

January 20, 1981

LB 245, 452-467

Senator Schmit, I have to close with this, you mentioned surplus of teachers. You had better look at the record today. There is not a surplus, only in a very few fields. In fact, there are shortages developing and by mid 1980's there are going to be very severe shortages for a number of reasons, and the Education Committee does not control the number of people who matriculate in a standing college. That is only controlled by the Regents and you know that. If you want to talk about surpluses, my figures show there are eight hundred and some veterinarians in this state and the veterinarians tell me that is a surplus. So let's get down to the issue. Is it Education or isn't it, and I request that the bill be rereferenced to the Education Committee. Thank you.

CLERK: Mr. President, the motion is that LB 245 be rereferred from the Agriculture and Environment Committee to the Education Committee.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Call the roll, Mr. Clerk.

CLERK: (Roll call vote taken as found on page 287 of the Legislative Journal.)

SPEAKER MARVEL: Legislators, you are still supposed to be in your seats. The Clerk did not announce the vote.

CLERK: 19 ayes, 26 nays, Mr. President, on the motion.

SPEAKER MARVEL: Motion lost. I will raise the Call in just a minute. I want to make an announcement to the Chairmen. If you have hearings that are going to be heard next week, you have to get your notices in today. Okay, the Call is raised.

CLERK: Mr. President, new bills. (Read LB 452-467 by title. See pages 287-291 of the Legislative Journal.)

PRESIDENT: Senator Cullan, Public Health and Welfare Committee, Senator Cullan. Senator Cullan, the Public Health and Welfare Committee will meet at two o'clock. Senator Cullan, do you have a place? I can't get his attention. Senator Cullan, where do you want the meeting? I have already announced it at two o'clock. Do you want it underneath the...? Pardon? The Exec Board will meet in Room 1520 at two o'clock. Okay, 1517 for the Exec Board, two o'clock.

PRESIDENT: Okay, the Clerk will continue to read in bills for about ten minutes and then we will recess until about three-thirty.

March 19, 1981

LR 26, 28, 30 - 32, 35 - 39  
LB 116, 230, 245, 245A, 248, 351,  
367, 381, 424, 463, 484, 511

PRESIDENT LUETDKKE PRESIDING

PRESIDENT: Prayer by Dr. Randall Sailors, First United Methodist Church, Waverly, Nebraska.

DR. RANDALL SAILORS: (Prayer offered.)

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

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

CLERK: There are no corrections to the Journal, Mr. President.

PRESIDENT: The Journal stands 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 245 and recommend that same be placed on Select File with amendments; 245A Select File; 351 Select File with amendments. Signed Senator Kilgarin as Chair.

Mr. President, your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler reports 424 to General File; 248 to General File with amendments; 463 to General File with amendments; 367 Indefinitely postponed. All signed by Senator Fowler as Chair.

Mr. President, your committee on Appropriations whose Chairman is Senator Warner reports LB 381 to General File with amendments; 116 as indefinitely postponed; 484 as indefinitely postponed. All signed by Senator Warner as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 230 to General File with amendments; and LB 511 to General File with amendments. Signed Senator Kremer as Chair.

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 245. That will be inserted in the Journal. (See page 1015.)

I have a series of resolutions ready for your signature, Mr. President, LRs 26, 28, 30, 31, 32, 35, 36, 37, 38, and 39.

April 13, 1981

LB 248, 463

SENATOR REMMERS: Mr. Speaker, members of the body, I would like to just make a few comments. I am a little bit reluctant because you might say it is sort of a special interest bill but I will assure you it is not going to affect my pension very much but I do think that we need to make some adjustments in teacher retirement benefits. I think first if we look at comparison with other states, I believe of the entire midwest, we rank at the bottom, and when on top of that you add the fact we probably rank about 35th in salaries, and Nebraska is not a poor state. I believe generally we rank somewhere in the middle or above average on personal income so we are not a poor state. I think we can afford to pay the teachers and I think they are entitled to a better retirement figure than they have. As a superintendent of a small school, I know I have seen many young men that have been in the teaching profession for a few years and the good ones don't stay very long. They drop out because there isn't any future and I think currently with the lid that we have had the last couple of years I think we need to do something to encourage people to get into the education business, to become teachers. They have become very discouraged the last couple of years with the future for Nebraska and I don't think we can afford to do that. I think we owe our children better than that and I would encourage you to support this bill. I think we still will not rank very high as far as teacher benefits are concerned. I think this is a very modest improvement and I would urge you to support it.

SPEAKER MARVEL: The motion is the advancement of LB 248 as explained. Senator Wiitala, do you wish to close?

SENATOR WIITALA: Mr. Speaker, I would just move to advance LB 248.

SPEAKER MARVEL: All in favor of that motion vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. Next bill, 463.

CLERK: Mr. President, LB 463 (Read title). The bill was read on January 20, referred to Retirement. It was advanced to General File. I do have committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Fowler.

April 13, 1981

LB

463, 381

SENATOR FOWLER: LB 463 is a simple bill. It says that people who work beyond the normal retirement age should be able to contribute to a retirement plan up to the age they choose to retire or are required to retire. The bill was introduced to provide uniformity in this area for all retirement systems but a question was raised with regards to the area of public safety, that is, police and fire service, and it was felt that in fact this principle we may not want to extend as broadly to police and fire as we do other areas so the committee adopted an amendment that remove police and fire from this of the primary cities and the first class cities and leave the law as is in those areas. I would move for adoption of that amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment as explained by Senator Fowler. All those in favor vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendment is adopted. Senator Fowler.

SENATOR FOWLER: Mr. Chairman, I would move that the bill be advanced. As I indicated it simply establishes for all the remaining retirement systems the principle that if you work beyond age 65 to say age 70, you work beyond the normal retirement age, you should be able to contribute, continue to contribute to a retirement plan, and then when you retire, the benefits would reflect that contribution. So I would move advancement of LB 463.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We are voting on the advancement of LB 463. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record.

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

SENATOR NICHOL: The bill is advanced. We will move on to LB 381.

CLERK: Mr. President, LB 381 (Read title). The bill was read on January 19, referred to Appropriations. The bill

April 15, 1981

LB 11, 40, 184, 248,  
334, 334A, 346, 379,  
392, 463, 479

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer this morning will be given by Dr. Al J. Norden, Pastor at the University Lutheran Chapel, 15th and Q Streets since 1951.

DR. AL J. NORDEN: (Prayer offered.)

SPEAKER MARVEL: Please record your presence.

CLERK: Mr. President, Senators DeCamp and Beyer would like to be excused for the day; Senators Hoagland, Wesely, Wiitala and Cullan until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? We still need a vote. Record.

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

SPEAKER MARVEL: Do you have anything under item #3.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 11 and recommend that same be placed on Select File with amendments; 346 Select file with amendments; 334 Select File; 334A Select File; 248 Select File with amendments; 463 Select File with amendments. All signed by Senator Kilgarin as Chair.

Mr. President, an Attorney General's opinion addressed to Senator Richard Peterson regarding LB 184. That will be inserted in the Journal. (See pages 1476 and 1477.)

I have a report from the Department of Administrative Services to do with communications. That will be on file in my office, Mr. President.

And, Mr. President, LBs 40, 379, 392, and 479 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 LB 40, LB 379, LB 392, LB 479. We are now ready for item #4, Final Reading. Will all legislators please take their seats, unauthorized personnel please leave the floor? We cannot proceed until all legislators are in their seats. We are still waiting for all legislators to leave your group and go to your seat so we can proceed with Final Reading. Will the whip in the back of the room please

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LB 248, 248A, 463

the educational system of the State of Nebraska, students of the State of Nebraska could qualify earlier with the amendment. It simply takes care of those people who are working now. It is not retroactive. It does not go back and pick up teachers who are now retired from their various systems. It picks up those who are now teaching but plan to retire at the end of this particular school year. I would urge your support for the amendment. Thank you.

SENATOR CLARK: Senator Koch, did you want to speak on the Barrett amendment? All those in favor of the Barrett amendment vote aye, those opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: 28 ayes, 0 nays.

SENATOR CLARK: The Barrett amendment is adopted. Do you have anything further on the bill?

ASSISTANT CLERK: There is nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 248.

SENATOR CLARK: The motion is to advance 248. All those in favor say aye, opposed nay. The bill is advanced. LB 248A.

CLERK: Mr. President, I have nothing on 248A.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 248A.

SENATOR CLARK: The motion is to advance LB 248A. All those in favor say aye, all those opposed nay. The bill is advanced. LB 463.

CLERK: Mr. President, there are E & R amendments to LB 463.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendment to 463.

SENATOR CLARK: The motion is the adoption of E & R amendments

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LB 463, 381

on 463. All those in favor say aye, opposed nay. They are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 463.

SENATOR CLARK: The motion is the advancement of 463 to E & R. All those in favor say aye, all those opposed say nay. The bill is advanced. LB 381.

CLERK: There are E & R on 381, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 381.

SENATOR CLARK: The motion is the adoption of the E & R amendments to 381. All those in favor say aye, all those opposed say nay. The E & R amendments are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 381.

May 6, 1981

LR 109 - 111  
LB 146, 190, 334, 334A,  
463

CLERK: (Roll call vote taken. See pages 1792 and 1793, Legislative Journal.) 19 ayes, 13 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and find the same correctly engrossed; LB 334 correctly engrossed; LB 334A correctly engrossed; and LB 463 correctly engrossed. All signed by Senator Kilgarin.

Mr. President, LR 109 calls for a study by the Administrative Rules Committee to study the processes followed by state government in securing federal funding for various projects. LR 110 by the Administrative Rules calls for a study of the administrative practices of agencies, boards and commissions. LR 111 by the Administrative Rules Committee calls for a study to investigate two statutory procedures under which to litigate a claim against the State of Nebraska.

SPEAKER MARVEL: We have seven amendments to this bill. The Clerk will read the first amendment.

CLERK: Mr. President, the first amendment is offered by Senators Beutler and Hoagland. Would you like me to read it, Senator?

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I will try to be brief. This amendment does not have broad implications but I think it is although small an important amendment and I think it can be best explained by giving an example. Remember now that our Natural Resource Districts are divided into twenty-four districts and that geographically they are divided based on surface water divisions. Now when one NRD establishes a control area, it may very well be that the boundaries of that control area will be adjacent to and contingent to the boundaries of some other NRDs and it is also very likely that the aquifer underlying that control area will also underlie those adjoining NRDs and the result that you can have is that one NRD can establish a control area and control the taking out of water in its particular part of the aquifer but right across the jurisdictional boundary in the same aquifer there may be no control area and the result is that you are punishing and giving a disincentive for the establishment of a control area because they will say, "Well,



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LB 334A, 463, 248, 248A

pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1992, Legislative Journal.) 42 ayes, 0 nays, 3 excused and not voting, 4 present and not voting, Mr. President.

PRESIDENT: Motion carries. LB 334A is passed with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 463.

CLERK: (Read LB 463 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 463 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1993, Legislative Journal.) 42 ayes, 1 nay, 3 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 463 passes. The next bill on Final Reading is LB 248, Mr. Clerk.

CLERK: (Read LB 248 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 248 pass with the emergency clause attached? Record the vote.

CLERK: (Record vote read. See page 1994, Legislative Journal.) 41 ayes, 2 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 248 passes with the emergency clause attached. The next bill on Final Reading is LB 248A.

CLERK: (Read LB 248A on Final Reading.)

PRESIDENT: All provisions relative to procedure having been complied with, the question is, shall LB 248A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1994 and 1995, Legislative Journal.) 40 ayes, 2 nays, 3 excused and not voting, 5 present and not voting, Mr. President.

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LB 248A, 318, 334, 334A,  
LB 184, 118, 129, 190, 248,  
LB 463, 487

at Arms will secure the Chamber. All members who are not at their desks will return to their desks. All members will record your presence. The House is under Call. The House is under Call. Senator Goodrich, Senator Wagner. Senator Haberman is right here. Senator Labedz, Senator Pirsch. We can take call in votes, Mr. Clerk, yes.

CLERK: Senator Fowler voting yes. Senator Kremer voting yes. Senator Marsh voting no. Senator Wagner voting no. Senator Labedz voting yes.

PRESIDENT: All right, record the vote.

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: All right. The motion carries and LB 184 is advanced to E & R Initial. You want to read some material in, go ahead, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 487 in the Journal.

Mr. President, LBS 190, 334, 334A, 463, 248 and 248A are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 190, LB 334, LB 334A, LB 463, LB 248 and LB 248A.

CLERK: Mr. President, an announcement from the Public Works Committee regarding an executive session to discuss interim study resolutions.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 129 and recommend that same be placed on Select File with amendments; LB 118 Select File; and LB 318 Select File with amendments; all signed by Senator Kilgarin as Chair.

May 18, 1981

LB 11, 11A, 113, 113A, 228, 266,  
266A, 296, 296A, 310, 328,  
328A, 334, 334A, 369, 381, 384,  
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Salverda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 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, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at