENT: All right, motion is suspension of the rules, which will require 30 votes also. Those in favor of the Schmit motion on LB 561 vote aye, opposed nay. Sorry you can't do it. There is three excused. They are all back, okay, I'm sorry, they are all back. So you have all the people here now. Do you want a Call of the House?

SENATOR SCHMIT: Let's have a Call of the House and a roll call vote.

PRESIDENT: All right, erase the board, and all those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 19 ayes, 3 nays, Mr. President, to go under Call.

PRESIDENT: The motion carries. The House is under Call. Sergeant at Arms will see that all members are returned to the Chamber. All members will return to your desks. All members will register your presence. While we are waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 385, LB 552, LB 544, LB 494, LB 321, LB 396, LB 396A and LB 411, LB 460, LB 487 and LB 487A. Looking for Senator Cullan, Senator Kremer, Senator Lamb, Senator Sieck, Senator Nichol, Senator Labedz, Senator Higgins... oh, there she is. Senator Pirsch. Senator Kremer, Senator Lamb, Senator Pirsch, Senator Sieck. Do you want to wait until they arrive, Senator Schmit? All right, we will wait. Then do you wish a roll call vote? All right, sir. It will be done. Senator Kremer is here. Senator Lamb is on his way. All right. Senator Pirsch. Does anybody know where she is? Oh, okay. One more and we can go. Proceed, Senator Schmit. All right, proceed with the roll call, Mr. Clerk. The question is the suspension of the rules on LB 561 for purpose of the override.

CLERK: (Read the roll call vote as found on page 2419 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails, so therefore the second motion is not possible. What is the next motion on the desk, Mr. Clerk? Okay, the next motion.

CLERK: Mr. President, the next motion I have is offered