

He is an upstream muscle mammal and I will pray that he will always be a muscle man. Son, you know, we all mammals have feet and because we have feet we play mammalball which is the most important sport in Mammalary Land and I want you to be sure to develop your feet so you will be an excellent mammalball player." "But why am I different as a mammal," Babble asked? "Son, because you nurse." "Gee, Dad, does that mean I get to go to the nursery?" "Yes, something like that. Son, one other thing you should know. Mammalar or Shirley Marsh is going to put in a bill that will put us mammals on the map." "What do you mean, Pappy?" "Well, she is going to name a mammal of Mammalary Land and when this is accomplished we will truly have arrived at the Shangri-Mammal and we will be living happily ever after in Mammalary Land." Thank you, Mr. President, I just wanted to improve the....

SENATOR CLARK: Cut that man's microphone off.

SPEAKER MARVEL: Okay, the Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 434-451. See pages 281-286 of the Legislative Journal.)

SPEAKER MARVEL: I wish to make an announcement. From Tehran, Iran, a plane carrying the fifty-two American hostages took off today from Tehran's Mehrabad Airport a policeman at the airport told reporters. (applause.)

In the North balcony from Senator Landis' district it is my pleasure to introduce 11 sixth grade students from Sacred Heart School in Lincoln, Miss Glushenko, teacher. Will you raise your hands so we can see where you are located? Welcome.

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LR 24
LB 205, 409, 446

SPEAKER MARVEL: The bill is advanced. The next order of business is LB 409.

CLERK: Mr. President, if I may right before we get to that, your Committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 446 to General File with amendments. Senator Kahle would like to print amendments to LB 446. (See pages 663 through 668 of the Legislative Journal.)

Mr. President, new resolution offered by Senator Goodrich. (Read LR 24 as found on pages 662 and 663 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 409 was introduced by Senator Haberman. (Read title to LB 409.) The bill was read on January 20 of this year. It was referred to the Banking Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Banking, Commerce and Insurance Committee, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, normally as committee Chairman I would present these amendments but my good friend, Senator Haberman, has been passing out literature indicating that he is not getting enough attention and publicity, so I graciously yield to the Vice Chairman of the Banking, Commerce and Insurance Committee to handle the amendments on this bill.

SENATOR HABERMAN: Mr. President and members of the Legislature, thank you, John, for your endorsement of being an excellent, outstanding Vice President of the Banking, Insurance and Commerce Committee. The amendments....I thanked him for it. Oh, isn't that what he said? The amendments reduce the Continuing Education hours from 24 hours to 6 hours every two years. It deletes the language that you have to be of good moral character to be a licensee and adds to read, "not have been convicted of a felony or a crime involving moral turpitude", and I move for the adoption of the amendments, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 409. Senator Chambers, your light is on.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator DeCamp, the Chairman,

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LB 285, 446

CLERK: Mr. President, I do. I have an explanation of vote from Senator Beutler. I have a request from Senator Stoney to be excused Thursday, March 19.

Your committee on Public Works whose chairman is Senator Kremer reports LB 285 to General File with amendments, (Signed) Senator Kremer. (See pages 992-993 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we will proceed with LB 446.

CLERK: Mr. President, LB 446 was introduced by the Government, Military and Veterans Affairs Committee and signed by its members. (Read.) The bill was first read on January 20 of this year, Mr. President. It was referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, members, I move the committee amendments but I think I had better explain the bill, at least briefly so that you understand what we are talking about. LB 446, this bill was introduced by the Government Committee on behalf of the Secretary of State. Most of the bill is technical and involves procedural changes in the election laws. There are some important substantive changes that I will alert you to. One involves the transfer of duties from Executive Board to the Attorney General of writing the explanatory language for constitutional amendments on the ballots. Now this is a considerable change from what we have been doing so I hope you will note this. I will read it over again. It involves the transfer of duties from the Executive Board to the Attorney General for writing the explanatory language for constitutional amendments on the ballots. There are also some changes in the law regarding petitions. There would have to be at least one-quarter of an inch of space for each signature on a petition and people would have to both write and print their names on the petition. Now we do have an amendment that changes that slightly. The committee amendments makes several changes in the bill with regards to the printing of names on the petition. The committee adds language that this is not necessary if the signature is legible. We also adopted an amendment of Allen Beerman's that makes the residency requirement for technical community college board members six months. This is the usual residency requirement. At the request of the League of Nebraska Municipalities we added language that clarifies that the term of office for

mayors and city officers is four years. There has been some ambiguity in this area. We struck the new language in Section 30 as to what constitutes electioneering. Finally we reinstated the original language in Section 23 on allowing the public to issue editorials with the Secretary of State's publication of constitutional amendments in the newspaper. We added language that the Secretary of State would issue a disclaimer in the paper that the editorial was not the opinion of the state. Now this is kind of interesting. I am sure you have all seen the ads in the papers that tell you about an amendment, a constitutional amendment that is going to be on the ballot and many times there is sort of an editorial below that telling what it is about from some particular viewpoint, not necessarily that of the state or of any...has anything to do with the Secretary of State's office. These people or organizations who put this information in there do pay for it but what the Secretary of State wants to do is if this is done, an explanation of the amendment is added that it would state who is responsible for it rather than making it look as though the Secretary of State had put it in there himself. I think this is reasonable. There are some additional amendments but I think we should adopt the committee amendments first.

SENATOR CLARK PRESIDING

SENATOR CLARK: Is there any discussion on the committee amendments? If not, all those in favor of adopting the committee amendments vote aye...Senator Vickers.

SENATOR VICKERS: Mr. President, I wonder if Senator Kahle would respond to a question please. Senator Kahle, in Section 23 where you are reinstating the stricken language, if I understood your explanation, that on a constitutional amendment when the detailed explanation of the amendment from the editorial point of view, either pro or con, is printed in a paper following the amendment that this is put in by some organization perhaps and by leaving the stricken language in here you would allow that to continue to happen. Is that correct?

SENATOR KAHLE: It could continue to happen but it would have to state who it was put in by and I think we decided that it had to be separated by a line or some other notation in the paper that it was added to rather than part of.

SENATOR VICKERS: Well if that is the case I guess I am a little curious as to why we just didn't go in and strike the language. If we struck the language in Section 23, then if an organization did want to, in fact, have an editorial on one side or other of the issue, then it probably

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would not be put in the same area with the notice that the Secretary of State sends out anyway which would, in fact, and under the present laws, wouldn't it also, since it would be advertisement of a political nature, wouldn't it have to have a disclaimer and so forth on it anyway? If we just struck that wouldn't that take care of that problem?

SENATOR KAHLE: Well the procedure has been, and what the rules and regs on it I am not sure, and maybe some of our future amendments deal with that, but they were allowed to put their information in right adjacent or below the article that the Attorney General puts in and what he is trying to do is to make sure that people realize that that is not his language and that the state is not paying for it.

SENATOR VICKERS: Yes, I understand that. I guess that is the reason I was a little concerned about striking that language or by reinstating the language. If we struck the language it seems to me that this would not be put in the same spot. It would then have to be a political advertisement with a disclaimer so that people would know that it was not part of the state's official position in any way, shape or form and I guess I am just a little bit curious as to the background behind that because it certainly seems to me it would be a better idea to go ahead and strike the language, let the individuals or the group of individuals put out their editorial comments to the paper, have it be printed in the paper in a separate place as any other political advertisement would and not have to have a disclaimer from the Secretary of State or anybody else. It would be obvious to the people then where it was coming from so I guess I would oppose this portion of the committee amendments from the perspective that I have and, Senator Kahle, would you have any objection to splitting the question on the committee amendments?

SENATOR KAHLE: Would you tell me again which section you are talking about?

SENATOR VICKERS: The...where the reinstating the language in Section 23, the last portion of the committee amendments, or at least the last portion on the explanation of the committee amendments on the front part of the bill.

SENATOR CLARK: You have one minute left.

SENATOR KAHLE: Well I think there is a reason for that and I will try to find it out. Go ahead and....

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SENATOR VICKERS: Well as I pointed out it just seems to me it would be better to have it be printed separately so as I say, would you have any objection to splitting the question?

SENATOR KAHLE: Well, I think there was...the committee's feeling that it should be adjacent to or with the amendment so they would know exactly what they are talking about and I am sure that this has been done before and that is the way it was handled. I'm sure you have all read the amendment and....

SENATOR VICKERS: I understand that, I just asked you, would you have any objection to splitting the question on the committee amendments?

SENATOR KAHLE: No.

SENATOR VICKERS: Okay, thank you. Mr. President, I would ask that the committee amendments be split to that regard if we could. I will come up and talk to the...(interruption)

SENATOR CLARK: You request what? Senator Vickers, what did you request?

SENATOR VICKERS: That the question be split but I will come up and talk to you about it so we can see if we can work it out.

SENATOR CLARK: Do you want to come up and tell us where you want to divide the question? I would like to take this opportunity to announce there is in the North balcony up here, there is 75 United Methodist Women from Lincoln District, Mrs. Ruby Thelander is President, Mrs. Lois Smith, District Vice President. Will you stand and be recognized, please. Also visiting today from Senator Remmers' district is Mrs. Emma Balke from Auburn, Nebraska. She is the mother of Mrs. Bonnie Roleder who happens to be Senator Hefner's secretary. She is under the South balcony. Will you stand and be recognized, please. Welcome to the Legislature, all of you. The Clerk will announce the division of the question.

CLERK: Mr. President, if the members will turn to the committee amendments found in your Journal on page 667, that is Journal page 667. Senator Vickers would like the question divided so as to vote on items #12 and #13 towards the bottom half of the page, reads as follows: "On page 62, reinstate the stricken matter. On page 63, reinstate the stricken matter, in line 3 before the reinstated word "In" and insert "The Secretary of State shall include a statement to be published along with the argument declaring that such argument offered and published is not an argument made or opinion held by the state."

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SENATOR CLARK: Senator Vickers, do you want to explain what you want to do on the first part of the division? We will vote on that one first.

SENATOR VICKERS: Okay. On the portion that we are dividing out or that I asked to be divided out of the committee amendments is in Section 23 of the bill, the committee amendments would reinstate the stricken language. I think the stricken language should stay stricken. The reason being that we are talking here about constitutional amendments and if I understand it correctly, as it is advertised by the Secretary of State that with the language in Section 23, if any group of individuals or an individual asked the Secretary of State to print along with the constitutional amendment an editorial comment, either pro or con, then as you remember when you read it in the paper you will see the constitutional amendment and a little bit of an editorial one way or the other about it. The committee amendments would say that that is fine. You can do that but at the end of that you have to have a disclaimer indicating that is not an argument made or an opinion held by the state and that it is only published by the Secretary of State because it is being paid for by another committee or a group or an individual. My contention is that we should strike that language so that the Secretary of State simply prints the constitutional amendment. If this committee or group of individuals wants to have an editorial comment, a paid political advertisement if you will, they should contact the newspapers and have a paid political advertisement as any other paid political advertisement so that it would not be tied to the advertisement by the Secretary of State on a constitutional amendment at all. My concern is that as people read the constitutional amendment and then read this editorial comment, they might miss the disclaimer that indicates that it is not an argument or a position put forth by the state. So it would seem to me it would be much better to have it a separate advertisement altogether with the normal political disclaimer on the end of it naming the committee or the group that was promoting a point of view. I would ask the body to not vote for the committee amendments on that page 667 of the Journal, lines...numbers 12 and 13 of the committee amendments. Thank you, Mr. President.

SENATOR CLARK: Senator Johnson, did you want to talk on the division of the question?

SENATOR V. JOHNSON: I assume, Mr. Speaker, that you have divided the question.

SENATOR CLARK: We have divided a question. He is asking to reinstate the stricken language.

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SENATOR V. JOHNSON: Right and I will be speaking on Senator Vickers' comment. What Senator Vickers wants us to do is he wants us to follow the request of the Secretary of State Allen Beerman to change a referendum and initiative statute that has been on our books for some time and the Government, Military and Veterans Affairs Committee has fairly consistently rejected this request by the Secretary of State because it feels that existing law is good law with respect to the initiative and referendum process. What existing law says is this. When the initiated matter or the referendum matter is to be printed in a legal newspaper for circulation in this state, then any group who supports the initiated matter or the referended matter or who opposes it may cause to be printed at that group's expense an editorial comment or argument either on behalf of or against the initiated or referended matter and the Secretary of State has consistently told us that citizens become annoyed because citizens believe that somehow these editorial remarks or comments are those of the government itself and not of a group that supports or opposes the particular point of view. So the Secretary of State has recommended that we just delete this aspect of the initiative or the referendum process in toto but your committee said, no, we didn't want to do that. Your committee said, all we want to do is to put a caveat, we will have a little caveat attached to the comment saying, this is not a view held by the state. This is a view of a private organization and that will then alert the reader but we did not want to eliminate the opportunity of persons who are involved in the initiative process or in the referendum process from making known their points of view to the voters and we felt it was important for their points of view to be made known in conjunction with the printing of the legal notice concerning the actual referendum or initiative item. Why? Because it would be virtually impossible for such a group to be aware of what papers a Secretary of State was going to publish in, to get all the advertising copy laid out, to have the arguments succinctly stated and the like. It seemed to us this was a very low cost way of being able to inform voters on a matter of consequence without the state itself taking a position but continuing the basic informative process that government requires. So I would urge you to reject Senator Vickers' issue, to vote red on this particular question, I'm sorry, to vote green because we are going to want to advance this little committee amendment rather than to vote red. I get a little confused as to exactly how I want to make sure the vote goes but be sure that we do it the right way which simply is to allow groups to pay for editorial and argument comment on legal notices regarding initiative and referendum matters and provide also a disclaimer that this is not any official position of the State of Nebraska. That is the existing policy and a vote

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green will continue that policy and it is a vote well worth doing.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I think my good friend Senator Johnson has it backwards. As it is now on a constitutional amendment printed below the constitutional amendment are the pros and the cons of that amendment for the reader to read that but it does not say whose pros and whose cons, who has written it and it can be slanted and it is written by the state. The only thing the committee wants to do is say, fine, let's have people be able to have a pro and a con, for or against the amendment, however, they have to sign it, who is opposing it or for it. They have to pay for it and number three, it has to be in the same vicinity or next to the constitutional amendment so people can compare the two. If we don't do it this way the people who run the ads for or against have no guarantee where they are going to be in the paper. They could be buried anywhere. It is almost virtually impossible for an organization or a person to contact every newspaper. This way they give to the Secretary of State their ad and the money to pay for it. They pay the regular legal rates. They don't get any break on the rates and it is assured to be run in the paper next to the constitutional amendment. Then the public can see that Don Dworak is in favor or it, that Johnny DeCamp is opposed to it and they can vote any way they wish. The committee discussed this over and over and we came up that this would be the best solution so if you vote for Senator Vickers...you want to defeat Senator Vickers motion so vote red. That is right. Then it will go back to the way the committee wants it. So I would ask you to vote no on Senator Vickers splitting the question and go with the committee amendments so that the ads identified by the party will be next to the constitutional amendments so people will be able to compare them and then vote with intelligence. Thank you.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: A question of Senator Vickers please.

SENATOR CLARK: Senator Vickers, where are we?

SENATOR LAMB: I am in support of striking the language on page 62 in the bill because I have seen this happen before and that is no good because you have the arguments right next to the official ballot language and people are confused notwithstanding the committee's suggestion that they have a disclaimer there. I still think it is a bad policy to have it there because so many people think that

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is official explanation when really it is an advertisement. They don't realize it. Now my question is, how do I vote to do that? Which way am I voting?

SENATOR VICKERS: Senator Lamb, I am glad to know that I finally did something that got Senator Johnson confused. If you support my position then you will vote no on this portion of the committee amendments. A red vote is a good vote in this instance from my point of view. Does that answer your question, Senator Lamb? This is the committee amendments. I am saying that on this portion of the committee amendments I don't want to adopt this portion of the committee amendments.

SENATOR LAMB: You want to reject this portion of the committee amendments.

SENATOR VICKERS: Right.

SENATOR LAMB: Okay, I understand it. I can understand that. I can understand if they tell me to vote red I can carry that out but I would just like to expand on the reasons for voting red which is supporting Senator Vickers position, is that too many people are confused by the fact that this language which appears right next to the ballot language is really an advertisement and they don't realize that. They think this is some official person in state government that knows more about it than they do and has a position which is really explaining the proposition but it is not explaining it. It is presenting a one side biased view so I urge you to vote red. Thank you.

SENATOR CLARK: Any further discussion on the Vickers first amendment? If not, Senator Vickers, do you wish to close?

SENATOR VICKERS: Mr. President, just to clarify it a little bit perhaps because I think maybe there is some confusion. As the committee amendments are drafted what they will do is reinstate the stricken language on pages 62 and 63 of LB 446 and it would also include a statement that the argument declaring, that the argument offered and published is not an argument made or opinion held by the state. My contention is that political advertisement, which is what this is, has no business being in the legal notices of the newspapers of the State of Nebraska. The legal notices are where the constitutional amendments are published so that people are aware what the constitutional amendment is. I don't think there is any, at least there is no doubt in my mind, that those people that are on pro or con side of the issue of a constitutional amendment will certainly buy political advertisement to have it advertised in other sections of the paper, at least they certainly did on certain

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constitutional amendments last year. Therefore, and I also believe that people read the pro and con issue as printed in the legal notices, believing it is an official position and when you have pro and con it is very easy to draft it a little bit lean toward one way or the other and people believe that believing it is an official position of the State of Nebraska when, in fact, it is not. And even with the disclaimer that the committee is attempting to put on I don't think that that is going to satisfy the...at least it won't satisfy my concern that the people will not realize or will, in fact, realize that that is not an official position of the State of Nebraska. I apologize to the members of the Government Committee. I know that they have dealt very diligently with this issue but in this particular instance I happen to disagree with them and once again, this is a committee amendment. If you agree with the committee vote green. If you agree with me vote red. Thank you, Mr. President.

SENATOR CLARK: He was closing, Senator Kahle. What is that?

SENATOR KAHLE: There is an amendment that Allen Beerman asked for on page 668 of the Journal that does exactly what Senator Vickers wants to do I believe.

SENATOR VICKERS: Mr. President, could I ask Senator Kahle a question, please?

SENATOR CLARK: Yes.

SENATOR VICKERS: I have already closed on this motion of course but are you referring to the, on page 668 of the Journal where you ask unanimous consent to have an amendment printed?

SENATOR KAHLE: Yes, sir.

SENATOR VICKERS: Yes, but that is reinstating the stricken matter on page 62 and 63. I am saying I want to leave that stricken matter stricken.

SENATOR KAHLE: Okay, that clarifies it at least.

SENATOR VICKERS: Okay, thank you.

SENATOR CLARK: All those in favor of I guess what ever you are going to vote for, do it.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted? This is on the first part of the division of the question. Record the vote. Senator Vickers is waving his arm.

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SENATOR VICKERS: This requires 25 votes, does it not, Mr. President?

SENATOR CLARK: 25 votes, that is right.

SENATOR VICKERS: Well, since I am ahead, how many people are excused?

SENATOR CLARK: Well you have already won this one. Is that what you wanted to do?

SENATOR VICKERS: Oh, okay.

SENATOR CLARK: Do you want to win or lose?

SENATOR VICKERS: Senator Johnson has got me confused now.

SENATOR CLARK: As soon as we announce the vote.

CLERK: 12 ayes, 18 nays, Mr. President, on the divided committee amendment.

SENATOR CLARK: The motion passed, the amendment to an amendment. Now we will take the second division. I am sorry, that was the first part of the committee amendments so the amendment failed. That was the first part of the committee amendments. We are now back on the second half of the committee amendments. You are all right, Senator Vickers. You won because it didn't pass. Senator Kahle, do you want to explain the second half of the committee amendments? We ought to have two people confusing everyone.

SENATOR KAHLE: Well the second part of the committee amendment and I don't know exactly what Senator Vickers took out of it but, deals with the printing of the names on a petition. We had a suggestion from the Secretary of State that many times the names are not legible on a petition and that he was wanting to require that they be printed and also a signature be alongside of it or adjacent to the printing of the name. The committee thought this was unnecessary and that if the signature was legible that it should be counted whether there was a printed name alongside of it or not. I believe I am interpreting that correct. That is the main thrust of that part of it. Then at the request of the Nebraska Municipalities we added language that clarifies the term of office for mayors and city officers is four years. There has been some confusion in many of our cities as to what the term length of the mayor really was and this is just to clarify that. We also did some things with the language in Section 30 that constitutes electioneering and finally, we reinstated the original language in Section 23. It allowed the public to issue editorials. That is the issue that we just talked

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about. So I think that is separate from the rest of it. I think that is the committee amendments.

SENATOR CLARK: This is the second part of the committee amendments. Is there any conversation on this one? If not, all those in favor of adopting the second half of the committee amendments vote aye, opposed no. It takes 25 votes.

CLERK: Senator Clark voting aye.

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

CLERK: 28 ayes, 0 nays on adoption of the second portion of the committee amendments, Mr. President.

SENATOR CLARK: The second part of the committee amendments are adopted. Is there any amendments on the desk?

CLERK: Yes.

SENATOR CLARK: Do you want to explain the bill first, Senator Kahle, and then we will go to amendments.

SENATOR KAHLE: Well I thought I had gone through a considerable of it. It is a bill that was brought to us by Allen Beerman, Secretary of State and it does have the emergency clause on it. It would...we need it to go into effect hopefully before the next election and it does the things that we mentioned before and a lot of other things really to bring the election laws up to standard and to make it fit what we are actually doing. A lot of time has gone into this particular bill and we have had a lot of input from election officials from, of course, the Secretary of State's office and actually the things that I have mentioned are the main parts of the bill. It does talk, as I said before, any polling place in which an election is held, no person shall distribute or display pamphlets or similar material whether related to the election or not or otherwise distract, interrupt or hinder electors in any manner within one hundred feet of any polling place or building in which an election was held except this section shall not apply to posting of signs on private property which is not a polling place. These are the kinds of things that are in the bill. I don't know, I hope you have had a chance to look at it. If there are questions, members of the committee probably are more knowledgeable about some parts of it than I am but we spent considerable time with the bill and with Allen Beerman and hopefully it will meet the standards that we want in the State of Nebraska. One of the other things it does change is the Executive Board, I believe, did write the language for the

resolutions before and that has been changed and the Attorney General would write the explanatory language for constitutional amendments. That is also in the bill and I think you can understand. We have had some problems over the years and I am not criticizing anybody but many of the constitutional amendments were worded in such a way that we had the confusion we had here a bit ago, that if you voted for it you might be against it and if you voted against it you might be for it. So we hoped that this part of the bill would straighten that out. If the Attorney General can't handle that, why, we are in bad shape. But these are the highlights of the bill. So I move the adoption of the amendment, committee amendments to the bill.

SENATOR CLARK: They have already been adopted.

SENATOR KAHLE: Okay, I think there are other amendments.

SENATOR CLARK: Yes, we do have other amendments. I would like to take this opportunity, I don't know whether these kids have left or not. There were 35 first and second grade students from the Randolph Grade School, Lincoln, Nebraska, Senator Beutler's district, Miss Rhonda Lundberg, Mrs. Claudia Livers and Miss Janet Zannow. They were in the South balcony. I think they have gone though. There is an amendment on the desk.

CLERK: Mr. President, I have several amendments, the first is offered by Senator Kahle and is found on page 668 of the Legislative Journal.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: This is the one I mentioned and it is on page 668 of the Journal and would reinstate the language that we just argued about and I'm not sure yet whether Senator Vickers lost or won that issue and if ... but I will read you what this does. This would be, "The committee amendment reinstates language that forces the state to include editorials supporting and opposing proposed constitutional amendments when he publishes the text of the amendment in the newspaper." The committee added language "that the Secretary of State issue a disclaimer in a newspaper that editorials are not the opinion of the state." This amendment was requested by Allen Beerman and says that, "The person or group that offers the editorial must be identified by name. Current law does not require that they be identified," and that is amendment two, the one that is on page 668 of the Journal. I move for adoption of the amendment.

SENATOR CLARK: Senator Lamb.

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SENATOR LAMB: Well, Mr. Chairman, members of the Legislature, as I understand it now there would be no need for this amendment because you are not going to have that language on the ballot so there is nothing to disclaim. There is no reason for the disclaimer because Senator Vickers was successful in effect in removing that language which allows the advertising next to the ballot proposal so as I see it there is no need for this. In fact, it would be superfluous. It would not even make sense.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: I think that is correct if...and I'm not sure whether Senator Vickers won or lost that battle. He did win? Is that the consensus?

SENATOR CLARK: He did not get the first half of the committee amendments adopted.

SENATOR KAHLE: Okay, well if that is the case then we do not need this amendment. There are some changes in the amendment a little bit from what was stricken but I will withdraw the amendment.

SENATOR CLARK: The amendment is withdrawn and Senator Vickers withdrew his light. Senator Vard Johnson. It is withdrawn. He has the right to withdraw it. Another amendment.

CLERK: Mr. President, the next amendment is by Senator Kahle and it reads to 'Strike standing committee amendment number 2. Renumber standing committee amendments 3 to 17 as 2 to 16 respectively.'

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: This amendment was asked for by Allen Beerman. He attempted to create an internal reference in election laws regarding challenging a voters residency but further work shows that much work needs to be done in this area. But Section 2 of the committee amendments should be stricken.

SENATOR CLARK: Is there any further debate? Senator Newell.

SENATOR NEWELL: Senator Kahle, why do you want to...I mean, you didn't fully...I didn't understand what you were doing, not that I really need to understand but it would make me feel more comfortable.

SENATOR CLARK: Senator Kahle, do you care to add to his confusion?

SENATOR KAHLE: This amendment isn't in the Journal, is it? Where is my chief at?

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SENATOR CLARK: Senator Kahle, have you found your amendment yet?

SENATOR KAHLE: The information that I have at the present time is that Section 2 of the committee amendments will not work and that Secretary Beerman has asked that these amendments be stricken.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: As I understand it that is something that was brought to the committee to try to make some changes and it just isn't going to work out like you wanted it to because there needs to be a lot more work on it and so this just strikes that inclusion.

SENATOR KAHLE: That is right.

SENATOR NEWELL: Okay, I will support that.

SENATOR CLARK: Senator Johnson, do you want to...?

SENATOR V. JOHNSON: I just recollected what did happen with this. The League of Municipalities came to us with an amendment to 446 to define the term of office for city councilmen in second class cities. What they suggested seemed reasonable to the committee. The committee adopted it. Apparently there are some technical deficiencies with the amendment and we can't get there from here in the way we had intended and as a result the Secretary of State has suggested wisely that committee amendment number 2 be stricken. That is all it is.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: A question of Senator Johnson if he would yield.

SENATOR CLARK: Senator Johnson.

SENATOR KOCH: Senator Johnson, is that because the Secretary of State does not want to change thirty-two chapters of law or is it because it really does not fit?

SENATOR JOHNSON: I think he does not want to change thirty-two chapters of law but he said it did not fit.

SENATOR KOCH: Pardon? It really is impossible?

SENATOR V. JOHNSON: You know how our Secretary of State is, many things are (interruption.)

SENATOR KOCH: I want to ask you that. I am asking you the questions.

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SENATOR V. JOHNSON: Do I think it is impossible?

SENATOR KOCH: Yes.

SENATOR V. JOHNSON: I don't have enough knowledge in this field to be able to say whether or not it is impossible but I do think that what...I know how our committee was operating. We were responding to a request that was made. We made the response and later on we learned that the way we made the response was not correct and no one has come back to us with corrected...(interruption.)

SENATOR KOCH: Well I didn't want to overburden the office in changing too many sections of law.

SENATOR V. JOHNSON: I understand that, Senator Koch.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: I wonder if Senator Johnson would respond to a question, please. Senator Johnson, we are striking Section 2 from the committee amendments. Is that correct?

SENATOR V. JOHNSON: Right.

SENATOR VICKERS: Have we adopted the committee amendments? What I am trying to get at, do I vote red or green? I don't want to be confused like we were a while ago. If we are going to strike the amendment which do we go or have we already adopted them?

SENATOR V. JOHNSON: Well, given the last thing that you did, Senator Vickers, I would like to give you bad advice but I think if you want to strike that amendment all you have to do is vote green. It takes a green vote to handle it because we have adopted the committee amendments and now Senator Kahle has offered an amendment which would strike Section 2 of the committee amendments so if you want to go along with the striking of Section 2 you vote green.

SENATOR VICKERS: We adopted an amendment and now we are getting rid of part that amendment.

SENATOR V. JOHNSON: Right, we are getting rid of part of it.

SENATOR VICKERS: And I already got rid of part of it a while ago. Okay, thank you very much.

SENATOR CLARK: The question before the House is the Kahle amendment which strikes Section 2 of the committee amendments. All those in favor vote aye, all those opposed vote nay. It takes 25 votes.

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CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 0 nays on adoption of Senator Kahle's amendment, Mr. President.

SENATOR CLARK: The amendment passed.

CLERK: Mr. President, the next amendment I have is offered by Senator Burrows. (See pages 994-995 of the Journal.)

SENATOR CLARK: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, members of the body, this amendment has been passed around the floor. Everyone should have a copy of it and the amendment would provide for registration of voters on election day but not for their voting on that same election day. They would have to wait for the next election. I think this year we have a special reason for going with this because with the rising energy costs and the national energy crisis I think it is extremely important that we move to a most efficient energy system in making the ballot available to the people. Registration of voters was never meant, at least philosophically, to prevent people from voting but merely to keep the system honest. Now any cost that would go with this measure would be related to the participation. I think they would be very small and insignificant because much of it would be just keeping the people busy at the polls, giving them a few additional duties to take care of where they probably would be standing around anyhow. And in those cases where it would add any stress to the polls the cost would be in direct proportion with the additional voters we have registered. It does not allow them to vote on that particular day but it would provide registration out across the counties, in the townships and in the polling places with really a minimum of cost. When they have to send people out to shopping centers it costs gas, it costs people's time to sit there during the time and this sort of move would not be nearly as productive for the cost of it as just providing it on election day. If they get behind on election day what they can do and the bill does not prohibit them from allowing a person to make out a card, fill it out and then follow up on the detail and the problems that are involved there in the county clerk's office after the election. So when you get down to it, the issue is whether you believe in having election laws that provide a maximum participation of the electorate or whether you want to see them used to a degree to stifle the number of voters and we have argued always that the registration of people was merely to keep

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the system honest. So the cheapest route that we can go and the energy efficient route is to use the polling place that exists out there take a little additional bother for the people on the election and increase the number of registered voters on that particular day. I urge the body to adopt this amendment. Thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I support the Burrows amendment. I think that this makes infinite sense. This has happened in Minnesota and some other states. Basically you have the folks out there doing the election activities anyway and they can be sworn and easily take registrations at this time. I think it is a good idea. I think it is one way of encouraging people to register and it makes it easy. It provides for a lot more activities and since you are out there anyway it would really add to the convenience of those voters who would like to register and have not had an opportunity previously. So I encourage the body to accept the Burrows amendment. I think it would add greatly to the ease and availability of voter registration.

SPEAKER MARVEL: Speaking to the Burrows amendment, Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, this amendment was LB 297 which we had in the Government Committee and had a lot of discussion on it and considerable input from the public. The idea I think that came across at the hearing on the bill was that it would create problems at the polling place. It would disturb the election procedure on election day or it could if it didn't, and that it really is an unnecessary process because most communities have made every effort possible to get people to register and while Senator Burrows said they are going to make the trip to the polls anyhow, I don't really know why they go if they haven't registered because they can't vote but they might ride along with somebody, I'll grant that, but you do go to the shopping centers and there are plenty of chances to register if you have the least bit of inclination to do so. In our area the courthouse and other areas stay open evenings several times before election, before the deadline for registering to vote. So the thing that we heard from all across Nebraska is that it would cause a disruption on election day and I think this came from a bill several years ago when some of us or some people thought in the Legislature and in the state that they ought to be able to come and register

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and vote the same day. I know that Senator Burrows would not want to do this now but I am not sure it will not come up later. Anyhow, it just seems to me that there is plenty chances for the electorate to register if they want to at all and that cluttering up election day and I would hate to think that someone coming to vote that was registered would have to wait and be hindered in any way from voting because the staff, the judges and the election board were busy registering somebody. So I think that we should not accept this amendment.

SPEAKER MARVEL: Senator Lamb and then Senator Cope.

SENATOR LAMB: Mr. President and members of the Legislature, I rise to strongly oppose Senator Burrows' amendment. This has been indicated, has been almost an annual bill that Senator Burrows has introduced and the bill has already been killed by the committee this year. This is just a prelude to instant voter registration. Under the terms of this amendment you would not be able to vote on the day you registered but I can see down the road that would be the next step, would be voting on the same day that you register. There would be all sorts of possibilities of fraud in that case and I think this amendment should be defeated.

SPEAKER MARVEL: Senator Cope.

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

SPEAKER MARVEL: Senator Burrows, do you yield?

SENATOR BURROWS: Certainly.

SENATOR COPE: Senator Burrows, I am going to give you an example. I understand that in small towns, areas, people know each other but let's take Lincoln or Omaha and your bill should pass, what would keep me from going in West Omaha, voting, registering voting, go around the half a dozen different voting booths and get six votes since you would do it instantly there is no check?

SENATOR BURROWS: I really don't see any possibility of any abuse on this because the person would register at one polling place. They would not be registered in another and they don't vote that day. It goes into the county clerk's office and they have every opportunity to screen and check that they would with the mail registration that came in. I can't visualize an opportunity that it would open in any way any abuses of registration and voting illegally to beat the system.

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SENATOR COPE: In other words, it is strictly registration. They come in and register, they don't vote then the same day.

SENATOR BURROWS: That is absolutely correct. Just an easy...(interruption.)

SENATOR COPE: Well then why not go to the courthouse or the various places and do the same thing and not put the responsibility on the voting...the people that are manning the areas? What...? They would have to drive there the same as they would to the courthouse or to the shopping area wherever it is. What is the advantage?

SENATOR BURROWS: The advantage is the polling place is much closer to the resident, especially in the urban area. It is much closer. It stays open until eight o'clock and is open for people that really have it difficult to register and vote otherwise. Some people work the same hours that the county offices are open and the duplicate work hours when the office is open just doesn't work very well for some people to vote and this would give a time for them to put in, fill out the registration, accomplish the after work, to have it detail perfect in the county clerk's office with no additional energy costs, no additional driving.

SENATOR COPE: Well I would have to oppose this for the reason that if people are not interested enough to register to drive a few blocks or to the courthouse or, I don't think this is going to make one particle of difference. You might pick up one or two but for the additional and probably you would have to put on another person to take care of this item in the polling places because there are rush times and I certainly do not like to wait in line while somebody is using one of the people that are manning the area to register someone and I do not think anyone else does.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I rise to oppose this amendment which is offered to the legislative body. It would work if it was a very slow day that you were not having to stand in line to cast your vote at the polls but to add confusion in many of the larger polling districts would not be fair to the personnel. It could be costly if we are trying to arrange additional persons to be available in case someone came when that same individual has so many opportunities to register if he or she is interested in doing so. We need to continue through our educational process to encourage our students to accept the responsibility of voting for that is part of being a good citizen. It is equally important not to add to the cost of voting and this

could do just that. The individual who has not yet registered may be embarrassed about going to a polling place when he or she could not vote in that election and that same individual would be more likely to go to register, not at a polling place, yet the proposed cost of providing personnel to have individual register would be on all of us. I am opposed to this amendment.

SPEAKER MARVEL: Before we proceed with the next speaker, in the South balcony from Senator Koch's district, 95 fourth grade students, Montclair Elementary School, Millard, Nebraska, and the teachers with them are Mrs. Nancy Burns, Mrs. Lynette Pfaltzgraff, Lorraine Pooley, Bill Bridges. Where are you located so we may say hello to you? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am in favor of Senator Burrows amendment and it seemed to me that those of us who hold political office ought to be doing all we can to encourage as much participation in the elective process by citizens as we possibly can. I think any gesture or any activity by public official which is designed to cause more people to register can only serve a wholesome effect or produce a wholesome effect. There used to be in the beginnings of this country many impediments to voting. You had to be a certain race, you had to hold a certain amount of property and there were other things, poll taxes, literary tests and all types of things to disbar people from voting. So what I think we ought to do now is turn that whole cycle around. Because certain legal impediments have been struck down as unconstitutional we now have a clear path to do something affirmatively to encourage people to register and I think the bill, the amendment that Senator Burrows is offering is reasonable. We all know that many people take no interest in the system until an election is right upon us. People seldom think or have any reason to think about registering until near the time of an election. I hear periodically public service announcements by the election commissioner in Omaha telling people that you have so many days prior to the election for registration and after that date you, even if you register you cannot vote in the upcoming election. For those people who have never registered, this is taken to mean that if they don't register a certain number of days before the election they cannot register. So there is confusion about the system and those of us who know about it should do all we can to do away with that confusion. Allow people to register at the polling place. Let the polling place become synonymous with doing all of those things necessary for preparing one to vote and I think in view of the large numbers of people who are registered and do not vote,

we see that there is a job that public officials have to do to encourage people to participate in this process. If none registered to vote then the arguments that are given regarding that aspect of it will be shown to be true but no harm will have been done. On the other hand, if there is a substantial number who will register then I think something very positive has been achieved. I can not understand for the life of me why politicians do not want people to register and do not want people to vote. I feel that a vote against Senator Burrows' amendment is saying that despite the fact that we know that the time when people are most aware of elections is at election time and that is also the time they would be most aware of the need to register. We do not want to make available to them at the polling place the opportunity to register. Were I an election commissioner I would be in favor of registration at any time at any place. The idea should be to go out and get the people's interest. Our activities in carrying out our duties as public officials certainly has not been enough incentive for people to vote. They won't even come out to vote against us. They will gripe and whine in the letter to the editor column but that is the extent of it. So we on the one hand should not complain about and condemn apathy on the part of the electorate, then refuse to do those things that might encourage those who are encouragable to take advantage of the opportunity offer to register. I think Senator Burrows' amendment is very reasonable and I think we ought to adopt it. Remember, there is nothing that will be lost by adopting it. There could be a great deal gained by it. I hope you will think in these terms and vote for his amendment.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: The motion is carried. Debate ceases. The Chair recognizes Senator Burrows to close on his amendment.

SENATOR BURROWS: Mr. Chairman, members of the body, what this does, it provides for registration, very simply, on election day at the polling place but not voting on that day so it does not risk the threat of cheating in any way whatsoever. The election commissioner will have to check out the form when it gets back to the office. They have

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time to do it and there is really no additional possibility of cheating involved by this bill. The amendment is an amendment that is an energy saver and I wish you would really think about this too. Just put a little extra work on the people at the polling places to save the energy of driving across town and getting registered at the clerk's office. So if you believe in the electoral process being of a maximum participation, you should support the amendment. If you believe in the registration process using it to restrict the number of voters and those available to vote you should oppose it but any cost related to this amendment will relate and should relate to the number of additional people registered. If the elected officials want to make it work they won't have any significant problems with it. If they do not want to make it work they can make problems and nit pick but they can make it work. They can put out a card registration, fill out the form if they are busy that day and the judges there have the time to do it without disrupting any election flow. These arguments opposing it are not valid on that basis. There are people in that polling place that have the time to pass out the forms and make it work. I urge that body to adopt this amendment and enhance the ability of people to get registered with the least gasoline consumption. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Burrows' amendment to LB 446. All those in favor vote aye, opposed vote no. Have you all voted? Okay, record the vote.

CLERK: 10 ayes, 21 nays, Mr. President. 11 ayes, 22 nays, excuse me, on the motion.

SPEAKER MARVEL: The motion lost. Are there other amendments on the bill?

CLERK: Yes, sir, one final one, Mr. President. Senator Koch moves to amend the bill. "Page 61 line 20 and 21, reinsert the stricken language and strike Attorney General."

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, anytime this body in the past has placed a proposition to the people the language for that proposition was the domain of this body and the research arm. The committee has proposed that the Attorney General do this. I submit to you that this is not proper. We as a body by majority of our votes say that a constitutional amendment is placed to the people. We are the authors and we are those who amend and not only that but we come from certain districts and we are nonpartisan, at least

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that is what I have been led to believe. However, now we are going to say that the Attorney General who runs statewide and who oftentimes is in agreement with the executive because of close party affiliations will now make the determination how we are going to couch the language on the proposal to be placed before the people and I think what we are doing here is we are going to give up our responsibility and place it before the Attorney General. Now if there is a question on how the language should be phrased, I am certain this body and the research arm would go to the Attorney General and say, how do you think this is best phrased? I am not willing to give up this right that we have. I think it belongs to us. It is a part of our power. We are the legislative branch. We propose constitutional amendments. The Attorney General does not. He might advise us in terms of how we should put it but I don't believe this body wants to give this up to the Attorney General. I think we should maintain this privilege. It is ours. We put the constitutional amendments and we are people here who put intent into it by our debate and discussion. Therefore, from our debate and our discussion the research department should phrase it according to what they believe our debate to be, the intent of placing it to the people. As you know, when you put a vote to the people there are ways in which you can phrase it politically or for some other reason that would be misleading to the public when they vote on the amendment and I believe we should keep it where it is, right here with this body, the Executive Board of the Legislature because they are the people we elect to take care of our business in our absence and when we are here. So, Mr. Speaker and members of the body, what I am proposing to do is to reinsert the stricken language and to strike the Attorney General because I think we are giving away what is rightfully ours and we are a sovereign body constitutionally and I don't think we should ever give away a power which we rightfully deserve and should maintain. I ask you to support this amendment.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. Speaker and members of the Legislature, I certainly support the amendment offered by Senator Koch. There is no reason to believe that the Attorney General can do a better job than the Legislature in regard to writing these ballot proposals and I see no reason to, as Senator Koch has so eloquently stated, no reason to relinquish that power, that duty and that authority. I urge the adoption of the amendment.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. Speaker, haven't we already voted on this this morning? Is this not out of order to be discussing this now? Isn't this a reconsideration?

SPEAKER MARVEL: No.

SENATOR DWORAK: Well I am going to speak in opposition to Senator Koch on this particular amendment. How soon we forget Proposition 4, Senator Lamb, when we were all amending last summer, how deceptively worded that particular ballot proposition was and what kind of games were played by this body. Yes, we have a power but we have abused that power. Now whether the final solution is to take it out of this body or not, I don't know. That may not be the final solution but I think the point of the matter is the reason this issue is before us right now is because we abused it last year and I think you all recall that particular constitutional amendment and there wasn't anything wrong with that constitutional amendment. It is the way it was presented and the way the description was written and put on the ballot that came out of the Executive Board of this body. I think I remember the Governor saying that he would very aggressively support taking that away and putting it with another party. I believe some other people spoke very loudly on this issue last summer in this body as to what a sham that descriptive wording of that constitutional amendment was. Now the problem as I see it, and I am going to start waffling here because I have to waffle to remember to maintain an intellectual integrity, is that I am not so sure that the office of the Attorney General is any better or any worse than the Executive Board of this body. In fact, I am inclined to believe that maybe there is more political accountability with the Executive Board of this body than the Attorney General. There is only one problem on the other side. We become very emotionally involved in these issues and if a particular segment of the Executive Board happens to support one of these particular issues or oppose one of these particular issues it is very easy for them to use their influence to deceive the public. So I think when you look at the arguments pro and con on this a more neutral party may, in fact, be the way to go on this particular issue and as a result I am going to support the initial bill and oppose Senator Koch's amendment.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, I oppose the Koch amendment not so much on what has been said here this morning but this did come to the committee and to Mr. Beerman through the public and also a number of senators from this body who were unhappy with not just what was done last year.

We have had other amendments, constitutional amendments, that were worded cockeyed and it is pretty hard to vote when perhaps we can't even understand it when we are supposed to be knowledgeable about some of these issues. I don't know if the Attorney General is the person to do it. I would think that he would ought to have the ability to write up an idea without getting it so cluttered up that the public could not understand it. I don't know as it makes a great deal of difference whether we vote this up or down but I am just telling you the reasons why it is in there because there were complaints the way it has been done. So if you think those complaints are valid vote against the Koch amendment. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think I have to support Senator Koch's amendment. There is no assurance that the Attorney General would even know how to write up an amendment. I will give a concrete example. For the last forty years the Attorney General, Attorneys General, have been saying and mimicking like a parrot that legislators cannot get expenses during session. You know that. They have been saying, however, we can get them during the interim. Now that the Attorney General's feelings have been hurt through overriding the Governor's veto on LB 206, did you read what he said in an opinion to Senator DeCamp? That now the Constitution does apply to session and interim and those during the interim are probably unconstitutional also. How can you rely on somebody as changeable as that who has injected emotion, ego and personal considerations into the handling of what he has said is a clear constitutional issue with a clear constitutional answer? He is reversing everything all of those Attorneys General have said for forty years, forty-three years. That opinion, that first one, was issued the year that I was born, 1937, for those of you who may not be aware of that, forty-three years. So why should we trust the Attorney General? Suppose an issue were on the ballot related to the judiciary and the Attorney General is a lawyer, although the Constitution does not require him or her to be a lawyer. They have always been lawyers. How do we know that certain subtle pressures may not come to bear on that and the amendment is drawn in a way that anybody conversing with legal ease would understand but the lay person would not and the lay person could be made to feel from the way the amendment is drafted that it does not even concern the lay people anyway? I do not trust the Attorney General's office with this kind of power. As far as arguments that may occur within the Executive Board relative to the phrasing of an amendment, isn't that what the Executive Board is supposed to be about? A group of opinions

that cover the spectrum, isn't there supposed to be discussion and argument to clarify the issues and arrive at what is best? Isn't the Executive Board supposed to be a microcosm of the Legislature which is to be a microcosm of the populous as a whole? Everything is supposed to be condensed and distilled through the mind of the Attorney General, one person who cannot be relied on to even do the research which he or she is assigned to do right now in drafting opinions. Now I have a suggestion after I make one more comment. When the Omaha sales tax issue was put on the ballot it was drafted in such a way that people would not get the idea they were voting to extend the tax. They were made to look at the aspect of the amendment that said it would terminate in 1981. So what they thought they were voting, and I had people tell me this, was to end the tax and had they known that a no vote meant the tax would end right then, they would have voted no but it was craftily and artfully drafted by those in the city administration who wanted to keep that tax so they drafted the amendment to make people think they were voting as a matter of fact, to end the tax but it was to extend it for another year. They did not say you are voting to extend the tax for another year, you are voting to end it in 1981, giving the impression that if they did not vote for this amendment the tax would go on indefinitely. So there is chicanery if that is what you want to call it. There is sleight of hand if that is what you want to call it at all levels when people are assigned to do something that bears directly on what is of personal interest to them. Senator Dworak had suggested that it would be advisable to find a neutral party to do this. I am not certain, Senator Dworak, that it has been determined that anybody lives on Mars or Venus or if they did they would have any interest in drafting constitutional amendments for the State of Nebraska. Other than that I don't know where you could find such a neutral person. If you changed the word to neutralized I am not aware of anybody being able to bring them back from the dead and were they brought back from the dead I am not sure that they would not bring the same vices back with them that they took with them. So my recommendation, Senator Dworak, is that you assign me to do this. I have knowledge of the law. I have some facility with the use of language. I have never lost the common touch. Though I have not walked with kings I have talked to one president and we had a little confrontation and I think I would be able to grasp the significance and meaning of the amendment as passed by the Legislature in whatever bill authorized it. I would be able to select language that was clear, understandable by all of the people and which would embody the significance of the amendment. So we should defeat Senator Koch's amendment and although it would be...I mean we should accept Senator Koch's amendment which would defeat this idea of having

the Attorney General do it and then that having been done, you can assign the job to me or somebody like me who could handle it, but I know that will not be done. In all seriousness, the Legislature is able to assume this responsibility and I think it should stay right where it is unless a study could be undertaken to find a better alternative, but if one is to be found the Attorney General is certainly not that one.

SPEAKER MARVEL: Senator Vickers, do you wish to speak to the motion?

SENATOR VICKERS: Mr. President, I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, the issue before the Legislature is, shall debate cease. All those in favor vote aye, opposed vote no.

CLERK: 29 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. The Chair recognizes Senator Koch to close on his amendment.

SENATOR KOCH: Mr. Speaker, members of the body, oftentimes we bemoan the fact that we don't have certain kinds of privileges and powers and in this case I sincerely believe we are giving away a power which I think we have done very well. There have been occasional times I have looked at the proposition before us and I don't always agree with those propositions, how they are worded but it depends which side of the fence you are on. In this case of Proposition 4 that Senator Dworak mentioned, he was on one side. I was on the other. We debated it but that is not the first time Senator Dworak and I have been on opposite sides. We do that over state aid. We have done that over a couple of other issues but whatever Senator Dworak says about Proposition 4, the people defeated it, so obviously they could read it, thorough and efficient, just scared the dickens out of them and that is all they had to have. If I had been biting at a little thing I would have explained thorough and efficient. First of all we would have efficiently spent our tax dollars. We would have had a thorough system of education. Please vote for or against it. But I think the people would have passed that but see we did not give them full explanation. Now Senator Dworak is on the Executive Board and I am sorry because I nominated him to get that position. Now here is a responsible member of the Executive Board who suddenly wants to waffle around between that and the Attorney General and he uses Proposition 4 as an example. Senator Lamb was not for Proposition 4 and I respect his opinion but Senator Lamb was up defending my amendment because he is the chairman of the Executive Board. The Executive Board represents us all.

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We elect those people and I think for us to say we want to give it to the Attorney General because maybe a couple words have not been to our liking in propositions is folly. We should maintain this. It is a privilege for us to word it. We debate it. Our intent is here and if the Executive Board has a question on wording, they can seek the advice and counsel of the Attorney General. They can seek it but we don't have to give it to him to make the determination because we have no choice then and as far as the members of this body are concerned, I only advise you. If we want to give away or erode our powers further than what we do right here, is vote to maintain the present language of the bill. If we want to maintain our privilege and our power, then you support my amendment because I think that is where it should rest, with us. We are the authors of propositions, therefore, we should have the right to put them in words we think are correct and appropriate and fair to the public regardless of what side of the issue we are on in terms of constitutional amendments. I ask for the adoption of my amendment. Thank you.

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

CLERK: 27 ayes, 5 nays on adoption of Senator Koch's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Kahle, do you want to move the bill?

SENATOR KAHLE: Mr. Speaker, I move LB 446 as amended to E & R initial.

SPEAKER MARVEL: You have heard the motion. All those in favor vote aye, opposed vote no. A record vote has been requested. Record the vote.

CLERK: (Read record vote as found on page 995 of the Legislative Journal.) 35 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some other items on the desk?

CLERK: Yes, sir, I do. Mr. President, Senator Lowell Johnson requests, asks to be excused tomorrow.

Mr. President, I have certain gubernatorial appointments from the Governor. (See page 996 of the Legislative Journal.)

Senator Sleck asks unanimous consent to add his name to 423 as cointroducer.

March 23, 1981

LB 17, 47, 56, 79, 84, 151,
220, 224, 313, 446, 485, 544.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence?

CLERK: Mr. President, Senators Fitzgerald, Koch, Howard Peterson, Wagner excused; Beutler, Cullan, Gc11, Hoagland and Vard Johnson until they arrive.

PRESIDENT: While we are waiting for those to register their presence, the Chair would like to recognize from Senator Sieck's District, seven students from Benedict High School, Bud Exstrom, their teacher. They are up here in the north balcony. Would you folks stand up and be recognized. Welcome to your Legislature. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: No, sir, there are no....

PRESIDENT: The Journal then stands correct as published. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, the committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 17 and recommend that LB 17 be placed on Select File, LB 446 Select File with amendments. (Signed) Senator Kilgarin. (See pages 1050 and 1051 of the Legislative Journal.)

Mr. President, your committee on Public Works whose Chairman is Senator Kremer, reports LB 224 to General File with amendments, 485 General File with amendments, 544 General File with amendments and LB 79 indefinitely postponed. (Signed) Senator Kremer as Chair. (See pages 1051 and 1052 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 47 and find the same correctly engrossed; 56, 84, 151, 220, 313, all correctly engrossed. (Signed) Senator Kilgarin.

I have a report from the Legislative Accountant regarding legislative employees. It will be inserted in the Journal. (Page 1052 of the Journal.)

March 26, 1981

LB 17, 446

SPEAKER MARVEL: Senator Stoney, do you wish to discuss the advancement of the bill? Machine vote? Okay. The motion before the House is the advancement of LB 17 to E & R for engrossment. A machine vote has been requested. All those in favor of advancing the bill vote aye, opposed vote no. The motion is to advance the bill. Record the vote.

CLERK: 29 ayes, 4 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Okay the next item of business is LB 446 on Select File.

CLERK: Mr. President, LB 446 does have E & R amendments pending.

SENATOR KAHLE: Mr. President, I move the E & R amendments to LB 446.

SPEAKER MARVEL: Is the motion to adopt the E & R amendments? Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I have an amendment on the desk, Pat.

SPEAKER MARVEL: The motion first of all is the adoption of the E & R amendments.

SENATOR DWORAK: I rise...a point of...I would like to ask the Chair a question. I would like to...how many E & R amendments are there? I would like to strike E & R amendment #7 and I was wondering if we could divide the question on the E & R amendments or would it be better, Pat, to accept all E & R amendments and then go with the...

CLERK: Senator, I think if we adopt E & R your amendment will take care of the E & R amendments then.

SENATOR DWORAK: All right, okay, very good. I have no objection to E & R amendments.

SPEAKER MARVEL: Okay, the motion before the House is the adoption of the E & R amendments to LB 446. All those in favor of adopting the E & R amendments say aye, opposed no. The motion is carried. The E & R amendments to LB 446 are adopted.

CLERK: Mr. President, Senator Dworak now moves to amend the bill. "Strike the Koch amendment in the Journal on page 995 and E & R amendment #7, page 61, in lines 20 and 21 reinstate the stricken matter and in line 21 after the 'reinstated council' insert 'and approved by the'." That is offered by Senator Dworak.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, this amendment was brought to me by the Secretary of State, Allen Beerman and he indicated to me that we have some constitutional problems with the bill and that, in fact, the Legislature shall write this wording but it would be no problem if the Legislature wrote it and then sent it to the Attorney General for approval. Essentially that is what the amendment does.

SPEAKER MARVEL: Senator Chambers, we are on the Dworak amendment to LB 446.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, would Senator Dworak tell me again what his amendment does? I was somewhat distracted.

SENATOR DWORAK: The amendment reinstates the original wording that the Legislature shall, the council shall write the descriptive wording and it then provides for the Attorney General to approve that wording, send it to him for his approval rather than allow him to write the descriptive wording, period, as Senator Koch desired a couple of weeks ago.

SENATOR CHAMBERS: Senator Dworak, does mean that the Attorney General has veto power over what the Legislature determines the wording should be?

SENATOR DWORAK: Senator Chambers, the way it is worded I can't answer that question. It just asks for his approval. I read nothing in there that if he does not approve it that that wording will not hold but...and that is important for the record but I don't see the word approval as veto power but I think it is a good point and the way I read it, no.

SENATOR CHAMBERS: Senator Dworak, if the Attorney General can approve or disapprove, and it will not make any difference as to the language accepted by the Legislature, why have this amendment?

SENATOR DWORAK: Well it is striking the original Koch amendment that would have allowed the Attorney General to write the wording, period, instead of the Legislature. This is putting it back into the Legislative Council jurisdiction.

SENATOR CHAMBERS: Let me get clear then, the Koch amendment took the power from the Attorney General to write the amendment. Do you agree with that?

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LB 446

SENATOR DWORAK: It was my understanding the Koch amendment took the power away from the Legislature and gave it to the Attorney General.

SENATOR CHAMBERS: No, he took it from the Attorney General and left it with the Legislature. So, if that is true, would you withdraw your amendment then?

SENATOR DWORAK: If that is true I would withdraw my amendment. That was not my understanding. I thought that we took it from the Legislature and gave it to the Attorney General in the Koch amendment.

SENATOR CHAMBERS: May I ask for a clarification that Senator Koch state or Senator Kahle, just so that it is clear, what the state of the bill is?

SENATOR KAHLE: Senator Chambers, in the bill we had specified that the Attorney General would write the language. Senator Koch's amendment would take it back and give it to the Executive Board. What I thought Senator Dworak was trying to do was to have the Executive Board write it and then have it approved and I think that is what you thought it was, by the Attorney General, which in my estimation would give him veto power over it. Now if Senator Dworak has other ideas and wants to withdraw it, well then we are back to the Executive Board writing the constitutional amendment and that is it.

SENATOR CHAMBERS: For the rest of my time, Senator Dworak, such being the case, that the writing of the language is the Legislature's prerogative, are you willing to withdraw your amendment then, and if so, I don't have anything else to say. If not, I would oppose your amendment.

SENATOR DWORAK: That is my understanding and I will withdraw the amendment.

SPEAKER MARVEL: Is there any objections to the withdrawal? Hearing none, so ordered.

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

SPEAKER MARVEL: Senator Koch. No, Senator Kahle, I'm sorry. Senator Kahle, do you want to move the bill?

SENATOR KAHLE: Mr. President, I think we understand what the bill does. It is important to get it passed in a hurry so that these regulations can be used in the coming up primary election so I, therefore, move LB 446. Now it needs the

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LB 446

emergency clause. Pat, does it have the emergency clause on it?

CLERK: Senator, let's see. Yes, sir, it does.

SENATOR KAHLE: So we need no further action rather than just move the bill?

CLERK: I do not believe so, Senator. The emergency clause is still on it I think, Senator.

SENATOR KAHLE: Okay, thank you. Then I move LB 446 with the emergency clause to E & R for engrossment.

SPEAKER MARVEL: The motion is to advance 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 advanced.

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LB 17, 132, 351, 446

SENATOR MARSH: May we go to lunch?

SPEAKER MARVEL: The Clerk has some items to read in and then we will go. So if you would like to go, that is fine. Go ahead.

CLERK: Mr. President, Government Committee will meet underneath the North balcony right now. Government Committee, Senator Kahle says right now.

Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and engrossed LB 17 and find the same correctly engrossed, 351 correctly engrossed, 446 correctly engrossed. (Signed) Senator Kilgarin.

Senator Kremer would like to print amendments to LB 132 in the Journal, Mr. President. That is all I have.

SPEAKER MARVEL: Senator Marsh, do you want to recess until 1:26 p.m. 1:36 p.m., I am sorry.

SENATOR MARSH: I move we recess until 1:36 p.m.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are recessed until 1:36 p.m.

Edited by Arleen McCrory
Arleen McCrory

April 6, 1981

LB 174, 351, 446, 125
384, 407, 427, 427A,
157, 157A, 200

Mr. President, your Enrolling Clerk has presented to the Governor LBs 174, 351, 446 and 125.

Mr. President, I have a report of certain Gubernatorial appointments from the Public Health and Welfare Committee that will require legislative approval.

Mr. President, finally Senator Beutler would like to print amendments to 384 in the Journal.

SPEAKER MARVEL: Senator Kilgarin, do you have a list of bills? The Clerk will announce to you and then we can go from there. 407 is the first one.

SENATOR KILGARIN: I move that LB 407 be advanced to E & R for Engrossment.

SPEAKER MARVEL: 407? All those in favor of advancing the bill say aye, opposed no. The motion is carried, the bill is advanced. Next, 427.

SENATOR KILGARIN: I move LB 427 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, bill is advanced. 427A.

SENATOR KILGARIN: I move LB 427A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. 157.

SENATOR KILGARIN: I move LB 157 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 157A.

SENATOR KILGARIN: I move LB 157A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 200.

CLERK: Mr. President, I have a motion from Senator Carsten on LB 200.

April 10, 1981

LB 483, 205, 328, 446

SENATOR CLARK: Everyone will check in, please. Will you all check in, please. Senator Burrows, Senator Warner, Senator Cullan, Senator Kilgarin, Senator Cope. Senator Cope, will you check in, please. Senator Beutler, Senator Warner, would you check in, please. Senator Rumery. Senator Warner and Senator Rumery. Senator Rumery, will you check in, please. Call the roll.

CLERK: (Read roll call vote as found on page 1398 of the Legislative Journal.)

SENATOR CLARK: We have five members from the Communications Workers of America in the North balcony. Will you hold up your hands so we can see where you are, please. There they are. Welcome to the Legislature.

CLERK: Mr. President, Senator Dworak voting yes.

SENATOR CLARK: We also have six students from rural District #4, Antelope County is Senator DeCamp's county. Mrs. Scranton is the teacher. They are in the North balcony. Will you hold up your hands, please. Welcome to the Legislature.

CLERK: 17 ayes, 21 nays, Mr. President, on the motion to return.

SENATOR CLARK: The motion failed. Do you have anything further on the bill?

CLERK: I do not.

SENATOR CLARK: Senator Kilgarin. Senator Labedz, do you want to readvance the bill. I'm sorry, it has been readvanced. We will go to item #5, Select File. The first bill, LB 298.

CLERK: If I may, right before we do that, a few items to read in.

SENATOR CLARK: Go right ahead.

CLERK: Senator Schmit would like to print amendments to LB 328. (See pages 1398-1401 of the Legislative Journal.)

I have Attorney General's opinions, one addressed to Senator Chambers regarding LB 205, one to Senator Marsh regarding LB 446, one to Senator Chambers regarding the City of Omaha's use of eminent domain. (See pages 1401-1408 of the Legislative Journal. Senator Kremer would like to be excused Monday and Tuesday.