

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.

LB 51, 63, 74, 94, 106, 113A, 150, 154,
190, 195, 225, 261, 272, 281, 284A, 351,
409, 418, 421, 426, 466, 229

March 12, 1981

Mr. President, some items to read in, LB 113A by Senator DeCamp. (Read LB 113A for the first time by title.) LB 284A by Senator DeCamp. (Read LB 284A for the first time by title.)

Your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 51, 150, 195, 272, 409 and 154.

Your Committee on Education reports 63 indefinitely postponed. (Signed) Senator Koch.

Your Committee on Public Works reports 229 to General File and 94 General File with amendments. (Signed) Senator Kremer.)

Your Committee on Banking reports 421 to General File with amendments. (Signed) Senator DeCamp.

Your Committee on Public Health reports 261 and 466 to General File with amendments.

Mr. President, Senator Nichol would like to print amendments to LB 74 in the Journal. Banking, Commerce and Insurance Committee sets hearing. Senator Koch would like to print amendments to LB 190. Senator Kilgarin asks unanimous consent to be excused tomorrow. I have notice of priority bill designation of the Speaker. Your Committee on Banking, Commerce and Insurance reports 426 to General File with Amendments. (See pages 882 through 896 of the Legislative Journal.)

Mr. President, Senator Schmit would like to have the Ag and Environment Committee tomorrow morning at eight o'clock in Room 1520, Ag and Environment Committee tomorrow morning.

Mr. President, your Committee on Government, Military and Veterans Affairs reports 281 to General File with amendments; LB 351 General File; LB 418 to General File; LB 106 as indefinitely postponed; and LB 225 as indefinitely postponed. Those are all signed by Senator Kahle as Chairman.

Mr. President, the Business and Labor Committee will have an Exec Session at 1:00 p.m. today in Room 1019; Business and Labor at 1:00 p.m. today.

Mr. President, Senator Vard Johnson asks to be excused tomorrow.

January 12, 1982

LB 418

Recreation whose Chairman is Senator Labeledz reports LB 416 indefinitely postponed; and LB 474 indefinitely postponed, both signed by Senator Labeledz as Chairman.

And finally, Mr. President, Senator Wesely would like to add his name to LB 770 and Senator Labeledz to 607.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, Senator Haberman makes a motion to withdraw LB 570. Pursuant to our rules that will be laid over.

SENATOR CLARK: We will now take up LB 261.

CLERK: Mr. President, I have a request I believe from Senator Cullan to pass over LB 261.

SENATOR CLARK: All right, we will take that up during passover. LB 418.

CLERK: Mr. President, LB 418 (read title.) The bill was first read on January 20 of last year. It was referred to the Government Committee for public hearing. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, this bill was brought to me by the City of Gordon to address what they believe was a ambiguity in the statutes concerning the recording of the duties of the County Register of Deeds. Some sections of state law, current state law, require that plats and subdivisions are not authorized to be recorded if they are contrary to several sections of statutes which are specifically listed. The specific statutes refer to the authority of cities and counties to approve plats and subdivisions. The new language makes it clear that the County Register of Deeds, that he or she is not to record plats or subdivisions unless they have been approved by the appropriate governing body. As I understand it from the City Manager of Gordon, there were some developers who used this quirk, I guess, in state law to avoid coming before the City Council to obtain approval for their plat or subdivision and that that caused a good deal of problems as far as implementation of the zoning ordinances and comprehensive plan and so forth, and as you can see, there was no opposition to the legislation and it was supported by the Nebraska League of Municipalities. I would urge you to adopt this bill.

SENATOR CLARK: Is there any discussion on LB 261 (sic)? Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, Senator Kahle just called to my attention the fact that he and I both voted against this bill in committee and I had to quick like refresh my memory as to why I voted against it in committee. And now that I have done that, I can speak to what I think the significant issue is. I believe this bill would place the Register of Deeds in a judgmental capacity as to what items should be recorded and what items should not be recorded and I think that is a bad practice. I think very simply that if someone presents to our Register of Deeds a document for recordation, the Register of Deeds should be obligated to take the document irrespective of whether the document has been approved by the city council, by the village board of trustees or what have you. I think we establish a bad policy when we say to our public record keeper, you, public record keeper, have some judgmental capacity in terms of accepting a document for recordation and this bill does this. Because what this bill says very simply is that a Register of Deeds is not to accept a plat unless the plat has been approved by the appropriate governing board. Now as a lawyer, I guess one of the things that I learned many years ago, and it basically still is true, is that the primary function of a register of deeds is to accept whatever documents come down the pike and they record them to be permanently memorialized for posterity. Now later on other lawyers, other real estate personnel and the like will be looking at those documents. They will read abstracts, and they will buy title insurance and what have you and it will be they who will make the decision as to whether or not the plat was a valid plat because it was or was not approved by the local governing board but the plat will be there. It will be something that will have been recorded and the decision whether or not to record the plat will never have been given to the register of deeds. So I do think this bill does represent...I understand why Senator Cullan has brought it in because I can appreciate some of the problems that have arisen but I think it is not good public policy to, in effect, give any judgmental powers to a register of deeds with respect to whether or not to accept a document for recordation. If we bring a document in, that register of deeds should record it and that is all there is to it so I do oppose the bill.

SENATOR CLARK: Senator Cullan, do you wish to close?

SENATOR CULLAN: Mr. President, members of the Legislature,

quite frankly, I have never been presented with the argument that Senator Johnson has just raised and I would like to visit with him about it a little bit more before I decide whether or not to support this bill at a later stage of consideration. My initial reaction to Senator Johnson's concern would be that one of the requirements of having a valid plat or subdivision is that it be approved by the city council or the appropriate governing body and I think it is more of an administrative task to look and see that this document actually has been approved before we allow it to be recorded than it is a legislative or an administrative task and I guess that I think it is just like making sure that all the checks are filled in on the form before you allow it to be filed. I guess that I don't see the same problem. Perhaps that is because Senator Johnson understands it better than I do. But at this point in time I would ask you to advance the bill and then I will sit down with Senator Johnson and review this problem. Perhaps we can rectify it before Select File.

SENATOR CLARK: The question is the advancement of 261 (sic). All those in favor vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? Record the vote.

CLERK: 28 ayes, 3 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: 418 is advanced. We will now take up LB 267.

CLERK: Mr. President, I have a request from Senator Richard Peterson to pass over LB 267.

SENATOR CLARK: All right, LB 490. Senator Goodrich.

CLERK: Mr. President, LB 490 was introduced by Senator Goodrich. (Title read.) It was referred to the Miscellaneous Subjects Committee for public hearing. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SENATOR CLARK: Senator Goodrich, on the bill.

SENATOR GOODRICH: Mr. President, members of the body, LB 490 has a purpose of separating out the State Electrical Board from the State Fire Marshal's Office for administrative purposes. The way the situation stands right now the board was originally in, located in the Fire Marshal's Office, and the Fire Marshal was charged with the administrative control like the Secretary of the Board, the Electrical Board, and the Director of the State Electrical Board was charged with

January 19, 1982

LB 229, 309, 403, 417, 418, 490,
492, 542, 563, 564, 565, 566, 421

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Gerald Lundby, Paster of the American Lutheran Church here in Lincoln.

REVEREND LUNDBY: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, page 322, line 32, strike "960" and insert "860". On page 309, line 5, strike "7 nays" and insert "9 nays".

PRESIDENT: The Journal will stand corrected as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Public Health gives notice of hearing for January 25, 26, February 1, 2 and 9, and that is signed by Senator Cullan.

Your committee on Administrative Rules gives notice of hearing for Monday, January 25.

Your committee on Urban Affairs whose Chairman is Senator Landis gives notice of hearing for January 27 and February 3.

Mr. President, I have an appointment from the Secretary of State to the Political Accountability and Disclosure Commission. That will be referred to the Reference Committee. (See page 331 of the Legislative Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 492 and recommend that same be placed on Select File with amendments; 403 Select File with amendments; 229 Select File; 563 Select File; 564 Select File; 565 Select File; 566 Select File; 309 Select File; 417 Select File with amendments; 421 Select File with amendments; 418 Select File; 490 Select File; 542 Select File with amendments. Those are all signed by Senator Kilgarin as Chairman. (See pages 333 through 339 of the Legislative Journal).

CS66

January 28, 1982

LB 309, 418, 423,
LB 490, 542, 563-566

SENATOR CLARK: The motion is to advance LB 563. All those in favor say aye, opposed. The bill is advanced. LB 564.

SENATOR KILGARIN: I move we advance LB 564.

SENATOR CLARK: The motion is to advance 564. All those in favor say aye, opposed. The bill is advanced. 565.

SENATOR KILGARIN: I move we advance LB 565.

SENATOR CLARK: The motion is to advance 565. All those in favor say aye, opposed. The bill is advanced. LB 566.

SENATOR KILGARIN: I move we advance LB 566.

SENATOR CLARK: The motion is to advance LB 566. All those in favor say aye, all those opposed. The bill is advanced. LB 309.

SENATOR KILGARIN: I move we advance LB 309.

SENATOR CLARK: The motion is to advance LB 309. All those in favor say aye, opposed. The bill is advanced. LB 418.

SENATOR KILGARIN: I move we advance LB 418.

SENATOR CLARK: The motion is to advance LB 418. All those in favor say aye, opposed. The bill is advanced. LB 490.

SENATOR KILGARIN: I move we advance LB 490.

SENATOR CLARK: The motion is to advance 490. All those in favor say aye, opposed. The bill is advanced. LB 542.

SENATOR KILGARIN: I move the E & R amendment to LB 542.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 542.

SENATOR CLARK: The motion is to advance LB 542. All those in favor say aye, opposed. The bill is advanced. LB 423.

SENATOR KILGARIN: I move the E & R amendment to LB 423.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted.

LR 209
LB 229, 264, 309, 347, 403,
418, 423, 490, 492, 542, 563-66,
572, 600, 613, 635, 669

February 1, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, on page 480, line 3, strike the word "approved" and insert the word "adopted".

PRESIDENT: All right, the Journal will stand as corrected. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 613 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 600 indefinitely postponed; and LB 669 advanced to General File with committee amendments attached. That is signed by Senator Kremer. (See page 485 of the Legislative Journal).

Mr. President, Senator Kahle would move to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. That will be laid over.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 229 and find the same correctly engrossed; 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 all correctly engrossed.

Mr. President, I have an Annual Report from the Nebraska State Board of Landscape Architects. That will be on file in my office.

Mr. President, LR 209 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 209.

CLERK: Mr. President, I have a report from Public Works

February 3, 1982

LB 309, 347, 403, 418,
423

CLERK: (Record vote read. See page 518, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read on Final Reading LB 347.

ASSISTANT CLERK: (Read LB 347 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 347. Record.

ASSISTANT CLERK: (Record vote read. See page 519, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 403.

ASSISTANT CLERK: (Read LB 403 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 403. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 520, Legislative Journal.) The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 418.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

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

ASSISTANT CLERK: (Read record vote. See pages 520 and 521, Legislative Journal.) The vote is 45 ayes, 3 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 423.

ASSISTANT CLERK: (Read LB 423 on Final Reading.)

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,
263, 264, 270, 309, 347, 370, 403,
418, 423, 431, 448, 449, 490, 492,
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

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

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 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 engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 10, 1982

LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)