

May 1, 1981

LB 487, 324, 361,
396A

explanation, do you think we should work that concern out that you have on this bill on General File, Senator Wesely, rather than, you know, we were lamenting the fact that we are going onto Final Reading with so many of those bills and so much work has to be done and you indicated there are problems with this bill. There was concern with areas of this bill. Maybe we should address those right now.

SENATOR WESELY: Senator Dworak, let me explain. There has been one person who, in fact, testified in favor of the bill, Mary Hepburn O'Shea, who has expressed concern about the definition that we have in here. I think the definition is probably pretty good as it is, but to try and meet her concern, we are willing to sit down and spend some time with her. My feeling, quite frankly, is the bill if it is passed in its present form would be a perfectly good piece of legislation but, again, I am concerned. I don't want to unduly concern Mrs. O'Shea so I think Senator Johnson and I both are willing to talk to her but the bill has not got a problem I think. I think it is a good bill. We are just trying to recognize the fact that she has expressed an interest and we are willing to work with her.

SENATOR DWORAK: Thank you, Senator Wesely.

SPEAKER MARVEL: The motion is to advance 487 to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 2 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. LB 316.

CLERK: Mr. President, if I may right before that, I have a new A bill, 396A, by Senator Carsten. (Read title.)

Senator Landis had amendments to LB 324 that he wishes to withdraw, Mr. President.

SPEAKER MARVEL: A motion.

CLERK: Yes, sir.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: And finally, Mr. President, Senator Wesely asks unanimous consent to have his name added to LB 361 as co-introducer.

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LB 389A, 396A, 477A, 506A

is the advance of LB 389A, E & R initial. Senator Wesely, what do you wish to do? Evidently nobody wants to vote so we had better get people in here. Record the vote.

CLERK: 27 ayes, 9 nays, Mr. President, on the motion to advance the A bill.

PRESIDENT: Motion carries. LB 389A is advanced to E & R initial. The next bill is LB 396A.

CLERK: (Read.)

PRESIDENT: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Move to advance LB 396A to E & R initial.

PRESIDENT: Motion is to advance LB 396A. Any further discussion? All those in favor of advancing LB 396A to E & R initial vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to advance LB 396A.

PRESIDENT: The next bill, Mr. Clerk, is LB 477A.

CLERK: (Read.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Mr. President, I move that LB 477A be advanced.

SENATOR CLARK: The motion is to advance LB 477A. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 477A.

SENATOR CLARK: The bill is advanced. LB 506A.

CLERK: (Read.)

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I move LB 506A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 506A? If not, all those in favor vote aye. All those opposed vote nay. Record the vote.

May 11, 1981

LB 95A, 257A, 389A, 396A,
477A, 506A, 541A, 556

Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 95A and recommend that same be placed on Select File; 389A Select File; 396A Select File; 477A Select File; 506A Select File; 541A Select File and 257A Select File, all signed by Senator Kilgarin as Chair.

SENATOR CLARK: LB 556.

CLERK: Mr. President, with respect to 556, the bill was introduced by the Speaker at the request of the Governor. (Read.) The bill was read on March 30 of this year. It was referred to the Appropriations Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR CLARK: Senator Warner, on the committee amendments.

SENATOR WARNER: Mr. President and members of the Legislature, LB 556 is the bill that reflects the increased premiums when the health insurance that is provided for state employees, other than higher education, when those new bids were opened and those dollar amounts will be explained. The committee amendment that is offered merely, well, back up. The amendment was offered at the committee hearing requesting that the legislation require that coverage for abortion be made available at the employee's expense and the presentation was based upon the testimony by those who appeared that the prohibition or the requirement for this, for an abortion to be paid for by the individual employee had been suggested when the legislation that prohibited state funds was being considered and enacted and they wanted some assurance that, in fact, that would occur. If you look on page 1877 of the Journal there is a letter which I requested of the Attorney General requiring two things relative to the amendment, first, whether or not whether it would be constitutional and I think you can summarize the response on that, that if the original legislation prohibiting it is constitutional then this is probably constitutional or if LB 125 is not constitutional then neither would this be either. So that seems to be a draw. The other request for an opinion, however, was whether or not we would jeopardize by the adoption of this amendment the coverage that the state might have for its employees under the new bid and it would be my understanding from the Attorney General's letter that if the amendment is adopted, that then it would be expected that the state would find someone who would provide that coverage for those who wanted it and provided they could find some company of some kind that would provide this kind of coverage then the conditions would be met and

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LB 389, 396A

bill for this year. I move the return of the bill.

SPEAKER MARVEL: Okay, the motion is to return the bill to Select File for a specific amendment. Senator Wesely, do you wish to speak to the motion? You have spoken. All right. Okay, the motion is to return the bill to Select File. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are on item #6, motions, and the issue is LB 389. Have you all voted? Record.

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

SPEAKER MARVEL: The motion carries. The motion now is the adoption of the Wesely amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on adoption of the Wesely-Schmit amendment, Mr. President.

SPEAKER MARVEL: The amendment is adopted. The motion now is to readvance the bill. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is readvanced. We now move to item #7, Select File. This is the area where we have to make progress today or we are going to be in trouble. Incidentally, somebody may have left a...what, a...what do you call them, Senator Marsh? Senator Marsh, somebody left a shade cap in your office.

SENATOR MARSH: I have a green eye shade that was left in my office. I do not know to whom it belongs. I think it might be handy to use up on the legislative floor but since it really is not mine, I thought I should make a general announcement if someone wants to come and claim it.

SPEAKER MARVEL: Thank you. Item #7, Select File, LB 396A.

CLERK: Mr. President, Senator Carsten has an amendment to LB 396A.

SPEAKER MARVEL: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, the amendment to 396A is brought about by revising the bill which creates a cash fund to account for revenues generated by the license and inspection fees and allows the Department of Agriculture to conduct such inspection, sampling and analysis and so forth. The amendment would reduce the cost from \$21,167 general funds to \$10,539 general funds and \$4,000 cash funds. This is on a per ton inspection fee and would provide for a bulk of the revenues required to totally cash fund

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LB 396A, 556A, 548

the program. It would not be received until January of 1983 or fiscal year '82-'83, therefore, the general funds will need be to supplement the license fees until the per ton inspection fees are received. We find that it is necessary to amend the A bill to meet this requirement and I move for its adoption, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Carsten amendment as explained and the amendment is to 396A. All those in favor of that motion vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the Carsten amendment. Mr. President, I have nothing further on the bill.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor say aye, opposed no. The motion is carried. The bill is advanced. Before we proceed, it is my privilege to introduce underneath the south balcony, the following newly elected Omaha City Council members who we will be looking forward to meeting you over lunch today. David Stahmer, Steve Tomasek, Connie Findlay, Sylvia Wagner, Fred Conley, Walt Calinger and Bernie Simon. Would you please stand so we may welcome you to the Unicameral. Also underneath the same balcony we welcome Mary Cornett, the City Clerk, Lou Anderson, administrative assistant to the Council, Betty Coble, secretary. In the north balcony from Senator Sleek's district, 31 eighth grade students and one adult from the Centennial Consolidated School in Utica, Nebraska, Mrs. Linda Petricek, teacher. And you are in the north balcony. Would you raise your hands so we can see you. Welcome to the Unicameral. Senator Kilgarin, Senator Wesely, oh, there you are. Senator Kilgarin, do you want to move the advancement of 556A.

SENATOR KILGARIN: I move we advance LB 556A 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.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Kilgarin, do you want to move the advancement of LB 548 or did you have...how many? A lot of amendments.

CLERK: A lot of amendments. Mr. President, there are no E & R to LB 548. The first amendment I have is from Senator Vickers, Maresh and Kahle. Would you like me to read it, Senator? (Read amendment as found on page 2139 of the Journal.)

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the

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LB 396, 396A, 411

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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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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