

January 20, 1981

LR 6, 7
LB 490 - 529, 144, 182

SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

March 10, 1981

LB 32, 76, 83, 136, 144,
206, 206A, 354, 457, 492

respectfully reports and examined engrossed LB 76 and finds the same correctly engrossed; LB 83 correctly engrossed; LB 136 correctly engrossed; LB 144 correctly engrossed; and LB 354 correctly engrossed; LB 457 correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have a message from the Governor. (Read. Re: LB 206 and 206A. See pages 818 and 819, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 32.

Mr. President, Senator Kremer would like to have the Public Works Committee meet underneath the North balcony right now for purposes of an exec session, the Public Works Committee underneath the North balcony, Mr. President, right now if possible.

Mr. President, your committee on Government, Military and Veterans Affairs reports LB 492 to General File, (Signed) by Senator Kahle as Chairman.

PRESIDENT: The Chair recognizes Speaker Marvel for an important announcement. Speaker Marvel. Would the Legislature please pay some attention to the Speaker at this point.

SPEAKER MARVEL: I wish you would get out your paper and pencils because we are talking about deadlines for priority bills. You will find on page 137 of the Journal for the fifth day, January 13, 1981, Rule 5, Section 6 which talks about scheduling of bills and priority bills. Your individual priority selection as well as your committee selection, the deadline is March 13 which is Friday. The deadline for the Speaker is March 17 and the chairmen who met this morning, although the rule does create some misunderstanding, what would happen is that your bills designated by either yourself or the chairman of your committee or committees, those bills would be gathered in by the Speaker's office and we would set them up as priorities on the agenda. Now there is some discussion about a way to maneuver so you can get more priority bills than somebody else and I would assume that no one in this body would operate that way but March 13 is the deadline for priority bills individual and committee and March 17 is the deadline as far as the Speaker's office is concerned and we would implement this through the agenda. If anybody has any questions I will try to answer them, otherwise you can find on your worksheet for this morning the beginnings of a listing of priority bills. There are five listed this morning, 56, 245, 269, 290 and 404.

January 8, 1982

LB 492

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Legislature will come to order. Please record your presence. Senator Fenger, will you please record your presence? Okay, we have a quorum. Do you have something to read in first?

CLERK: Mr. President, your committee on Appropriations gives notice on executive session for Monday, January 11 at eight-thirty in the morning, Appropriations at eight-thirty, Monday morning.

Mr. President, Banking, Commerce and Insurance Committee reports favorably upon certain gubernatorial appointment. That will be laid over.

SPEAKER MARVEL: Senator Warner, you wanted to pass over LB 535, right? Okay, so ordered. Senator Kahle, do you want to take up 492 now? Senator Kahle, are you ready for 492?

SENATOR KAHLE: Yes, Mr. Speaker and members, LB 492 was introduced by me last year at the request of the County Officials and it would allow the bonding of a county for construction of bridges. After...you are receiving now a white copy, a revision of LB 492, the only change in the new LB 492 is the fact that they have to have an election in the county before they can bond the county for the construction of bridges. I don't know if this bill will even be used. I can't really see how counties would be able to bond very much and then repay the bonding under the seven percent lid that they are now under but, anyhow, the way the bill is now written it gives the counties some leeway if they want to go ahead and construct bridges. Now at the last report, and you have heard many reports lately of how bad our bridges are in the state, I don't know how many state bridges we have that are in bad shape, but there are over 1300 county bridges that are below standard and even below use in some cases. So this bill would allow counties the ability, if they wish, to bond for bridge construction. They would have to have a vote of the people before they could do it so I really can't see that it will hurt anything. I am not sure that many bridges will be built with the economy the way it is but we thought that it would be fair to let the counties have a chance to have that leeway if they wanted it. Right now cities can bond themselves without a vote of the people but we put this extra safeguard in where we thought that county boards would not be able to bond unless the people were in accordance with

what they were wanting to do. So with that, I realize that you just have gotten the copies on your desk, and if there are questions, I certainly would try to answer them. We shortened the bill up. We think we have everything in it. It has been okayed by, of course, the County Officials and those...the county boards that I have spoken to and so I move for the adoption of this amendment.

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

SENATOR LANDIS: Yes, Mr. Speaker, I just have a question for Senator Kahle.

SPEAKER MARVEL: Excuse me, just a minute.

SENATOR LANDIS: Section 2, Martin, Section 2. Am I in order at this point, Mr. Speaker?

SPEAKER MARVEL: Do you want to proceed, Senator Landis?

SENATOR LANDIS: May I proceed at this time, Mr. Speaker?

SPEAKER MARVEL: Yes, we have heard Senator Kahle and now we are hearing you.

SENATOR LANDIS: Fine. I just have a question of Senator Kahle on Section 2. It indicates that the counties shall levy annually a tax sufficient to pay the interest and principal and just to create the legislative record here, is that a special new tax or is this from the general levy that the county is ordinarily assessing and receiving?

SENATOR KAHLE: It would have to be, in our humble opinion, as we looked at this within the seven percent lid.

SENATOR LANDIS: And does that also mean that it is under the existing taxing authority and does not allow for a new tax to retire these bonds?

SENATOR KAHLE: Not as such, if they were under the seven percent lid, they could go up to the seven percent lid on taxing this county for paying off the debts.

SENATOR LANDIS: With their existing county levy?

SENATOR KAHLE: Yes. It is not a special. It is not exempt from the seven percent lid. I think that is the big question that most wonder. It is not a loophole to get away from that lid.

SENATOR LANDIS: Thank you.

January 8, 1982

LB 492

SENATOR KAHLE: Just to add a little more, this is one reason why I wonder if it will be used to a great extent under present conditions but we thought the counties should have the option if they wanted to do that.

SPEAKER MARVEL: The discussion is on the Kahle amendment to LB 492. Senator Kremer.

SENATOR KREMER: Well, I guess this question will relate to the amendment as well as the bill itself. I would like to ask Senator Kahle a question. Senator Kahle, I know we have been receiving information how extensive the problem is with relation to bridges that are insufficient to carry today's loads and so on, is this a pretty serious thing, as far as you know?

SENATOR KAHLE: Senator Kremer, I think it is very serious. I don't think this is going to solve it as long as we have the seven percent lid, but if there is a real critical condition and the people in the community see that condition, they would be able to vote these bonds. Now Senator Nichol just mentioned that we probably would be helping them more if this was outside of the seven percent lid but I don't believe that I am in any position now to try to blow that lid off, so this would be within the seven percent.

SENATOR KREMER: That was the reason for my question, is it serious enough so maybe it ought to blow the lid off?

SENATOR KAHLE: If you would want to put that amendment on, I would certainly support it.

SENATOR KREMER: I don't want you to put words in my mouth. Thank you, Senator Kahle.

SPEAKER MARVEL: Senator Kahle, do you wish to close on your amendment? Do you want to close on your amendment?

SENATOR KAHLE: Yes, Mr. Speaker, I think everything has been said and I am sure you all have the same concerns. Perhaps if there are enough of you who feel that this should be over and above the seven percent lid, which is really the only way it is going to help a great deal, perhaps we could talk about this and do something about it on Select File. Right now I think it is a tool that possibly could be used to help a terribly bad situation, in my estimation. I know in my own district we have just dozens of bridges that are not fit to hold the traffic that we are putting on them. So with that in mind, I move that this amendment be adopted.

January 8, 1982

LB 492, 258A, 403

SPEAKER MARVEL: The motion is the adoption of the Kahle amendment to LB 492. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the adoption of Senator Kahle's amendment.

SPEAKER MARVEL: The motion is carried. The Kahle amendment is adopted. Now we are ready for the bill as a whole. Do you want to move advancement of the bill?

SENATOR KAHLE: Mr. Speaker, members, I then move that LB 492 as amended be advanced.

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

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now, Senator Hefner, do you want to take up LB 258A.

CLERK: Mr. President, Senator Hefner would move to withdraw LB 258A. That motion was made last year and it is now before us.

SENATOR HEFNER: Mr. President, members of the body, I move that LB 258A be withdrawn, and the reason is because 258 was killed last year so I see no reason to keep 258A on General File. I urge you to vote with me to withdraw this bill.

SPEAKER MARVEL: The motion before the House is the Hefner motion which is to withdraw LB 258A. All those in favor of that motion vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is withdrawn. Senator Clark, are you ready for 229?

CLERK: Mr. President, LB 403 introduced by Senator Vard Johnson. (Read title). The bill was first read on January 20 of last year, referred to the Banking Committee for public hearing. The bill was advanced to General File and there are committee amendments pending by the Banking Committee, Mr. President.

SENATOR DeCAMP: Mr. President, members of the Legislature, I am going to basically defer to Senator Vard Johnson, whose bill it is, to do the whole bill, amendments and all.

January 19, 1982

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

PRESIDENT LUEDTKE PRESIDING

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

REVEREND LUNDBY: Prayer offered.

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

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

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

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

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

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

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

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

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

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

CS66

January 28, 1982

LB 264, 403, 492

SPEAKER MARVEL: I will have to get the answer for you. We just got through working this out. We're not going to neglect any bill. All we're trying to do is to take the bills that have less problems involved so that we can process them.

SENATOR PIRSCH: Okay, thank you.

SENATOR CLARK: We're ready for item #6, Select File. The first bill we will take up will be LB 264. Senator Kilgarin.

CLERK: There are E & R, Senator.

SENATOR CLARK: I don't think there is any amendments on any of these, are there, Mr. Clerk?

CLERK: Just E & R, Senator, on some of them.

SENATOR CLARK: Yes, alright.

SENATOR KILGARIN: I move the E & R amendment to LB 264.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The amendments are adopted. Senator Kilgarin. Do you want to move the bill?

SENATOR KILGARIN: I move we advance LB 264.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The bill is advanced. LB 492.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: (Mike not on.) ...LB 492.

SENATOR CLARK: Do you want to advance it? The E & R amendments, alright. You heard the motion. All those in favor say aye, opposed nay. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 492.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. The bill is advanced. LB 403.

CLERK: There are E & R, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 403.

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

February 1, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

DR. ROBERT PALMER: Prayer offered.

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

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

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

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

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

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

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

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

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

Mr. President, LR 209 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 209.

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

Protection and Structural Safety. Such a department would include the present Fire Marshal's Office as well as the staff support for each of the structural safety boards. At present the Electrical Board is unique in that it disposes of its own staff, Electrical Division, even though the Fire Marshal exercises nominal control over the division's operations by statute. By enacting LB 490, the Legislature would be giving endorsement to further fragmentation in the area of structural and life safety regulations. This matter is being brought to the attention of the executive committee and the Public Safety and Protection Committee should they consider taking a stand on LB 490 will notify you at once." I will say that they haven't taken a position that I know of because the bill has moved so rapidly and I will say, however, that it is clear that it runs counter to the Task Force, as I said on the floor when this bill was considered on General File. I ask you to vote against it and I will ask also that my motion to return be withdrawn.

SPEAKER MARVEL: The Chair is going to make an observation now some of you won't like but is going to make it anyway. We simply cannot have everybody talking on Final Reading after we have gone through the bill and get anything done in the future. Things are clogged up now. If we continue to use Final Reading after there has been adequate discussion, if we simply refuse to take a look at what is left, we are going to be in a deep hole again. Now the Chair recognizes Senator Newell. He withdrew it. The next bill, LB 490.

CLERK: (Read LB 490 on Final Reading.)

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

CLERK: (Read record vote. See pages 522 and 523, Legislative Journal.) 31 ayes, 17 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, 492, on Final Reading.

ASSISTANT CLERK: (Read LB 492 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 492. Have you all voted? Clerk, record the vote.

February 3, 1982

LB 492, 542, 563, 564, 565

ASSISTANT CLERK: (Record vote read. See page 523, Legislative Journal.) The vote is 36 ayes, 12 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill on Final Reading, LB 563...542.

ASSISTANT CLERK: (Read LB 542 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 542. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 524, Legislative Journal.) The vote is 49 ayes, 0 nays, 0 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 563, on Final Reading.

ASSISTANT CLERK: (Read LB 563 on Final Reading.)

SPEAKER MARVEL: All provisions relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read. See pages 524 and 525, Legislative Journal.) The vote is 49 ayes, 0 nays, 0 not voting.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will read LB 564 on Final Reading.

ASSISTANT CLERK: (Read LB 564 on Final Reading.)

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

CLERK: (Record vote read. See page 525, Legislative Journal.) 49 ayes, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. 565 on Final Reading.

CLERK: (Read LB 565 on Final Reading.)

February 4, 1982

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

SPEAKER MARVEL PRESIDING

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

PASTOR FRAZIER: Prayer offered.

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

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

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

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

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

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

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

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

February 10, 1982

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

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

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

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

SPEAKER MARVEL: Do you have anything under #3?

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

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

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

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

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

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

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