

January 20, 1981

LB 3, 278, 468-489

CLERK: Mr. President, new bills. (Read LB 468-489 as found on pages 291-297 of the Legislative Journal.)

Mr. President, your committee on Urban Affairs gives notice of public hearing for February 4, 11 and 18, 1981.

Mr. President, the Business and Labor Committee would like to meet underneath the North balcony at 2:00 p.m.

Mr. President, Senator Chronister would like to have his name added to LB 3 as co-introducer.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, Senator Warner offers proposed rules change which will be submitted to the Rules Committee for their consideration. (See pages 298-300 of the Journal.)

Mr. President, Senator Wesely gives notice of Rules hearing scheduled for January 27.

Mr. President, Senator Hefner and Howard Peterson want to add their name to LB 278.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, I believe that is all that I have.

SPEAKER MARVEL: Senator Rumery, do you want to recess us until three-thirty?

SENATOR RUMERY: One-thirty?

SPEAKER MARVEL: Three-thirty. The motion is to recess until three-thirty. All those in favor say aye, opposed no. The motion carried. We are recessed until three-thirty.

Edited by:


Mary A. Turner

March 13, 1981

LB 13, 76, 83, 204A, 254, 309,
391, 427, 455, 472, 498, 136

CLERK: ...your committee on Education whose chairman is Senator Koch reports LB 309 to General File; LB 427 to General File; LB 455 to General File; LB 472 to General File; LB 498 to General File with amendments; LB 13 as indefinitely postponed; LB 254 indefinitely postponed; and LB 391 as indefinitely postponed, all signed by Senator Koch as Chair.

Mr. President, Senator Wagner would like to print amendments to LB 204A. (See pages 899 of the Legislative Journal.)

PRESIDENT: One more time, if everyone will be at their desks we will commence Final Reading. Would all members please get to your desks so we can start Final Reading. As soon as everyone is at his or her desk we will begin. All right, we will begin, Mr. Clerk. The first bill on Final Reading is LB 76.

CLERK: (Began reading LB 76 on Final Reading.)

PRESIDENT: Yes, for what purpose do you arise, Senator Chambers?

SENATOR CHAMBERS: This bill, Senator DeCamp and I had talked about it. Can we lay it over a day? There are some amendments that are going to be offered and we don't want to try to do it now and the other bills can go ahead and be read?

PRESIDENT: Mr. Speaker, what do you wish to do with...? Under these circumstances? Is that all right? All right, the Speaker says it is all right, Senator Chambers. We will just pass over the LB 76 and commence then with LB 83, Mr. Clerk.

CLERK: (Read LB 83 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 83 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 901 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 83 passes with the emergency clause attached. The next bill on Final Reading is LB 136.

CLERK: (Read LB 136 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 136 pass. All those in favor vote aye, opposed nay. Record the vote.

May 1, 1981

LB 472

E and R Initial. The next bill on the consent calendar is LB 472.

CLERK: Mr. President, LB 472 offered by Senator Peter Hoagland. (Read title.) The bill was read on January 30, referred to the Education Committee. The bill was advanced to General File, Mr. President. I do have an amendment from Senator Hoagland pending that is found on page 1673 of the Journal.

PRESIDENT: All right. The Chair recognizes Senator Hoagland speaking to the Hoagland amendment.

SENATOR HOAGLAND: Mr. President and colleagues, let me first describe in a sentence what the bill does. The bill continues the authority that the State Board of Education has to purchase liability insurance for the Commissioner of Education and members of the State Board, to protect them in the event that they are sued for actions taken in the official line of business. Now the amendment that I am offering would also permit the judicial branch to purchase liability insurance for judges and court employees so that if they are sued pursuant to an official action taken, why they can be then covered by insurance if the judiciary decides to purchase liability insurance for them. Now the reason for this amendment is that there presently is a court employee, and I believe it is an associate county judge but I am not sure of that, who is currently being sued for actions that that particular person took as part of his or her official responsibilities, and there is currently a question now as to whether that person is going to be defended by the Attorney General's office. Now what this amendment would do is it would authorize the judiciary if it wishes to purchase liability insurance to cover the judges and cover court employees in that kind of a situation. The underlying bill authorizes the Department of Education to purchase liability insurance to protect employees and the Commissioner and members of the State Board of Education. So I would ask your adoption of the amendment and advancement of the bill. Thank you, Mr. President.

PRESIDENT: Any further discussion on the Hoagland amendment to LB 472? Senator Hoagland, that will be your closing and the motion before the House is the adoption of the Hoagland amendment to LB 472. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the Hoagland amendment, Mr. President.

PRESIDENT: Motion carries. The Hoagland amendment is adopted.

May 1, 1981

LB 472

Senator Hoagland, are there any further motions?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: All right, Senator Hoagland, you may address the bill and then Senator Koch is next.

SENATOR HOAGLAND: The bill as amended now is strictly permissive. It permits the State Department of Education to purchase liability insurance to protect members of the Board and the Commissioner and employees. It also now as amended permits the judicial branch to purchase liability insurance in the event that judges or employees of the judiciary are sued. It is strictly permissive and does not appropriate any funds for any such purchase or anything like that. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Koch. All right, any further discussion then on the advance of LB 472? Senator Hoagland, any further word, any closing? Closing waived. The question before the House is the advance of LB 472 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: The motion carries and LB 472 is advanced to E & R Initial. Before we go to the next bill, just a note for your attention if you will get your consent calendar list on the first page, on the front page, LB 302 and LB 441 have also been deleted. 302 and 441, add those to the deleted bills. The next bill on the consent calendar.... Senator Koch.

SENATOR KOCH: Point of personal privilege, Mr. Chairman.

PRESIDENT: All right, state your point.

SENATOR KOCH: I want to remind all my good friends on this floor who are of German heritage today is May Day and don't forget to deliver your May baskets in remembrance of that particular day. Seldom do the Germans ever get an opportunity on this floor to express the fact that it is probably one of the most proud nations, one of the most forward, progressive and one of the most scientific groups of people I have ever known, great integrity, character and honor, in honor of all of us Germans. Thank you.

PRESIDENT: We will go on to the next....I also might say, it's not only May Day, it's 18 days until sine die, so we

May 4, 1981

LR 76
LB 12, 99, 228, 257, 361, 385,
LB 561, 428, 451, 472, 472A, 501

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands? I don't see them. Now I do. All those wishing to cease debate will vote aye, opposed no. Have you all voted to cease debate?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you want to close?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, in all due respect to my distinguished colleagues, Senator Warner and Senator Marsh, since the legislative intent has been placed in the record by their remarks as far as the responsibility to the duties of the Performance Review and Audit Committee, I would respectfully withdraw my amendment at this time. Thank you.

SENATOR CLARK: It is withdrawn. Do you have anything else on the bill?

CLERK: Mr. President, if I may read some matters in right before?

SENATOR CLARK: You go right ahead.

CLERK: Mr. President, a new resolution, LR 76 calling for a study offered by Senator Hoagland. (Read LR 76 as found on page 1724 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 12 and recommend that same be placed on Select File; 501 Select File; 472 Select File with amendments; 451 Select File with amendments; 428 Select File with amendments; 472A Select File; 99 Select File with amendments; 385 Select File with amendments; 361 Select File with amendments. 228 Select File. (See pages 1725-1726 of the Journal.)

And Senator Remmers would like to print amendments to LB 257, Mr. President. (See pages 1726-1727 of the Journal.)

Mr. President, the next motion I have on LR (sic) 561 is a motion by Senator Landis to reconsider the body's action in adopting the Kremer-Schmit amendment to LB 561.

SENATOR CLARK: Senator Landis.

May 6, 1981

LR 95 - 100
LB 35, 76, 472

RECESS

SENATOR CLARK PRESIDING

SENATOR CLARK: While we are waiting for you to register in, I would like to announce there is 22 students from Superior, Nebraska, juniors and seniors of the high school there. Gary Kile is their teacher. They are in the North balcony. Will you stand up and be recognized? Welcome to the Unicameral. Would everyone record in please? Will everyone push their green button please? Senator Goodrich, Senator Cullan. Has everyone registered their presence please? Record.

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

SENATOR CLARK: We are still on LB 3. We have got some things to read in first before we continue.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 35 and LB 76.

Mr. President, study resolutions, LR 95 by the Telecommunications Committee calls for a study of a comparison of Nebraska's system with other states especially the State of Washington which has been a figure of leadership in State Telecommunications. LR 96 by Senators DeCamp, Wesely and Fowler. The purpose of the study being to study the energy crisis and how to resolve same. LR 97 offered by Senator Clark. The purpose of the study is to consider all aspects concerning the taxation of motor vehicle fuels when used for food processing, especially Hexane, a highly combustible motor vehicle fuel. LR 98 by Senator Maresh. The purpose of the study is to investigate possible shortage of nurses and other health care personnel in Nebraska's rural and urban areas. LR 99 by Senators Fowler, Rumery, Schmit, Goodrich, Cullan and Warner calls for a study of mandatory retirement ages for public employees of the State of Nebraska and its political subdivisions. LR 99...LR 100 offered by the Retirement Committee. The purposes of the study is to consider the various aspects of retirement plans for public employees in the state.

Mr. President, finally, Senator Hoagland would like to print amendments to LB 472 in the Journal.

SENATOR CLARK: Is that all you have got?

CLERK: Yes, sir.

May 8, 1981

LB 472

for the day I wanted to remind all my fellow colleagues that this coming Sunday is Mother's Day and that we all remember our wives and mothers on Mother's Day. And I also want to thank those of you who for the past year who have been calling me Mother, and for the beautiful roses. I was teasing Tom Fitzgerald that all year long he calls me Mother, but two days before Mother's Day he started calling me something else. So I do want to thank you for the roses and thank you for honoring me and calling me Mother.

SPEAKER MARVEL: Senator Cullan, are you in the room? Senator Koch, your light is on.

SENATOR KOCH: Yes. I want the body to know that the nickname we have given to Senator Labeledz, Mother, is appropriate now since she is carrying an amendment dealing with machine guns. So we call her Ma Barker now.

SPEAKER MARVEL: Okay, we will try 472 first and see how we do. Go ahead, Mr. Clerk.

CLERK: Mr. President, LB 472, there are E & R amendments.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 472.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Hoagland moves to amend the bill. (Read the Hoagland amendment.)

SENATOR HOAGLAND: Mr. Speaker and colleagues, this amendment is purely of a technical nature. It simply corrects a drafting error in line 9 of an amendment we attached on General File, to change the word "court" to the word "state", and I would ask your adoption of that amendment. Thank you.

SPEAKER MARVEL: Okay....the first order of business is the adoption of the Hoagland amendment to 472. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the motion to adopt the Hoagland amendment, Mr. President.

SPEAKER MARVEL: The motion is carried, the amendment is adopted.

May 8, 1981

LB 472, 472A, 451

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

SPEAKER MARVEL: Do you want to move advancement of the bill?

SENATOR HOAGLAND: I move to advance the bill.

SPEAKER MARVEL: All those in favor of advancing 472 say aye. Opposed no. Motion carried. Now, Senator Hoagland, do you want to advance the A bill?

SENATOR HOAGLAND: Yes. I would move to advance the A bill, Mr. Speaker.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. Senator Cullan. Motion is carried. The A bill is advanced.

CLERK: Mr. President, there are E & R amendments to LB 451.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 451.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Cullan has an amendment to the bill found on page 1683 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Okay, Mr. President, this is a technical amendment brought to us by the Department of Health. As I understand it's a drafting error, this section of the bill is contained in one section and it should have been in there twice or something, but I guess this amendment and the next one are both technical and don't change the intent of the bill at all. The intent of the bill is to....I will go into that after the amendments are adopted.

SPEAKER MARVEL: The motion before the House is the adoption of the Cullan amendment number one. All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 27 ayes, 0 nays on adoption of the Cullan amendment, Mr. President.

SPEAKER MARVEL: Okay, the motion is carried. The amendment is adopted. Now we are ready for amendment number two.

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

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

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 22, 1981

LB 472A, 389A, 472

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to suspend and withdraw the bill.

SPEAKER MARVEL: Motion is carried. The Clerk will read on Final Reading LB 472.

CLERK: (Read LB 472 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. 472 on Final Reading. Record the vote.

CLERK: (Record vote read. See page 2216, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next item of business on General File, no, I am sorry, item #5 on motions. The Chair recognizes Senator Wesely.

CLERK: Mr. President, Senator Wesely would move to return LB 389A to Select File for a specific amendment.

SENATOR WESELY: Mr. Speaker, members of the Legislature, with the amendment we just placed on 389 yesterday which put the delayed date back to July 1 of next year, there is no need for an appropriation to fund the services which are provided under that bill and so we are deleting that part of the A bill and we are also reducing the administrative costs involved from about \$27,000 down to \$15,000 and so the motion is to return and we will cut the A bill from two hundred and fifty-two thousand some dollars to about fifteen thousand dollars. I think you can all support that.

SPEAKER MARVEL: The motion is to return to Select File for the specific amendment. (Gavel) Can't hear up here. Senator Wesely, do you wish to speak to your motion?

SENATOR WESELY: I already did.

SPEAKER MARVEL: All right. The motion is the return of the bill as shown on item #5 under motions.

CLERK: 30 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The bill is returned. Now the motion is to adopt the specific amendment. Those in favor of the amendment as explained by Senator Wesely vote aye, opposed vote no.

May 22, 1981

LB 243, 316, 472,
506, 506A

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence please. Some of you haven't recorded your presence. Would you please record so we can proceed? Senator Schmit, do you want to record your presence please? Senator Burrows, do you want to record your presence? Okay, record.

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

SPEAKER MARVEL: Okay, Mr. Clerk. (Gavel.) We are ready for the Haberman amendment to 243. While the Legislature is in session and capable of transacting business, I am about to sign and do sign reengrossed LB 316; engrossed LB 506; engrossed LB 506A; engrossed LB 472. Okay, ready.

CLERK: Mr. President, Senator Haberman has an amendment to LB 243.

SPEAKER MARVEL: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, although there seems to be some Senators who are not listening, I will go ahead and explain the amendment anyway. This amendment says that the bill, 243, shall not apply to any project where construction bids were let prior to the effective date of this act which is to be funded in whole or in part from contributions by private individuals or organizations. That is all it says, any projects that have been started that are funded in whole or in part from contributions by private individuals or organizations. Now you may wonder why I am offering another amendment similar to the other one when I was beaten. The reason I am doing this is to see if some of those Senators who promised me to vote for the other one and changed their minds and/or didn't vote would like to change their ways and support the amendment. So there is no need arguing or trying to explain it. It pertains to the same thing but it just says where private or individual funds have been contributed. Thank you, Mr. President.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I was going to ask if this wasn't a reconsideration but Senator Haberman has just conceded that it is the same thing, it is a reconsideration, so I believe the motion is out of order and should be so ruled. He admitted it was a

May 22, 1981

LB 213, 234, 243, 16, 318,
394, 472, 506, 506A

CLERK: Mr. President, Senator Maresh would move to reconsider the body's action in their failure to pass LB 394 on Final Reading. That will be laid over.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. the bills that we read on Final Reading this morning. (Re. LB 316, 506, 506A, 472.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 213 and find the same correctly engrossed; 234 correctly engrossed; 318 correctly engrossed, all signed, Senator Kilgarin.

SPEAKER MARVEL: Senator Schmit, for what purpose do you arise?

SENATOR SCHMIT: Mr. President, have we had the reading of the vote yet? Have you read those who have voted?

SPEAKER MARVEL: Sorry. Say it again.

SENATOR SCHMIT: Has the Clerk read the report of those who have voted yet?

SPEAKER MARVEL: Yes.

SENATOR SCHMIT: Did you read the names? I'm sorry if I missed it.

SPEAKER MARVEL: Which names are you talking about? You mean a roll call vote? I don't understand your question.

SENATOR SCHMIT: Well the usual procedure I believe is to read those who have voted aye and those who have voted nay. As I understand, Senator Warner indicated that he had voted aye and he is not recorded as having voted and I would like to have the record read as we usually do.

SPEAKER MARVEL: Mr. Clerk, do you have the record?

CLERK: Mr. President, the vote on the advancement of 243 was as follows: (Read record vote again as found on page 2224 of the Legislative Journal.)

SPEAKER MARVEL: Senator Warner, for what purpose do you arise?

SENATOR WARNER: Mr. President, is it in order for me to move to reconsider as shown as having not voted? Pat could

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

May 29, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: 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: One little one, Mr. President, on page 2378, insert the contents of LR 194.

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

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.