

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.

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LB 194, 174, 387,  
431, 478

SENATOR HOAGLAND: All that is is simply obsolete language, Mr. Speaker, that was designed to effectuate the provisions of the election of membership to library boards in 1972 and 1974 and is no longer needed.

SPEAKER MARVEL: The motion is the adoption of the Hoagland amendment to the Clark...Hoagland amendment to the bill. All those in favor of adopting the Hoagland amendment vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The Hoagland amendment is adopted. Now, Senator Clark, what do we do with the bill?

SENATOR CLARK: I would move that the bill be advanced to E & R Initial as amended.

SPEAKER MARVEL: The motion is to advance the bill as amended. All those in favor vote aye...do you want to clear the board? All those in favor vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. We now...the next two bills will be temporarily passed over because the introducer is not here and we go to LB 89.

CLERK: Mr. President, if I may right before that, you committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports 431 to General File with amendments.

Your committee on Revenue reports LB 478 to General File with amendments; and your Retirement Systems Committee reports LB 387 to General File with amendments. (Signed by the respective Chairs.)

Mr. President, LB 89 was a bill introduced by Senator Shirley Marsh.

SPEAKER MARVEL: Is Senator Marsh in the room? We are going to temporarily pass over those two bills and we will come back to them shortly, and the next bill is LB 174.

CLERK: LB 174 offered by Senator Fenger. (Read title.) The bill was read on January 14. It was referred to the Judiciary Committee. The bill was advanced to General File.

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So I urge your adoption of the bill and its advancement to E & R Initial.

SPEAKER MARVEL: Is your motion to advance the bill, Senator Wesely? Senator Wesely, did you move to advance the bill?

SENATOR WESELY: Yes.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. LB 264. Okay, record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 431.

CLERK: Mr. President, LB 431 offered by Senator Newell. (Read title). The bill was first read on January 20. It was referred to the Miscellaneous Subjects Committee for public hearing last year. The Miscellaneous Subjects Committee advanced the bill to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. Chairman and members of the body, I move for the adoption of the committee amendment, and what this does is allows the sampling of tax paid alcoholic liquors, except beer, upon the premises of the licensed distributor to a licensed retailer when approved by and in the manner prescribed by the Commission. Such sampling shall be limited to such persons licensed as distributors and retailers and their employees and agents. Mr. President, I do have an amendment to the committee amendment.

CLERK: Mr. President, Senator Hefner would move to amend the committee amendment. (Read the Hefner amendment as found on page 175 of the Legislative Journal).

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. Chairman and members of the body, this is just an error and we are changing the word "and" to "to". It just changes the permissive language to only grant the right to sample to wholesalers, and the reason for this is that the permission to sample on retail premises is already granted under Rule 35 of the Liquor Commission's rules. I would urge the adoption of the amendment to the committee amendment.

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SPEAKER MARVEL: The motion is the adoption of the Hefner amendment to the committee amendment. Is that right?

SENATOR HEFNER Yes.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 21 ayes, 0 nays, Mr. President, on adoption of Senator Hefner's amendment to the committee amendment.

SPEAKER MARVEL: The motion is carried and the Hefner amendment is adopted. Now do you want to speak to the committee amendments?

SENATOR HEFNER: Mr. President and members of the body, I would like to explain the committee amendment a little bit now. This amendment reflects desire of the Miscellaneous Subjects Committee to tightly control sampling and permit it only when specific approval is granted by the Liquor Commission. It permits sampling only to the distributor's retail customers, or those who sell the product that they would sample. I urge the adoption of the committee amendment.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, may I ask you a question, Senator Hefner?

SPEAKER MARVEL: Senator Hefner.

SENATOR NICHOL: Why don't they buy a bottle like the rest of us have to if they want to sample it?

SENATOR HEFNER: Senator Nichol, a lot of times you cannot buy a separate bottle. You have to buy a whole case from a wholesaler, and, of course, especially like in some of the spirits why you would like to know what they taste like before you buy that much.

SENATOR NICHOL: Why don't they buy a whole case? Take a chance. It isn't all that big a deal, whatever a case costs, \$50, \$100.

SENATOR HEFNER: Senator Nichol, sometimes a new product is presented to them and they would like to have a chance to sample this before they bought this much.

SENATOR NICHOL: Well, now, Senator Hefner, if you as a

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customer are going to go into a liquor store and you say, here is a new brand on the market, I have never seen it before, and the fellow in the....the retailer says, Senator Hefner, take my word for it, it tastes good, now why don't you have it so that you as a customer can taste that also if you are going to bring a new brand on the market. Just simply because the retailers tasted it doesn't mean that we are willing to buy it and just take his word for it. My point is, why don't we let the retailers taste it, why don't we let the consumer taste it? I am trying to get it so that we can get free samples to the public, not just the retailer.

SENATOR HEFNER: Senator Nichol, this is Senator Newell's bill and maybe he would have a better answer for you than I would.

SENATOR NICHOL: Well, I am certainly not trying to embarrass you, Senator Hefner. I wouldn't do that for the world, but I would you, Senator Newell. Why is it we want to limit this to the retailer instead of the public? I know we can't do it now, but I was just wondering what the... why we stop here.

SENATOR NEWELL: I was...

SENATOR NICHOL: Oh.

SENATOR NEWELL: ....conversation with Senator Warner.

SENATOR NICHOL: Oh.

SENATOR NEWELL: Has the Hefner amendment....has the committee amendment passed?

SENATOR NICHOL: No.

SENATOR NEWELL: We are discussing the committee amendment at this point?

SENATOR NICHOL: Yes.

SENATOR NEWELL: It really is the essence of the bill.

SENATOR NICHOL: Yes.

SENATOR NEWELL: Bill, the committee amendments just further clarify. If we could adopt them then I would explain the bill.

SENATOR NICHOL: Okay.



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SENATOR NEWELL: If that would be okay.

SENATOR NICHOL: Sure.

SPEAKER MARVEL: Senator Cope, do you wish to be recognized? Excuse me? The motion before the House is the adoption of the committee amendments as amended by the Hefner amendment. All in favor of that motion vote aye, opposed vote no. We are approving the amendments to the bill. Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The committee amendments are adopted. Now are we ready for the bill as amended? Senator Newell, the Chair recognizes you to explain the bill.

SENATOR NEWELL: Mr. President, the bill as it presently reads, LB 431, will permit the Liquor Commission to allow... to set rules and regulations for the sampling of spirits, and that is requested. Originally the bill was intended to deal primarily with one area and that is for wine. The individual who asked me to introduce this bill is Mr. Lou Finnocchiaro who is a distributor of wines and spirits in the Omaha area. His business is primarily wines, however, and what we were trying to do here is to facilitate because of the type of product that he is selling, wines have distinctive tastes and flavor and so forth and becoming much more popular among the consumer than they traditionally have been. California wines are much more utilized by individuals today than they have been in the past. So basically what is trying to be accomplished with this bill, presently under Rule 35 you can sample wine, a retailer who is going to buy wine to stock in his retail establishment can sample wine but he can only sample wine on his own premises. Now what that really means is that the distributor has to haul a bunch of wines out to this retailer's establishment and any other retailer who is interested in trying to wines, he has to haul a bunch of different wines out to this one retailer and you can sample 48 liters per month, 96 liters of wine. So what you do is you have to go out to each and every retailer in the entire state, take the wines out to them. They then sample them to determine what flavors or tastes or odors or whatever their wines....I'm not a real connoisseur of wine myself, but they decide what they are going to buy. Now what this bill would permit, instead of the retailer going out to each and every retailer and providing this array of wines for them to choose from, he could, the distributor could invite the retailers to his establishment

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and on the premises, on the warehouse, they can have what is called...what can be called a trade fair. In other words, retailers from throughout the City of Omaha or throughout the state could come to his premises and sample wines. Now the rules and regulations would be promulgated by the department so there would be no abuse. But basically what it does is it saves him from hauling all these wines out to the various retailers. The retailers could come to his premises, taste the wine and then decide which he is going to buy and make an order for that. So that basically is all this bill does. It does facilitate, it lessens the need to haul the wines around and have the person who is selling, the salesman, haul a bunch of wines out and sample them on the retailer's premises. It allows for sampling wines on the wholesaler's premises. Now, Bill, I hope that I answered your question. If I haven't, please make it more direct for me.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: I would just have a couple of....Dave, I am not giving you a bad time. This would apply to liquor also?

SENATOR NEWELL: It would apply to liquor and the reason it was originally designed...when we went to the Commission, the Commission...the original request was to go to the Commission and say, would the Commission allow for this kind of activity, since right now the law says they have the right to regulate under Rule 35 the sampling of these products. The Commission said, well, we think that this is beyond our scope so we want this to be a policy decision, I think you ought to go to the Legislature instead. The Commission basically suggested that we go to the Legislature and make this a formal legislative change. And basically what is intended here...I almost forgot the question, what was the question?

SENATOR NICHOL: Well, you have answered enough but I have another one. Would it apply to booze also, or how....?

SENATOR NEWELL: Yes, liquor, yes. I remember now the question.

SENATOR NICHOL: Thank you. Now the other question was....

SENATOR NEWELL: The Commission suggested that it should apply to both...to spirits, because you have a definition of spirits so they said to apply to all spirits instead of trying to define so many proof....

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SENATOR NICHOL: Okay.

SENATOR NEWELL: ...and other proof.

SENATOR NICHOL: Would this allow wholesalers to provide free wine for wine tasting parties?

SENATOR NEWELL: No, it would not.

SENATOR NICHOL: To the public, I meant.

SENATOR NEWELL: No, it would not.

SENATOR NICHOL: Okay. Would they be putting it in smaller bottles like hard liquor does?

SENATOR NEWELL: No, absolutely not. The miniature bottles would not be allowed.

SENATOR NICHOL: Okay.

SENATOR NEWELL: This is only regulated wine tasting on the distributor's premises as opposed to the retailer's premises. It can only allow the retailer to do the sampling. You cannot allow any private individual to do the sampling.

SENATOR NICHOL: Okay, thank you.

SENATOR NEWELL: This is a very restricted law and the Commission would also make sure that...and regulate it and promulgate rules and regulations to make sure there were no abuses in that.

SENATOR NICHOL: Thank you, Senator.

SPEAKER MARVEL: Are you through, Senator Newell?

SENATOR NEWELL: I would like to be.

SPEAKER MARVEL: Senator Nichol, have you finished your interrogation?

SENATOR NICHOL: Yes. Do you want me to adjourn?

SPEAKER MARVEL: Sir?

SENATOR NICHOL: Did you want me to adjourn over the noon hour? Oh.

SPEAKER MARVEL: Senator Cope, do you wish to be recognized?



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SENATOR COPE: Mr. President and members, I just want to commend Senator Newell on that good explanation. You answered my question.

SPEAKER MARVEL: Senator Labeledz.

SENATOR LABEDZ: I also have a question of Senator Newell.

SENATOR NEWELL: Senator Labeledz.

SENATOR LABEDZ: On lines 17, 18 and 19 "allow the distribution of tax paid samples of alcoholic liquors except beer". Well, as you know, as our local and only brewery in the State of Nebraska there is an opportunity for you or anyone, retailers, and so on, to go to the lodge at our local brewery and sample the beer and has been for many, many years a delight to many of the people in the organizations in Omaha. I am worried that this might put a stop to it because he has on there "except beer". Would that any way disallow the local brewery in Omaha to give the opportunity for groups and organizations and anyone, including the retailers, to come up to the lodge and obtain a free sample of their beer?

SENATOR NEWELL: Well, Senator Labeledz, it wasn't intended to do that. And I think the way that...and I really ought to get a clarification of this. This is a better question than frankly I thought you were going to ask. I thought you were going to ask why.....I think that that is considered a retail premises, the lodge is. And so it would have a special license which would make it not, and it is not a wholesale establishment anyway. It is a....

SENATOR LABEDZ: We don't sell beer there, Senator Newell. We give free samples.

SENATOR NEWELL: Yes, so that basically your question is asking....Senator Beyer said that question was asked and that concern was at the hearing and that concern was addressed. I just don't remember, it was last year and I don't remember how it was addressed. I think that is not a distribution center. That is not a wholesaler.

SENATOR LABEDZ: We have a distribution license. We are a wholesaler.

SENATOR NEWELL: Like I said, Senator Labeledz...

SENATOR LABEDZ: We sell....

SENATOR NEWELL: ....since you asked that question, Senator Hefner, can you help? Otherwise, I will have to call...make

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a phone call.

SENATOR HEFNER: Mr. President, members of the body.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I will try and help you out with that. If I recall when we had the hearing the reason that "except beer" was put in this was because that is handled under a different rule by the Liquor Control Commission and they can do that now. What this bill would do is take care of everything else except beer. This is why we have the words "except beer" in here.

SENATOR LABEDZ: Well, I certainly would like to be assured that nothing will happen to change the procedures that we now have.

SENATOR HEFNER: Senator Labedz, I will check with the Liquor Control Commission and present that to you in a couple days. I think what we should do is move this bill on to Select File and I will have the answer for you on Select File.

SPEAKER MARVEL: Senator Nichol, do you wish to....?

SENATOR NICHOL: Yes, Mr. Speaker, I would have a question for Senator Labedz now that she has brought it up. I think it is highly discriminatory that they have free beer in Omaha and they don't in Scottsbluff, and as far as I know they haven't even made arrangements to do so and I think it is high time they set up one of these in several localities. We are just as good as the people in Omaha.

SENATOR LABEDZ: Oh, more so, more so, believe me. If there is any way that we will sell more beer, we will be there.

SENATOR NICHOL: I'm not talking about selling. I am talking about giving it away like you do in Omaha.

SENATOR LABEDZ: We will give it to you if it will sell more.

SENATOR NICHOL: No, you don't say anything about that....

SENATOR LABEDZ: You be public relations in Scottsbluff then.

SENATOR NICHOL: In Omaha there is nothing, no strings attached that you have to sell more to get it for free.

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And we want it on the same basis.

SENATOR LABEDZ: Senator Nichol, I would say one thing we have the tour bus that stop at the lodge from all over the State of Nebraska and they do come there for a free lunch and free beer and it is not just the Omaha people. We have them from all over. All you have to do is say that you are coming through Omaha and would like to have a meeting or a party and you will get all the free beer and free lunch.

SENATOR NICHOL: You are being awfully evasive. I can't come 450 miles.

SPEAKER MARVEL: Senator Newell, do you want to advance the bill?

SENATOR NEWELL: I would like to advance the bill and if there is any problem with that, we will check with the Commission. If there is any problem, we will offer some amendments on Select File.

SPEAKER MARVEL: All those in favor of advancement of LB 431 vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items to read into the record and then we will recess for lunch.

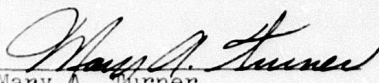
CLERK: Mr. President, Senator Haberman offers an explanation of vote. (See page 175 of the Legislative Journal). Attorney General's Opinion addressed to Senator Beutler. (See pages 175 through 177 of the Journal). And again, Mr. President, a reminder that the Revenue Committee will meet at one o'clock in Room 1520 in Executive Session. The Revenue Committee at one o'clock.

SPEAKER MARVEL: Senator Rumery, would you like to recess us until....?

SENATOR RUMERY: Mr. President, I move we recess until 1:30 today.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. We are recessed until 1:30.

Edited by:

  
Mary A. Turner

6391



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LB 431, 568, 628, 730-741

that the Exec Board will hold a meeting underneath the North balcony. In just a few moments Senator Lamb will be here. Go ahead, Mr. Clerk.

CLERK: Mr. President, I have some new bills. LB 730 (Read title). LB 731 (Read title). LB 732 (Read title). LB 733 (Read title). LB 734 (Read title). LB 735 (Read title). LB 736 (Read title). LB 737 (Read title). LB 738 (Read title). LB 739 (Read title). (See pages 182-185, Legislative Journal.)

Finally, Mr. President, Senator DeCamp would like to print amendments to LB 431.

Mr. President, Senator Hoagland and Haberman ask unanimous consent to add their names as cointroducers to LB 568 and Senator Kilgarin to LB 628.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: That is all that I have now, Mr. President.

SPEAKER MARVEL: The Legislature will be at ease until the Exec Board has completed their mission of referencing bills.

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come back to order.

CLERK: Mr. President, I have a Reference Report referring LBs 693 through 726. That will be inserted in the Journal.

Mr. President, I have two new bills. LB 740 (Read title). And finally, LB 741 (Read title). (See page 187, Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Carsten, would you like to adjourn us until nine-thirty, Monday.

SENATOR CARSTEN: Mr. President, members of the Legislature, I move we adjourn until 9:30 a.m., Monday, January 11.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. We are adjourned.

Edited by

L. M. Benischek  
L. M. Benischek



January 18, 1982

LB 32, 198, 215, 264, 274, 274A,  
347, 413, 431, 465, 664, 848-851

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. Senator Fenger, do you want to hit the button so we can get started? Thank you. Now we will start. Record the presence.

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 198 and recommend that same be placed on Select File with amendments; LB 274 Select File with amendments; LB 274A Select File with amendments; LB 413 Select File; LB 32 Select File with amendments; LB 215 Select File with amendments; LB 347 Select File with amendments; LB 465 Select File with amendments; LB 264 Select File with amendments; LB 431 Select File with amendments. Those are all signed by Senator Kilgarin, Chair. (See pages 311 through 316 of the Legislative Journal).

Mr. President, I have a Reference Report referring LBs 839 through 847. (See page 316 of the Journal).

Mr. President, communication from the Governor addressed to the Clerk. The Governor has signed LB 664.

PRESIDENT: Ready then for agenda item #4, introduction of new bills, Mr. Clerk. Are there any bills to introduce?

CLERK: Yes, sir, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, new bills. LB 848 offered by the Public Works Committee and signed by its members. (Read title). LB 849 offered by the Public Works Committee and signed by its members. (Read title). LB 850 by the Public Works Committee and signed by its members. (Read title). LB 851 offered by the Public Works Committee and

Captain Svoboda who is the head training officer of the state patrol, the poor little officer caught up in this grinding machine and the county attorney who was the prosecutor. With those five high-powered people with right and justice on their side, they came and brought me before the bar of justice and without me offering a word of testimony, without me offering any evidence, I was acquitted. How can such things be? Because you have people like Senator Hoagland telling you that a high standard of professionalism and proper obedience to the requirements of the rules of evidence are not necessary in the State of Nebraska. Well you have made the bill palatable I presume for everybody. Now the requirement is training for the officer, proper operation of the equipment, it must be tested to be shown to be in working order and even Colonel Kohmetscher can't speak against those things. He might because he doesn't know much but I doubt if he would because the lawyer would tell him, "Uh uh, Colonel, I've got to draw you up short here. If you keep talking like that they will mistake you for the one who cooks chicken rather than the one who runs the state patrol so sit this one out and be cool." So I ask, members of the Legislature, that we take this poor mangled bill and let it limp on its way across the floor and maybe despite the fact that it won't do what I want it to do, which is give the officers a laundry list for obtaining convictions, it will nevertheless point them in the right direction. I thank you.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of the bill. All those in favor of advancing 413 vote aye, opposed vote no. Have you all voted? The motion is the advancement of the bill. Record the vote.

CLERK: 25 ayes, 4 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items you want to read in?

CLERK: Mr. President, I have notice of hearing offered by the Miscellaneous Subjects Committee and Senator Wagner would like to print amendments to LB 675. And Senator Pirsch would like to print amendments to LB 465 and Senator Labedz print amendments to LB 431. (See pages 430-432 of the Legislative Journal.)

SPEAKER MARVEL: Is Senator Vickers in the room? Are you ready to take up LB 32?

SENATOR VICKERS: Yes, I am, Mr. President.

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CLERK: Mr. President, LB 431, I have no E & R amendments. I do have an amendment from Senator DeCamp. It is found on page 185 of the Legislative Journal. Senator DeCamp has an amendment to the bill on 185 of the Journal, Mr. President.

SENATOR CLARK: Senator DeCamp, amendment to LB 431.

SENATOR DeCAMP: Mr. President, members of the Legislature, the old story, simple amendment, I think...is this the credit card amendment? Something to do with credit cards? Then it is a simple amendment.

CLERK: Yes, credit cards.

SENATOR DeCAMP: At the present time, you cannot, because of other laws you cannot buy any liquor on credit. Well, there is probably half or two-thirds or three-fourths of the people at one time or another violating this accidentally and maybe even unintentionally. The idea of that law was so that people didn't have charge accounts at liquor stores, alcoholics, so on and so forth, run up big amounts and then not pay. With the era of the credit card, you have the typical situation, you have the typical situation where you go into the restaurant and somebody has a steak and a couple of drinks. It is put on your bill and you pay it with a credit card. Well, technically I guess that is illegal. So this clears it up so you can use a credit card. That is all it does.

SENATOR CLARK: Senator Newell, do you want to talk on the amendment?

SENATOR NEWELL: I have no problem with this amendment personally, although, John, I would say this. I am sure you could agree if for some reason this gets controversial any time you would be willing to help me out.

SENATOR DeCAMP: I could care less. I am just putting it on to accommodate the industry for a practice that already occurs so that one guy doesn't say it is illegal or you go into a restaurant or someplace with a credit card and they say, when you get ready to pay, they say they can't take it and so on. I am just trying to clear up a situation. I doubt there is any controversy whatsoever to it, but if there is, pull it off, what the heck.

SENATOR CLARK: Senator Beutler, do you want to talk on the amendment?

SENATOR BEUTLER: Just had a quick question for Senator DeCamp. Is there any reason why we just couldn't strike the words "approved by the Commission". Why does the Commission want to decide whether one credit card is any better than another?

SENATOR DeCAMP: I don't care.

SENATOR BEUTLER: Senator Newell, why shouldn't we do that?

SENATOR NEWELL: First of all, Senator Beutler, the Commission would feel comfortable, the industry would feel comfortable with them regulating the credit cards, because in fact the idea here is to prevent purchases that only allow for convenience of the consumer and not to allow a lot of other purchases. So I think that not only is that very clearly in the statutes to authorize those kinds of credit cards to make sure it is consumer oriented and not a way of paying for other kinds of liquor transactions.

SENATOR BEUTLER: Not paying for other kinds of liquor transactions.

SENATOR NEWELL: So that the Commission can control that there is not a lot of other liquor transactions other than just the normal consumer oriented transaction along with food.

SENATOR BEUTLER: Could you give me an example of how a credit card could be misused in that regard?

SENATOR NEWELL: Well, as you well know that in fact there is a law that prohibits buying alcoholic beverages on credit. Okay, and so the idea here is to say...so that the Commission can regulate it in conjunction with a consumer purchase at the time on a normally approved credit card but not to also allow all kinds of other credit sort of purchases of alcohol, in other words independent of food purchases, et cetera, et cetera.

SENATOR BEUTLER: Senator Newell, I guess I am missing the point. Isn't the amendment limited to retail purchases of alcoholic liquor?

SENATOR NEWELL: That is correct.

SENATOR BEUTLER: So why does it matter what kind of credit card is used in the retail purchase of alcoholic liquor? I guess what I...I can see no reason I guess for giving the Commission the power to fool around with what kind of a credit card is good or bad. A credit card is a credit card.



If the store is willing to take it, why not let free enterprise work its way and let the store decide what credit card they want to carry?

SENATOR NEWELL: I will tell you, if that is a problem, why don't we deal with it later on. I am not sure exactly what, you know, I mean there are all kinds of different credit cards. There is credit cards for cash. There is all kinds of different credit cards. The Commission basically can regulate that if there is a problem. There will be public hearings if there is a problem and they abuse it and they interrupt the free enterprise system, then, in fact, we can do that. I think we ought to have the tightest constraints to make sure that we have the ability to in fact regulate if there is some other kinds of credit cards or other kinds of transactions that would interrupt.

SENATOR BEUTLER: Okay, well, I guess I will just talk to you about it but I guess I don't understand why we want to get into the bureaucratic rigamarole of deciding whether one credit card is better than another. I will talk to you about it. Thank you.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, a question of Senator DeCamp.

SENATOR CLARK: Senator DeCamp.

SENATOR COPE: Senator DeCamp, you made a pretty light description of your amendment. Would you give me a little more information? Your description was a little old thing like buying a steak and a couple of drinks and you want to be able to charge it, is that all there is to it?

SENATOR DeCAMP: In other words at retail level you could use a credit card instead of cash. That is the essence of it.

SENATOR COPE: What you are saying then, this will take the law out now that no charges when you buy liquor?

SENATOR DeCAMP: Okay, at the present time...

SENATOR COPE: I would rather have yes or no.

SENATOR DeCAMP: Yes, as I understand it.

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SENATOR BEUTLER: All right. I think that probably is the big deal of this bill to me. We have taken an what I think is a rather innocuous type of bill and add an amendment on that is pretty important, that people can now charge liquor, right?

SENATOR DeCAMP: Only on credit cards.

SENATOR COPE: Well, a credit card is a charge.

SENATOR DeCAMP: That is why we are offering the proposal because a credit card has been called a charge even though you are committed to paying it immediately upon receipt from the credit card company, and even though the restaurant or the liquor dealer immediately is going to get his money, it is technically a charge at the time you hand him the credit card. Like when you pay for gas right now, if you go and give the man the \$20 you are paying cash. If you give him a credit card, even though it is the same as cash to him, it is technically and legally a charge.

SENATOR COPE: That is right and that is (interruption).

SENATOR DeCAMP: And so we are trying to, as I tried to explain and hope it is clear, we are allowing a credit card, Visa, Mastercharge, to be used instead of cash.

SENATOR COPE: Yes, I realize that, so I oppose the bill or the amendment.

SENATOR DeCAMP: Okay.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, I wonder if Senator DeCamp would respond to a question please.

SENATOR DeCAMP: Sure.

SENATOR VICKERS: Senator DeCamp, I think you explained to Senator Cope and for a little more of an explanation to me that the use of a credit card as far as the retailer is concerned is credit and not cash, is that correct, even though as far as the person buying the product is concerned, the credit that they really owe is to the holder of the credit card.

SENATOR DeCAMP: That is right.

SENATOR VICKERS: And it is construed as far as the retailer is concerned as not being cash but actually being credit,

that is what you are saying, the use of a credit card?

SENATOR DeCAMP: Yes, it has been interpreted legally to mean using that credit card is charging under the existing law.

SENATOR VICKERS: Okay, then the example you pointed out about the individual buying a steak and a few drinks at a hotel or a restaurant, whatever, isn't that taken care of to some degree up under subsection (2), just above where you included the new language, and if in fact that is what we are attempting to get at, the use of credit cards to pay hotel bills and so forth, wouldn't it be better to just include the use of credit cards up in that subsection instead of creating a new subsection which, in fact, if I understand it correctly, the new subsection would apply also to liquor stores, would it not?

SENATOR DeCAMP: I believe it would, yes. That is what I say, it would allow at the retail level the use of a credit card. You could hand a \$20 bill across the counter. Let's assume you bought a six-pack of beer, I guess would be the classic example. You could hand the man the \$6 or you could hand him a Visa or a Master-charge credit card.

SENATOR VICKERS: So it does apply in liquor stores as well as....

SENATOR DeCAMP: Or when you got your statement or when you ran a tab in a bar, you could pay with a credit card, you could pay it with cash.

SENATOR VICKERS: Okay, thank you, Senator DeCamp. I guess I don't have an awful lot of objections to this. It is news to me that that wasn't considered as cash to the retailer to start with. I always thought it was credit as far as the individual was concerned to Mastercharge or whoever it was that had this.

SENATOR DeCAMP: Let me repeat, I would guess the vast bulk of the people are probably violating this. I know without any doubt if you have been in a motel or something and maybe had a toddy, the odds are you used a credit card and the odds are they put it on there, and that technically is illegal.

SENATOR VICKERS: Okay, thank you, Senator DeCamp.

SENATOR DeCAMP: I think the law should be adapted and adjusted

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to reality and that is all I am trying to do. If it isn't, then I suppose we should send the Liquor Commission out enforcing this law everywhere in the hotels, motels and so on and so forth. I doubt that is going to happen either.

SENATOR VICKERS: Thank you, Senator DeCamp. I appreciate that explanation. The only concern I do have is the concern I think Senator Beutler raised. I wonder about the need for the language indicating "approved by the Commission". I am not sure we need to put the Liquor Commission in the business of approving credit cards. So I do question that language.

SENATOR CLARK: We have an amendment to the amendment from Senator Beutler.

CLERK: Mr. President, Senator Beutler would move to amend the DeCamp amendment: (Read Beutler amendment found on page 455 to LB 431 in the Journal.)

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this amendment simply follows the line of questioning that I picked up in my original remarks. I think it is a good amendment. I don't see why you can't use credit cards. In fact I think you use checks at the liquor store now, and people with NOW accounts, some of them are probably using those credit cards really. So I am in favor of the amendment but I don't see any reason why the bureaucracy, why the Liquor Commission should get involved in the question of what kind of credit card is appropriate, and unless there is some good reason for that, I would just as soon keep the bureaucracy out of it and let each individual store decide as they do with all other products what credit card is appropriate and what credit card is not appropriate and let the private enterprise take care of that. So that is the gist of the amendment, to eliminate the authority of the Commission to deal with the credit cards. Thank you.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Senator Beutler, I am going to oppose this amendment and I remember now why I am opposing it so if you will listen I think you might even agree why this is not a good idea. And I had forgotten the argument here because it has been awhile but what it says is that the Commission would like to have this sort of permission so that we can prevent the A Street Liquor Store or Ted's



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Tavern or Smith's Bar and Grill from creating their own credit card and then, thereby, allow having the freedom to sell liquor on credit. So the idea here is to try to prevent the establishment of new credit cards not generally used in the industry so that you can create some, you know, extension or line of credit to consumers. That is the purpose for this, and with that in mind, I think I could maybe support major credit cards or something like that or approved credit cards but I would not want to see it totally eliminated because of that concern about the setting up of individual small credit cards that are established by a retailer alone.

SENATOR CLARK: Senator Kahle. Senator DeCamp, did you want to talk on the amendment to the amendment?

SENATOR DeCAMP: I will call the question. I don't care either way.

SENATOR CLARK: Let me call on Senator Marsh and see if she wanted to say anything first here.

SENATOR MARSH: It just seems to me that you could add a different kind of amendment, Senator Newell. Senator Newell, it seems to me you could add a different kind of amendment rather than striking down Senator Beutler's amendment. You could simply say "in general use". You could say another kind of modifier or you could simply have in rule and regulation saying "no private store credit cards accepted". I don't think this is the problem that you are anticipating it will be.

SENATOR NEWELL: Senator, if I could address myself to that issue for a moment. I think one of the situations simply would be this. With Senator Beutler's amendment, he wants to take away the authority of the Commission to approve credit cards. Now the problem is is that the Commission can through rule and regulation, as we have the administrative rule and regulation act, can make those kind of delineations, but without Senator Beutler's amendment, then they have no ability at all to regulate, and if you provide "generally used" or whatever as an amendment to that, that again takes all discretion and really encourages a whole lot of court action in terms of what is "generally used". This is not intended to be...we want to make it clear as opposed to creating a lot of legal problems that can be associated with the use of credit cards.

SENATOR CLARK: Senator Kahle, did you want to talk on the amendment to the amendment?

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SENATOR KAHLE: I think I will pass.

SENATOR CLARK: All right, he passes. Senator Newell, did you want to talk again? The question before the House then is the Beutler amendment. Did you want to close on that, Senator Beutler?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I guess I really don't see any reason to distinguish one type of credit from another. I think it is highly unlikely that any small bar is going to set up its own credit system, but even if it did, why should Mastercharge or Visa, somebody with a card like that be able to walk into the bar and buy a beer and not somebody who has a credit card from the own bar, should that happen. I see no rationale to that kind of distinction. In the first place the bars aren't going to do that because it is not going to be cost effective. They are not going to want to take the risk. They are not going to have a mechanism in place to decide what the risks are. So basically you are going to rely on big established credit card companies who have the personnel and the system set up to determine what sort of risk can be taken. But again, I think we should leave it to the private enterprise system, and if the bar wants to take a Brandeis card or a Visa card or a Mastercharge or whatever kind of credit card is involved, let them do it. If we are going to have credit cards, then let's have all kinds of credit cards and do away with the bureaucratic interference in that particular area of regulation. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Beutler amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? I am going to call the vote, Senator Beutler. Your last chance.

SENATOR BEUTLER: Mr. Speaker, I guess I would like to see people vote on it just to get an indication of how they feel.

SENATOR CLARK: Do you want a Call of the House?

SENATOR BEUTLER: Yes, sir.

SENATOR CLARK: A Call of the House has been requested. All those in favor of the Call of the House vote aye, opposed vote nay. Record the vote.

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CLERK: 12 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All unauthorized personnel will leave the floor. All of the Senators will check in please. We have Senator Warner, Senator Kremer, Senator Hefner, Senator DeCamp, will you all check in please? Senator Kremer, will you let us know you are here please? Senator Cullan, will you check in please? Senator Newell. Is Senator Landis in the room? We are looking for Senator Haberman, Senator Nichol, Senator Pirsch, Senator Landis, Senator Vard Johnson, Senator Hefner. Senator Vard Johnson we are looking for. We have found him. Is Senator Landis here. That will be all of them. Did you want to take call in votes, Senator Beutler? The question before the House is the adoption of the Beutler amendment. The Clerk will read the amendment so you will know what you are voting on.

CLERK: (Reread Beutler amendment to the DeCamp amendment to LB 431 as found on page 455, Legislative Journal.)

SENATOR CLARK: Anyone wishing to vote may vote.

CLERK: Senator Chronister voting yes. Senator Dworak voting yes. Senator Goodrich voting yes. Senator Warner voting yes. Senator Wesely voting no. Senator Pirsch voting no. Senator Sleck voting no. Senator Hefner voting no. Senator Landis voting...you voted no, Senator. Senator Burrows voting no. Senator Richard Peterson voting no. Senator Wiitala voting yes. Senator Vard Johnson voting no. Senator Von Minden voting no. Senator Marvel, you had voted no, Senator. Are there any other votes. The Clerk will record the votes.

CLERK: 17 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. And we are back on the DeCamp amendment. Anyone want to discuss the DeCamp amendment? Senator Cullan.

SENATOR CULLAN: Senator DeCamp...Mr. President, members of the Legislature, Senator DeCamp, do you yield to a question please?

SENATOR DeCAMP: If it is not a difficult one. Yes, Senator Cullan.

SENATOR CULLAN: Senator DeCamp, from the discussion, and I apologize to you, I am not exactly clear what your amendment does, and I guess the one question I would have for you is, would this amendment allow an individual to walk into a retail

liquor store, a package store, or something like that, use a credit card and walk out with a six-pack or a bottle of something?

SENATOR DeCAMP: Yes, it would, depending upon what the Liquor Commission approved, of course, but, yes, it would. That is what I stated as an example.

SENATOR CULLAN: Okay, thank you very much, Senator DeCamp. I appreciate your clarifying that for me. I am sorry I wasn't paying attention. Mr. President, members of the Legislature, I would urge you very strongly to listen and watch what Senator DeCamp is attempting to do here and I would urge you to oppose it strongly. Senator DeCamp is changing what I think is a long-standing policy in the State of Nebraska not to use credit for the purchase of liquor, particularly in package stores and in those types of situations, and I think it is very poor public policy for us to allow someone to take a credit card and to purchase liquor with that credit card. Now I can think of my own circumstances, I can think of students and other people who have credit cards because they are very easily obtained, and they run out of money and then they run down and purchase liquor with their credit card, and then they have huge bills. They are paying interest on that money and I just think it is bad public policy for us to allow someone that doesn't have cash to go in and buy liquor and I think that this will encourage people who do not have cash and who may not be responsible as they should to go in and buy liquor on credit, and whether the credit is to the store or whether it is the individual, the effect is the same. We are allowing an individual who doesn't have cash at this minute to go in and buy liquor. I think that makes it more available to the public. I think it is unwise and I think it is not in the person's best interest to be buying liquor when they are going to have to pay interest on that anyway. I think you can also think of individuals with alcohol problems and maybe they intentionally are trying to prevent an individual from buying a lot of alcohol and they don't give them a lot of cash or something but you are allowing them to run up very, very large bills at liquor stores that they don't have to pay for immediately and it obviously is a deterrent to some people who don't have a lot of cash in their pocket to walk into a liquor store and to prevent them from acquiring liquor. To acquire liquor to carry out with a credit card does just not make sense to me. Now the liquor industry may want it but I ask what public purpose are we serving by allowing an individual to use a credit card to obtain liquor to carry out? Now I can understand the restaurant situation where you



are having dinner and it is an expense account or whatever but I certainly can't understand any justification at all to use a credit card to buy a six-pack or a bottle of wine or any other type of liquor. I think it is bad public policy. I see no legitimate public interest served by it. The only interest I see served is the liquor store so they can sell more of this stuff to people on credit and I think that is bad. I urge you to reject Senator DeCamp's attempt.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, you know this is kind of an interesting issue and I think that it is one that we ought to keep in context. The context is simply this. We don't live in the kind of society we used to live in where everybody carried cash or checks. In fact some checks now are actually on NOW accounts which really is borrowing money and that is illegal. I mean that is illegal. There are some of you who frequent a well-known establishment called the Nebraska Club. They send...some of you, I said...and they send you bills later on for your food and drinks. Now that technically, in a very technical way is illegal. If you go to the Hilton Hotel in Omaha or here in Lincoln and you go down to the cafe and you have a steak and a glass of wine with your steak and they put it on your room bill, that is illegal. I mean society has changed and we do tend to use credit. Sometimes it is only temporary. Sometimes it is a longer term credit, whenever you pay those credit cards a lot more than we used to. People don't carry cash like they used to because our society has changed and so I think that the context of this amendment is quite different than it used to be. Now, frankly, you can still go out and borrow money from Joe Shmoe if you want a drink and that happens in many sorts of things. I think it is a recognition of the changing society that we live in. We do use plastic money. We use temporary credit. We are billed later on for things. Those are all illegal today and, quite frankly, we are not enforcing the law. If we ever did enforce the law, there would be hue and cry from the public I think to try to change this thing, and I think at this point in time we ought to recognize the changing society and adopt the DeCamp amendment.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I am not here to give speeches on the goods or evils of alcohol and I realize this is one of those little amendments and those little issues you can leap on and sound like, by golly, you're

going to battle the dragon and all that. Well, there are lots of ways to battle the dragon but this isn't just exactly the place or the time. Let me just say this. A couple of points, Senator Cullan, you and I went up to the N Club one night and I think you signed the ticket. I suspect other people in here have too. Now I think we ought to either solve the problem and start being honest or I promise you I am going up to the Club, find the names of the members, and get subpoenas out and get you arrested. That is what you are asking. That is how silly this has become. Everybody in this room with the possible exception of two or three have gone up to the Nebraska Club or the University Club and signed a ticket. Even our noble clerk and Speaker, why I suspect even the Governor of this state. That is a violation of the law, a criminal violation, I might add. Now your laws only have meaning and sense, your criminal laws, if they are in accord with reasonable practices. I didn't invent the system of credit but it is a system and every one of you uses it and everyone probably at one time or another uses or is the beneficiary of a credit card. If you want to limit the amendment some way just to food in restaurants or whatever, whatever the current practices are, that is fine but don't play this silly game of saying, "Aha!, DeCamp is trying to open up the gates of liquor abuse." You know there is a lot of issues here you can demagogue. I think you picked the wrong one, Sam. If you think you are going to stop all the liquor abuse by saying credit cards are bad, I think you are getting a little nonsensical. Do whatever you want with the amendment. I don't care that much. I will have some fun watching it enforced on a couple.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, I rise in opposition to the DeCamp amendment and I think that Senator Cullan has fairly well stated some of the concerns that I have about this particular proposal. Perhaps what Senator DeCamp has just recommended would be acceptable to the body or at least the majority of those members of the body which would say that an individual in purchasing a meal that wished to have an alcoholic drink at that time, that could be inclusive. But you know it seems that we are concerned as legislators with the alcoholism problem. We have a number of propositions before this body at the present time. Senator DeCamp has one to deal with DWI. A number of the other members have also, and it seems that a dichotomy exists in our society when we are so concerned with the abuse of alcohol, but with an amendment like this we provide for greater access and accessibility to these alcoholic beverages. So I think, ladies and gentlemen, you ought to

consider very, very seriously before you support this amendment. If we, as a representative body of this state, are interested in attempting to resolve and solve to some extent the alcoholism problem that is existing in our state, we should not adopt an amendment such as this which would provide for greater access to this beverage. You know we spend here in the State of Nebraska hundreds of thousands of dollars in our alcoholism abuse programs and I think that adopting an amendment like this providing people greater access would only in the future result in additional dollars which would have to be expended for these types of programs, and it is a total contradiction, I believe, for what we espouse in attempting to address the alcoholism problem here in our state. I would ask respectfully that you, respectfully that you reject the DeCamp amendment. Thank you.

SENATOR CLARK: We have got an amendment to the amendment from Senator Vickers. He has withdrawn it.

SENATOR DeCAMP; Mr. President, I made a promise to Senator Newell and others that I am not going to waste time on the floor in amendments unless the things are put together. There are enough votes quite frankly to pass the amendment in its original form but I don't want to force it. I want you to do it because you know it is a solution to a problem. I am going to ask the other people to withdraw their amendments on my amendment. I will withdraw mine and we will get together and come up with something on the restaurants or food or whatever. All I want to do is make conduct that is occurring legal when it is reasonable and for that reason I would ask unanimous consent to withdraw mine if Senator Vickers withdraws his and so on.

SENATOR CLARK: Senator Vickers has already withdrawn his. Do you have any more amendments?

CLERK: I had an amendment from Senator Fenger, Mr. President.

SENATOR CLARK: Senator Fenger. Senator DeCamp, do you wish to withdraw yours?

SENATOR DeCAMP: I would withdraw it and get something proper drafted for Final that everybody agrees on and quit wasting time.

SENATOR CLARK: It is your amendment. If you want to withdraw it, you can....it's withdrawn. Any further amendments?

CLERK: Mr. President, Senator Labedz has an amendment to the bill and her amendment is on page 430 of the Legislative Journal.

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SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. Members of the Legislature, I certainly hope that this amendment would not be as controversial as the last but I think when LB 431 was on General File I mentioned to you that we also might have a technicality in the law as far as our local state brewery here, the only brewery in the State of Nebraska. I will just briefly explain that on the premises of the local brewery we have what we call a lodge and it is open not to the public, not to the general public, but by invitation or appointment only where a tour is conducted or slides are shown, lunch is served, and then the guests are allowed to participate in some free samples of the product and a manufacturer may sell only to licensees and there are several sections in the law, and I don't want to go through every one of them, that might in some way disallow this particular lodge to remain in operation. The manufacturers are prohibited from delivering any package containing alcoholic liquor to any person who is not authorized to receive that liquor. So what we are doing here is similar to what Senator Newell was doing in the original intent of his bill to allow the sampling of wine and liquors at the distributor. This would be, and if you would read the amendment, "...except that nothing in Chapter 53 shall prohibit a manufacturer of beer from distributing tax paid samples of beer at the premises of a licensed manufacturer for consumption on the premises". As I say, it will correct several sections in the law that will allow this lodge to continue or any other manufacturer's lodge or club, whatever he has on the premises, to consume samples of the product. I urge the adoption of the amendment.

SENATOR CLARK: Senator Hefner, did you want to talk on the Labedz amendment?

SENATOR HEFNER: Mr. President, members of the body, I rise to support Senator Labedz' amendment. Our committee, the Miscellaneous Subjects Committee heard the bill, and after it was brought to the floor and advanced from General File to Select File, we noticed that we had some things in this bill that didn't exactly clarify beer manufacturers' position, and what this would do without a shadow of a doubt clarify the beer manufacturers' position. It would correct several sections of the law that we now have. Therefore, I would urge you to support this amendment.

SENATOR CLARK: Senator Newell, do you want to talk on the amendment by Senator Labedz? Senator Labedz, do you wish to close.

SENATOR LABEDZ: No, just briefly to say that many of you

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have attended and been in a group at the lodge and know that it is perfectly an enjoyment to many, many of the senior citizens and groups and clubs that come through Omaha, not just from the Omaha people, we get them from all over the state and it is essential that we get into the statutes something that will perfectly legalize and not have any question later on that the lodge should not be in operation. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Labeledz amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 0 nays on the motion to adopt Senator Labeledz' amendment.

SENATOR CLARK: The amendment is adopted. Are there any further amendments?

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

SENATOR CLARK: Senator Kilgarin, are you in the House? Do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 431.

SENATOR CLARK: You heard the motion, all those in favor say aye, opposed. The bill is advanced. What is your problem. The bill is advanced. Do you have a problem with that. Do you want a machine vote? We will have a machine vote. All those in favor of advancing the bill vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Once more, have you all voted please? Voting on the advancement of 431. Record the vote.

CLERK: 25 ayes, 9 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. We will go to 417. We will take up LB 592 first. We will go to 517. 592 has an amendment on it by Senator Hoagland. He is excused for the day. So we will take 417.



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LB 127, 127A, 314, 431,  
LB 364, 605, 616, 685

Here he is. The Clerk will call the roll. Can we have it quiet, please, so the Clerk can hear the response.

CLERK: (Read the roll call vote as found on page 506 of the Legislative Journal.) 8 ayes, 34 nays on the motion to reconsider, Mr. President.

SENATOR CLARK: The motion carried.....or, pardon me, the motion lost. I am sorry, Senator Chambers, trying to help you out there. LB 364 is indefinitely postponed. We are now ready for item #7, 314. The Clerk would like to read in first.

CLERK: Mr. President, first of all I have, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 127 and recommend that same be placed on Select File; E & R amendments to LB 127A, Select File with E & R amendments attached.

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner reports LB 605 be advanced to General File; LB 685 advanced to General File and LB 616 advanced to General File with committee amendments attached.

Mr. President, your committee on Miscellaneous Subjects gives notice of confirmation appointment hearings.

Senator Fenger would like to print amendments to LB 431 in the Journal. (See pages 508-509 of the Legislative Journal.)

Mr. President, Senator Koch would like to announce that the Education Committee will meet in executive session immediately following the public hearing of the committee today in Room 1517.

Mr. President, I have a unanimous consent request from Senator Warner and Senator Kremer to switch hearing rooms for Wednesday, February 3 and Friday, February 5.

SENATOR CLARK: No objections? So ordered. We will now take up 314.

CLERK: Mr. President, LB 314 introduced by Senator Higgins. (Read title.) The bill was read on January 19 last year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan.

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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,

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LB 263, 370, 431, 448

Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read the record vote as found on pages 657 and 658 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

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

CLERK: (Read LB 370 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? Senator Goll, do rise for a purpose?

SENATOR GOLL: Really not much of a purpose, Mr. Speaker. I just....that's right, I just would like to remind the Legislature that the water is still running down the Platte River and so thank you very much.

SPEAKER MARVEL: Record.

CLERK: (Read the record vote as found on page 659 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Newell, do you wish to lay over your bill? The next one...431?

SENATOR NEWELL: Yes, I have an amendment that just walked in I have to review. If we could lay it over for a moment, then I will prepare the amendment and deal with it later on Final Reading.

SPEAKER MARVEL: Okay, we will go to then, Mr. Clerk, to 448. LB 448, the Clerk will read.

ASSISTANT CLERK: (Read LB 448 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 the record vote as found on page 659 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

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LB 421, 431

SENATOR CLARK: We are voting on the adoption of the Schmit amendment to 421. Record the vote.

CLERK: 26 ayes, 3 nays, Mr. President, on the motion to adopt the Schmit amendment.

SENATOR CLARK: The amendment is adopted. Now the re-advancement of the bill. All those in favor say aye. Opposed. The bill is readvanced. Do you have anything further on the bill? We will now take up 431.

CLERK: Mr. President, I have a series of motions on LB 431. The first would be by Senator Fenger. I believe Senator Fenger might....do you want to withdraw that one, Senator, or not?

SENATOR FENGER: I don't believe there is a motion filed on it. There was an amendment printed but there was never a motion filed to return the bill.

CLERK: That is true. You don't want your amendments though, Senator, is that right?

SENATOR FENGER: That's right.

CLERK: Okay, thank you.

SENATOR CLARK: The next amendment.

CLERK: Mr. President, in that case I now have a motion from Senator Newell to return the bill to Select File for a specific amendment.

SENATOR CLARK: Senator Newell, on the return of the bill.

SENATOR NEWELL: Mr. President and members of the body, I move to return LB 431 for a specific amendment. The specific amendment would basically clarify the credit card issue and it would do it this way. It would say that a credit card can be used only in an establishment with 50 percent or more of its sales...of its income deriving from the sale of food and if the credit card is approved by the Commission. The purpose of this amendment is to tighten up the language and to create a situation where we can use credit cards like at a hotel for if you have also food or alcohol purchased along with food and you pay the bill, you can use that method to do that if the credit card is approved by the Commission. It is a very tight proposal and provision to straighten

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LB 431

up and clarify the credit card law.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I wonder if Senator Newell would respond to a question, please.

SENATOR CLARK: Senator Newell.

SENATOR VICKERS: Senator Newell, is your amendment printed any place in the Journal, or....?

SENATOR NEWELL: It is not.

SENATOR VICKERS: As you explained it to us, it would say that a business that at least 50 percent of its income is derived from the sales of things other than alcoholic beverages, is that what you were saying?

SENATOR NEWELL: No. Basically, it says that use of a credit card can only be in establishments that sell food, further qualifying it to have to have 50 percent or more of sales derived from food. So you just can't.... it just can't be a tavern, okay, where mostly people... a neighborhood tavern where people drink. It has to be a place where you can...where sales of 50 percent or more are from food and you can pay for that food and the drinks with a credit card.

SENATOR VICKERS: A credit card approved by the Commission.

SENATOR NEWELL: A credit card approved by the Commission.

SENATOR VICKERS: Why approval by the Commission and not by the Department of Banking?

SENATOR NEWELL: It is a tighter way of trying to deal with making sure that you can't use a Brandeis credit card, you know, or that Mickey's Tavern doesn't offer a credit card of their own. Basically, it is a way in which the Commission can regulate the use of credit.

SENATOR VICKERS: Are there any....to your knowledge, are there any restaurants that issue credit cards of their own?

SENATOR NEWELL: To my knowledge, at this time there are not but what the purpose here is to try to prevent that



activity in case it would be. We are trying to make sure that there won't be an abuse down the road.

SENATOR VICKERS: I understand that, but I guess my concern is that the Commission really has no expertise as far as the credit card industry is concerned, and I am a little concerned in allowing the control over credit cards to be placed with the Commission instead of with the department of this state that already does have some expertise in that area.

SENATOR NEWELL: Senator Vickers, frankly, I wouldn't care about the credit card. It is just an additional safeguard. Now the Commission is going to approve BankAmericard, Visa, American Express, I mean they are going to approve that or else they are going to get so much flak, but what it does do is it authorizes them to say that Mickey's credit card just issued here after the bill went through will be utilized. That is the purpose of it. I really don't care if it is in there, but I think it is a tighter, more specific way of doing it.

SENATOR VICKERS: Okay, thank you, Senator Newell. I, personally, am a little bit reluctant to adopt this measure not having an opportunity to read the language or see it before us. I would assume that there is probably nothing wrong with it, but I do have a little concern about the Commission that is being involved.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I just have one question for Senator Newell. The classification that you have set up talks about 50 percent or more of food sales in a restaurant, the only question I have is the constitutionality of the classification. What reasons do you have for having this sort of classification and do you see any problems constitutionally with that sort of a classification?

SENATOR NEWELL: Well, that is a very important question and I really can't say whether that is an appropriate classification or not. The original way it was done was said that food for only restaurants where food is served on the premises. That is the original way I had it drafted. Now, that means if you sell a bag of potato chips, that could qualify as a place where food is sold, and so my desire here was to try to tighten it up. I am

not an attorney. I am not a constitutional scholar and I can't second-guess the Attorney General in terms of the classification. But the purpose here and the reason we have chosen this classification is to make sure that it is a restaurant that is in business primarily as a restaurant and not secondarily as a restaurant but primarily as a restaurant and that is what the 50 percent requirement is all about.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I would like to ask Senator Newell a question. Senator Newell, you know as well as I know that these liquor issues are very complex. In fact, our committee has had many of them...many of these liquor bills up for hearings and they are very hard to understand. Would you mind if we would hold this bill a day or two and you would get a copy to each member of this body so that we can all study it, and then see what we think about it?

SENATOR NEWELL: That is not an unreasonable request. I would be willing to do that.

SENATOR HEFNER: Senator Newell, I don't have a copy of the amendment on my desk and I notice it is a couple page amendment. Is that correct? Page and a half.

SENATOR NEWELL: At this point, I would bring it back to Select File and then circulate the amendment and then ask the Speaker to bring it up again after it has been circulated, looked at and analyzed for adoption of this amendment.

SENATOR HEFNER: Fine, Senator Newell, and I concur with that. I think we ought to bring the bill back to Select File and then analyze this amendment and then go from there. Thank you, Mr. Chairman.

SENATOR CLARK: The Chair would concur with the fact that this bill should be brought back, then you can discuss the amendment at that time. The question is the return of 431. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to return the bill.

February 17, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Ralph Sturdy, First Covenant Church, Lincoln, Nebraska.

REV. STURDY: Prayer offered.

SPEAKER MARVEL: Item #2, please record your presence. We need one more vote. Okay, record.

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

SPEAKER MARVEL: Do you have any other items for #2? #3?

CLERK: Mr. President, an Attorney General's opinion to Senator DeCamp regarding LB 76. That will be inserted in the Journal. (See pages 715-716 of the Journal.)

I have amendments from Senator Kremer to be printed in the Journal on LB 852. (See page 717 of the Journal.)

Mr. President, LRs 219, 220 and 221 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 LR 219, LR 220 and LR 221. Okay the next item of business item #4, Select File. The first bill, LB 431.

CLERK: Mr. President, LB 431 was on Final Reading on February 11. At that time Senator Newell made a motion to return the bill for a specific amendment. We did return the bill. The amendment is pending. I understand, Senator Newell, that you wish perhaps to withdraw?

SENATOR NEWELL: (Mike not on.) ...withdraw the amendment. Yes, just withdraw the amendment.

SPEAKER MARVEL: Any objections? If not, so ordered. The motion is to readvance the bill to E & R for engrossment. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is readvanced.

CLERK: Mr. President, in that event, Senator Labeledz would now move to return LB 431 to Select File for a specific amendment, that amendment being to add the emergency clause.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Yes, very briefly, the amendment that I withdrew dealt with credit cards, a very complicated issue.

I have offered an interim study and I just wanted to explain that. The proposal here is to add the emergency clause to this bill because it deals with the authorization of the Falstaff Lodge to remain open. It is an important issue. We found out during the course of this discussion that the Falstaff Lodge was in violation. We want to resolve that as quickly as possible, therefore, we are asking to add the emergency clause.

SPEAKER MARVEL: The motion is to return the bill to Select File and it takes a machine vote and 25 votes. All those in favor of returning the bill...no, for the specific amendment vote aye, opposed vote no. Have you all voted? We've got to have four more votes before this goes anyplace.

CLERK: 26 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: Do you want to move adoption of the amendment, Senator Newell?

SENATOR NEWELL: The amendment is to add the emergency clause. I move the adoption of the amendment.

SPEAKER MARVEL: Any further discussion? All those in favor of that motion vote aye, opposed no. Have you all voted? The motion is to adopt the amendment. Have you all voted? Senator Newell, what is your pleasure?

SENATOR NEWELL: Mr. President, I hate to ask for a Call of the House just to add the emergency clause. It takes six more votes, but if that be the Chair's pleasure for four more votes I would... No, it is not the only industry. We're getting close. We need three more votes.

SPEAKER MARVEL: Okay, record.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried, the amendment is adopted. The motion now is to readvance the bill by a voice vote. All those in favor of advancing the bill say... a machine vote is requested. All those in favor vote aye, opposed vote no. To advance the bill, that is the motion. Have you all voted? One more time, have you all voted? Record.

CLERK: 25 ayes, 1 nays, Mr. President, on the motion to advance the bill.

February 18, 1982

LB 126, 421, 431, 571, 578,  
652, 658, 773, 804, 855, 941

PRESIDENT LEUDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend T. Daniel Casey, Pastor of Central Church of the Nazarene, of Omaha. That happens to be Senator Pirsch's Pastor.

REVEREND CASEY: Prayer offered.

PRESIDENT: Roll call. Senator Beutler and Senator Pirsch, do you want give us your lights? Senator Pirsch, do you want to....Senator Pirsch. Record the vote.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any other messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and re-engrossed LB 431 and find the same correctly engrossed. That is signed by Senator Kilgarin.

Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 941 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 658 indefinitely postponed; 804 indefinitely postpone; and 855 indefinitely postponed. All signed by Senator DeCamp.

Mr. President, I have a series of Attorney General's Opinions. The first is to Senator Beutler regarding LB 126, one to Senator Vickers regarding LB 571, one to Senator Cullan on LB 421, one to Senator Howard Peterson regarding LB 652, and one to Senator Koch regarding LB 578. (See pages 735-743 of the Legislative Journal.)

Mr. President, Senator Newell would move to place LB 773 on General File notwithstanding the action of the Constitutional Revision and Recreation Committee. That will be laid over.

Mr. President, I have a report to the Legislature from the Little Blue Natural Resource Districts regarding payment of attorney fees. (See page 744 of the Journal.)



February 25, 1982

LB 215, 421, 431

CLERK: (Read LB 421 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 421. Have you all voted? Senator DeCamp.

SENATOR DeCAMP: I don't think it is going to pass right now. I will change to not voting for purposes of reconsideration.

SPEAKER MARVEL: Okay.

CLERK: (Read the record vote as found on page 872 of the Legislative Journal.) 17 ayes, 29 nays, Mr. President.

SPEAKER MARVEL: The motion lost. Okay, the Clerk will read LB 431.

CLERK: (Read LB 431 on Final Reading.)

SPEAKER MARVEL: All provisions relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor... (gavel)...can't do business up here and out there both. All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with emergency clause attached? Those in favor vote aye, opposed vote no. Record the vote. Have you all voted? This has the emergency clause. The Chair continues to receive criticism on the fact that when we are on Final Reading you are to be in your seats and not moving all over the room. There is a reason for this, and if this continues you are going to destroy the whole operation, but I said that before. Record.

CLERK: (Read the record vote as found on pages 872 and 873 of the Legislative Journal.) 33 ayes, 12 nays, Mr. President, on the motion to pass the bill.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, earlier today we moved back from Final Reading to Select File LB 215. It was the amendment I talked to you about about appeals in District Court on the question of child termination. It was moved back but then we didn't vote on the amendment, and since I have explained the bill once today, rather than holding it over, I would like a vote on the amendment now and then

February 25, 1982

LB 215, 304, 353, 408, 431,  
608, 641, 653, 688, 702,  
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

SPEAKER MARVEL: The motion is to adopt the Landis amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

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LB 152, 222, 304, 335, 348,  
353, 358, 431, 440, 508,  
525, 527, 578, 594, 624,  
771, 772, 795, 799, 844,  
871, 872, 877, 898, 921, 955

PRESIDENT LUEDTKE PRESIDING

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

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, a series of things. Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp instructs me to report LB 358 advanced to General File with committee amendments attached. (See pages 881-884 of the Legislative Journal.)

Your committee on Education reports LB 578 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 885 of the Legislative Journal.)

Your committee on Government reports 921 advanced to General File; 594 indefinitely postponed; 624 indefinitely postponed; 795 indefinitely postponed; 844 indefinitely postponed; 871 indefinitely postponed; 872 indefinitely postponed. That is all signed by Senator Kahle as Chair, Mr. President.

Your committee on Banking whose chairman is Senator DeCamp reports 799 advanced to General File with committee amendments attached. 877 is advanced to General File from the Public Works Committee. 152 indefinitely postponed; 222 indefinitely postponed; 348 indefinitely postponed; 508 indefinitely postponed; 527 indefinitely postponed; 771 indefinitely postponed; 772 indefinitely postponed; 955 indefinitely postponed, all signed by Senator Kremer as Chair. (See pages 885-886 of the Legislative Journal.)

Mr. President, your Enrolling Clerk reports that she presented to the Governor LB 353, 304 and 431. The Governor has received engrossed LB 440 and signed that bill on February 25, Mr. President. (See page 886 of the Legislative Journal.)

Rules gives notice of a hearing for Tuesday, March 16.

I have a series of Attorney General's opinions, the first addressed to Senator DeCamp regarding LB 898; one to Senator Culllan regarding LB 525; one to Senator Wagner regarding interpretation of Statutory Section 2-1504; one to Senator DeCamp regarding 335. (See pages 887-895 of the Legislative Journal.)

March 4, 1982

LB 139, 139A, 304, 353,  
431, 458, 685, 801

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Robert Hansen, First Lutheran Church, Fremont, Nebraska.

REVEREND HANSEN: Prayer offered.

PRESIDENT: Roll call. 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: I have no corrections, Mr. President.

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

CLERK: Mr. President, your....received a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 139A, 304, 685, 139, 353 and 431.)

Mr. President, Senator DeCamp would like to print two amendments to LB 458 in the Legislative Journal. (See pages 965 through 975 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for Select File, Special Order. We are going to start, however, at the advice of the Speaker with LB 801 rather than 717 because there are some people that are still trying to get here through the traffic this morning and the snow. So we will start with 801 and come back to LB 378. That is agreeable to Senator Cullan, I understand, so we will do that according to the Speaker. So we will start with 801, Mr. Clerk.

CLERK: Mr. President, I have E & R amendments to LB 801.

PRESIDENT: Who wants to handle the E & R amendments? Senator Barrett, would you just handle the E & R amendments on 801? We will just move the E & R amendments.

SENATOR BARRETT: Mr. President, I move the E & R amendments.

PRESIDENT: Motion to adopt the E & R amendments on LB 801. Any discussion? Senator DeCamp, did you wish to discuss the E & R amendments? This is on 801.