

January 20, 1981

LB 530 - 532

for Mr. Landis

SPEAKER MARVEL: Okay, Senator Goll.

SENATOR GOLL: I have to object wholeheartedly to the reference to the funny hat club to which I belong and to which I have a lot of fun in and I would have to vote nay.

SPEAKER MARVEL: The Clerk has two or three items to read into the Journal before we adjourn.

CLERK: Mr. President, new bills: (Read title, LB 530 through LB 532. See pages 317 and 318, Legislative Journal.)

SPEAKER MARVEL: Senator Goodrich, would you like to adjourn us now until Monday, January 26, 1981 at 9:30 a.m.

SENATOR GOODRICH: So moved.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until Monday, January 26 at 9:30 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

SPEAKER MARVEL: The motion carried. The bill is advanced. Okay, the next order of business is LB 288.

CLERK: Mr. President, if I may, before that I would like to read in some matters. Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 125 and recommend that same be placed on Select File with amendments. Your committee on Constitutional Revision and Recreation whose chairman is Senator Labedz to whom is referred LB 138 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 531 General File with amendments. Your committee on Constitutional Revision gives notice of cancellation of hearing and Revenue sets hearing for March 3, March 4, March 9, (Signed) Senator Carsten, Chair. (See pages 645-646 of the Journal.)

Mr. President, LB 288 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 19. It was referred to the Nebraska Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending by the Retirement Committee, Mr. President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I move adoption of the committee amendments. The bill was brought in to enable members of commissions who are beyond the retirement age to receive a per diem. Now we are not talking about state employees as such. We are talking about people that serve on advisory boards and committees and so on. Because of an interpretation of state law, the Department of Administrative Services, although it would pay expenses to such commission members, would not pay a per diem even if it was authorized by law if the person was over 72 years of age which is the mandatory retirement age. Senator Rumery brought the bill to the committee based on a concern with regards to one commission but this could apply to any commission that pays per diems. The committee amendment basically picks what we think is the most appropriate section of the statute to provide the exception to the retirement age and basically what we are saying is that if you are a member of a commission, not a regular employee, but a commission member you can receive an authorized per diem even if you are over the mandatory retirement age, age 72. The committee amendment becomes the bill. It is essentially the same concept. It is just probably a more appropriate place in the statute, so I would move for adoption of that amendment.

SPEAKER MARVEL: Senator Rumery.

March 19, 1981

LB 138, 202, 205, 344, 375,
401, 466, 503, 504, 531

Mr. President, Senator DeCamp to print amendments to LB 531; Senator DeCamp to LB 138 and Senator Hoagland and Beutler to 205, all to be printed in the Journal. (See pages 1044-1048 of the Legislative Journal.)

Your committee on Judiciary whose chairman is Senator Nichol reports 202 to General File; 503 indefinitely postponed; 504 indefinitely postponed.

Mr. President, Senator Koch asks unanimous consent to add his name to LB 344, 375, 401; Senator Cullan to 466.

SPEAKER MARVEL: Hearing no objections, so ordered.

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

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

SENATOR FOWLER: I move we adjourn until Monday at nine-thirty.

SPEAKER MARVEL: All in favor of adjourning until Monday, March 23, 1981, at nine-thirty say aye, opposed no. The motion is carried. We are adjourned.

Edited by

Arleen McCrory
Arleen McCrory

SPEAKER MARVEL: We are on General File, priority bills and the first bill we will consider is LB 531.

CLERK: Mr. President, LB 531 was offered by Senator Bernice Labedz. Read title of LB 531. The bill was first read on January 20th of this year. It was referred to the Constitutional Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President by the Constitutional Revisions Committee.

SPEAKER MARVEL: Senator Johnson. Senator Vard Johnson are you going to take the committee amendments?

SENATOR V. JOHNSON: I just as well, Mr. Speaker. I was asked by members of the committee this morning if I would just take the committee amendments on the bill in as much as Senator Labedz is still in San Francisco with Falstaff magnates. The bill, a fellow shouldn't laugh at his own jokes. It really wasn't that funny actually.

SPEAKER MARVEL: Would you like to start over again.

SENATOR V. JOHNSON: Yes I would. Strike all of my earlier remarks Mr. Speaker. LB 531 is a proposed amendment to the Constitution to say that the legislature can set whatever salary it darn well pleases to set. The bill came out of the committee but it came out with an amendment and the amendment obviously is substantially different from the bill itself. The amendment says simply that the legislature shall receive a salary of \$800 a month. So it increases existing salary from \$400 a month to \$800 a month. So if the body approves that amendment and the bill advances, we would then have on the ballot at the General Election in 1982, the question whether or not legislative pay should be increased from \$400 a month to \$800 a month. Now, as you know there is another bill before the Legislature. It is LB 138, which would treat salary differently. It says the legislature can set its salary however it wants to set its salary so long as it doesn't exceed one-third of the governor's salary. 531 is a different concept, if it was placed on the ballot it would offer the voters another alternative. At this time I would move the committee amendment. Incidentally I am not a member of that committee and if there are members of the committee that want to speak in favor of that amendment, I would appreciate their kind words.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 531. Senator Cope, do you wish to be

recognized on the committee amendments?

SENATOR COPE: Mr. President and members I am not on the committee but I would like to speak in favor of the amendment. I think that it is the only way we are going to get a salary raise. I'm not saying that we will get it even with this. But I think the voters, may buy this, may vote for it if they know exactly what they are getting. But I don't think that they are going to vote for some pie in the sky. I opposed the previous bill we have had because I didn't think it was good. I certainly support this at a set figure.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All those in favor vote aye, opposed vote no. LB 531. We are voting on the committee amendments to LB 531. Have you all voted? Have you all voted? Record.

CLERK: 25 ayes, 1 nay on the adoption of the committee amendments Mr. President.

SPEAKER MARVEL: Motion carried the committee amendments are adopted.

CLERK: Mr. President, the next thing I have on it is a motion to indefinitely postpone by Senator Wesely.

SPEAKER MARVEL: Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, the motion to kill this bill is not a reflection of my desire not to see our salaries increased but in fact an interest on my part in the whole area of how best can we try to deal with the issue of senatorial salaries in the Nebraska Legislature. I have come to the conclusion that probably anything we come up with on this floor is not going to be very successful amongst the voters of the state, it seems any proposal that we put forth in the last twelve years has been defeated. So the thought was that perhaps there was another approach and that approach has been undertaken by the League of Women Voters and several other organizations to try and have a petition drive to place on the fall ballot in 1982 a salary increase for the senators in the Nebraska Legislature. That effort is now hanging in limbo, essentially, waiting for a decision by this body as to which direction we will take concerning salaries. My feeling is that we shouldn't have two bills. We should not take two approaches we should put one question on the spring ballot in the primary and we should leave to the people of the state the opportunity to place on the ballot in the fall of 1982 a proposal to increase our salaries and leave it in their

hands and hope that that approach will be much more successful than the other approaches that we have taken in the past with bills out of this body. Now we have another bill, LB 138 which is on Select File. It would set the salary at one-third of the Governor's salary. Now I know that there is concern about that proposal, maybe it is not the best proposal, there are other ideas. This idea embodied in LB 531 to set the salary at \$800 has merit. Senator Cullan tells me that figures would indicate with inflation we would be at about \$1,100 right now if our salary had kept up from the original date which it was set at \$400. So, perhaps there are a number of ideas as well, perhaps we could set it at the medium average income of families in the State of Nebraska, so on and so forth, we have options which we can select a proposal that would increase our compensation. However, my feeling is we should take one bill and one bill alone and come to an agreement that forty members of this body can agree to now. If we can come up with that I know that will be pretty amazing but I think that we need to do that and we all have to decide on something that we can stick with and put it on the primary ballot and not mess with the general election ballot because Senator Johnson asked for an Attorney General's opinion which stated that if there were more than one ballot question, constitutional amendments, it would be quite confusing, especially to the voters, but more importantly perhaps legally as to what would be done if both ballots were to be passed or what the situation would be. My concern is that with the petition drive ready to be launched, ready to take the steps necessary to place on the fall ballot the constitutional amendment for us, we shouldn't muddy the waters by putting another proposal on that same fall ballot. So in moving to kill this bill it is not so much that LB 138 which is now on Select File is the only solution. Rather I would like to use that one bill to come to a consensus which forty members of this body can agree to and place that consensus legislation on the primary ballot and I think that is the best method we can pursue the idea of trying to increase our compensation. I strongly believe that. I think that is the approach that we should take and I certainly encourage your support for that effort.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I'm going to temporarily suggest we don't kill the bill and suggest another idea like Ford, a better idea. You know we all talk about salaries and every year since I have been here, and this is the eleventh year now, we have had something on the ballot on salaries. We have missed the most fundamental part of it all which I think we should be addressing. That is expenses. Just clear that issue up

for once. Now, I'll tell you the people will accept something reasonable there. I have got an amendment up there to quit using the bill for salary and answer that fundamental question that we pass a bill on every year trying to get a court test on it and everything else when we could do it straight forward. You know it is kind of like just being honest about it and it says the legislature shall receive actual and necessary. . . . be reimbursed for actual and necessary expenses. You see if you live in Neligh or Scottsbluff or Sidney, it really doesn't make a heck of a lot of sense to get \$400 or \$600 or \$800 a month if you are spending \$1,000 a month out of your own pocket on the expense portion. It is a completely false picture the public has. Somebody sitting in Lincoln, the \$800 may sound just wonderful or maybe Omaha, but outstate you spend a lot of money coming down here and renting an apartment. This would allow the legislature to get the authorization from the people rather than anything else, courts or anything else, just be up front and so I would suggest that we don't kill the bill long enough to use it for this purpose and put it on the primary ballot and I'll bet you this. I'll bet the people would approve this because there is no legitimate objection to it. There is no legitimate objection to saying that the legislators shall be reimbursed, reimbursed for actual and necessary expenses. That is what I would suggest the bill be used for rather than one more attempt of running the salary gambit. Maybe you can use that other bill that they have got in the manner they are talking with the League of Women Voters, but I think that you should also address the salary or whatever you call it, the expense thing first. I hope that you don't kill it so we can do this other thing.

SPEAKER MARVEL: Senator Stoney, Senator Lamb, speaking to the kill motion.

SENATOR LAMB: Mr. President, members of the Legislature, I urge you not to kill this bill. I think that Senator DeCamp's logic makes some sense but even beyond that the \$800 figure is the only possible salary advance choice that we have and this bill is much better than the bill proposed by my colleague right here LB 138, which would not have any chance of passage. So, I suggest not killing this bill, considering the DeCamp amendment and advancing it.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members I also rise to support the idea that Senator DeCamp has brought forth. I think that no matter what we do with the salary we haven't faced up to the problems that we have in the Nebraska Legislature until we talked about the cost of being a senator. Nebraska is strung out considerable, a lots of states are, but it is a long ways from Lincon to Scottsbluff. It is a considerable ways from Lincoln to Kearney. I have kept records over the past several years and I would be glad to share those with you sometimes what it really costs me to be a senator and the big share of it of course is expenses. The salary doesn't do much, I'll tell you, and you all know that. I don't think that we should just stick with one bill and say, \$800 is what we are after. We need to also do something about the expenses. As I said before on this floor and I imagine that you are getting tired of it, but I would whole lot rather work for one dollar a year and expenses than what we are getting now. So without the expenses we really haven't done very much. Thank you.

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

SENATOR WESELY: Mr. Speaker and members of the Legislature, the concern I had was that if you did have two issues up on the November ballot you...concerning salaries of legislators there would be a great deal of confusion and the Attorney General has indicated the problems involved. However, Senator DeCamp has proposed to with the idea of the amendment of dealing with the expense question, if that is placed on the November ballot along with a petition drive placed question concerning salaries, I think that both could be passed and they wouldn't conflict and they would both be acceptable, I think, so I think that takes care of my problem which was that you have a constitutional problem with passing perhaps two Constitutional amendments that conflict at the same time.

So, with the understanding that Senator DeCamp's amendment would be adopted, I could support the bill at that point and I will withdraw my kill motion at this time pending the DeCamp motion.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator DeCamp on the amendment.

SENATOR DeCAMP: Mr. President, my amendment is about as simple as you can get and it is on page 1048 and it says, something about the legislators shall be reimbursed for actual and necessary expenses, isn't that what it says Pat? Something like that?

CLERK: Yes, expenses incurred in the performance of his or her duties.

SENATOR DeCAMP: Performance of his or her duties. I don't know, rather than do all of the ten thousand things we tried it just seems we ought to try it straight up once, just to see what happens. Just tell the people, look all we want, at least in this amendment, is actual and necessary expenses. I urge you to adopt that amendment. It wipes out the original bill and it is just what I said. I don't know what else I can say.

SPEAKER MARVEL: Okay, the motion is the DeCamp amendment to LB 531. Senator Johnson, do you wish to speak before we put the question?

SENATOR V. JOHNSON: No, I'll waive.

SPEAKER MARVEL: All those in favor of the DeCamp amendment vote aye, opposed vote no. Have you all voted? No, this is the DeCamp amendment to LB 531.

SENATOR DeCAMP: No, this is an amendment just for expenses. Forgets about all of the other. . . .

SPEAKER MARVEL: Have you all voted? Record.

CLERK: 25 ayes, 4 nays, Mr. President on the adoption of Senator DeCamp's amendment.

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

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

SPEAKER MARVEL: Hearing no objections, so ordered. Are we ready?

CLERK: I have nothing further on the bill.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body I rise to support the bill as amended. I think this is the proper way to go. If you remember the other day when we were debating LB 206, Senator Chambers' bill, and we were attempting to override the Governor's veto and we were successful in doing that. I think that was the wrong way to go, but I believe now this will do what we want it to do and this is to be reimbursed for our expenses while we are doing the duties of a legislator. I would urge you to vote in favor of this bill.

SPEAKER MARVEL: The motion is the advancement of the bill to E & R Initial. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 7 nays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. We go to 291, Mr. Clerk.

CLERK: Mr. President, LB 291 was introduced by Senator Merle Von Minden. Read title. The bill was read on January 19th of this year. It was referred to the Agriculture and Environment Committee. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

SPEAKER MARVEL: Senator Haberman, do you want to handle the committee amendments?

SENATOR HABERMAN: I'm not on the Agriculture committee Mr. President, but Senator Von Minden will be glad to handle them.

SENATOR VON MINDEN: Mr. Speaker and members of the Legislature, there are only two amendments on the bill, one to extend the operating date for one year in order to comply with the can company to use their supply and to gradually retool and the other one is to insert the word "carbonated". In other words the pop is just carbonated pop to get away from the soft drinks of the orange juice and grape juice in the refrigerator's of the homes. I move the adoption of the amendment.

March 27, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Royce Willerton of the Southview Christian Church.

REV. WILLERTON: Prayer offered.

PRESIDENT: Roll call. Has everyone registered their presence?

CLERK: Mr. President, Senator Vard Johnson, Beyer, Fenger and Chronister would like to be excused for the day. Senator Kilgarin, Hoagland, Chambers until they arrive.

PRESIDENT: 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: The Journal is all right, 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 LB 531 and recommend that same be placed on Select File; 291 Select File; 311 Select File; 111 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 1158-1159 of the Legislative Journal.)

Mr. President, your committee on Business and Labor reports LB 394 to General File with amendments, 410 General File with amendments, 470 General File with amendments, (Signed) Senator Maresh, Chairman. (See pages 1159-1160 of the Journal.)

Your committee on Judiciary reports LB 512 to General File with amendments, (Signed) Senator Nichol, Chair.

Mr. President, I have a Lobby Registration report for March 12 through March 26, signed by...on file in my office.

PRESIDENT: All right then, we will proceed then with agenda item #4, a resolution on LR 47, Mr. Clerk. Will you read it.

CLERK: (Read LR 47.) Mr. President, the resolution is found on page 1126. Senator Vickers would like to amend

May 4, 1981

LB 11, 249, 290, 298,
478, 531, 536

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

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

CLERK: A quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, I have an all-party pamphlet of the address to the Governor regarding LB 11. That will be inserted in the Journal. (See page 1700, Legislative Journal.)

Mr. President, your modeling clerk Margaret Kelly reports that she has on this day at 1:00 p.m., May 1, presented to the Governor LB 290 and 536.

A communication from the Governor addressed to the Clerk. (Read. Re: LB 249, 298, 536, 290, 478. See page 1700, Legislative Journal.)

Mr. President, I have a gubernatorial appointment, appoint Mr. Ray Young to the Advisory Committee to the Department of Public Welfare, Institution and Corrections.

Mr. President, I have a series of audit reports from the State Auditor: (Read. See page 1701, Legislative Journal.) Those audit reports will be on file in my office, Mr. President.

PRESIDENT: We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will clear the aisles, see that all unauthorized personnel are off the floor. All members will return to your desks and when everybody is there we will commence with the day's Final Reading.

CLERK: Mr. President, while we are waiting, Senator DeCamp would like to print amendments to LB 531 in the Legislative Journal.

PRESIDENT: All right. Anything further?

CLERK: No, sir.

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LB 531

advance the bill.

SPEAKER MARVEL: Okay, the next bill, Mr. Clerk. Senator Labeledz. Okay, Senator Kilgarin, do you want to move the E & R amendments to 531?

SENATOR KILGARIN: I move the E & R amendments to LB 531.

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

CLERK: Mr. President, Senator DeCamp would move to amend the bill and it is on page 1701 of the Journal.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, a very simple amendment. It is a clarification so that the Exec Board would have some direction so there would be no question on this expense thing. You remember we gutted that bill. We made it into a constitutional proposal simply to allow the voters to decide whether legislators get expenses or not. It says, reimburse for actual expenses. I am changing it...I am saying, reimburse for actual and reasonably necessary so that you don't have any confusion. It would have to have some standard. I urge adoption of the amendment and advancement of the bill.

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

CLERK: 26 ayes, 0 nays on the motion to adopt the DeCamp amendment, Mr. President.

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

CLERK: The motion is to advance, Senator.

SPEAKER MARVEL: Motion to advance the bill, all those in favor vote aye...say aye. Opposed no. The motion is carried. The bill is advanced. The next bill is 129.

May 22, 1981

LB 316, 466, 531

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Everett D. Brailey, Pastor of St. John's Lutheran Church, Rt. #1, Auburn, Nebraska.

REVEREND EVERETT D. BRAILEY: (Prayer offered.)

SPEAKER MARVEL: Record your presence please. Will you all please record your presence? Will you please record your presence? Okay.

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

SPEAKER MARVEL: Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 466 and find the same correctly engrossed; LB 531 correctly engrossed. That is signed by Senator Kilgarin as Chair.

Mr. President, I received a resolution from the State of North Carolina regarding concern of the General Assembly over the recent murders of black children in Atlanta. That will be on file in my office.

Mr. President, a report of registered lobbyists for the week of May 14 through May 21.

Mr. President, I have received a series of reports; two from the Department of Roads, two from the Department of Administrative Services, Buildings and Grounds Division pursuant to statutory requirements. Those will be on file in my office.

SPEAKER MARVEL: Will you please take your seats and prepare for Final Reading? Okay, we are going to proceed for Final Reading and the first bill is LB 316. (Gavel.) The Clerk will read on Final Reading LB 316 with the emergency clause.

CLERK: (Read LB 316 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. 316E. Record the vote.

CLERK: (Record vote read. See page 2210, Legislative Journal.) 40 ayes, 2 nays, 7 excused and not voting, Mr. President.

May 22, 1981

LB 554, 531, 412

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Senator Hefner.

SENATOR HEFNER: Mr. President, I move for the advancement of 554 to E & R Initial.

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

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SPEAKER MARVEL: Motion is carried. We now move to Select File priority LB 412.

CLERK: Mr. President, if I may, right before that, Senator DeCamp would like to print amendments to LB 531 in the Legislative Journal.

Mr. President, with respect to LB 412, the bill has been considered by the membership on a couple of occasions. The last time, Mr. President, on May 20th the E & R amendments were adopted. There was an amendment from Senator Warner that was adopted on that day. There was a motion offered to indefinitely postpone, it was offered by Senator Fowler. That laid the bill over, Mr. President. That is now before us, the motion to indefinitely postpone.

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: I ask unanimous consent to withdraw that.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, the next amendment I do have an amendment then from Senator Newell. Senator Newell would move to amend LB 412 (Read Newell amendment).

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, this would be. . . this motion is to reinstate five and to from three which is a change that Senator Warner offered and was successful at establishing. The five year provision has always been in the bill, it was in the bill from day one and put there by Senator Warner and I would encourage this body to accept that motion. Three years would

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LB 213, 314, 531

years and we will be turning people loose that we intended to keep under control by this very bill. Senator Hoagland says we will be taking a risk. That is absolutely what you are taking. He says it will be fairly litigated. That is right. It will be fairly litigated and you will be turning people loose while your constituents expect us to be keeping people under control by passing such a bill. I am in favor of such a bill. I am just not in favor of this one. I strongly urge you to adopt the amendments on page 2086.

PRESIDENT: All right, the question is the motion to return LB 213 for this specific amendment. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Senator Nichol, do you want to do anything about...Record the vote.

CLERK: Mr. President, Senator Cullan requests a record vote. (Read record vote as found on page 2322 of the Legislative Journal.) 9 ayes, 29 nays, Mr. President, on the motion to return the bill.

PRESIDENT: The motion fails. It stays right where it is so we will go on...oh there is another motion? All right, Mr. Clerk, go ahead. Motion on the desk. Read the motion. All right, no further motion so it just stays where it is. We will then go to LB 531. Yes, read some matters in, go right ahead.

CLERK: Mr. President, real quickly, I have a report from the Executive Board regarding interim study resolution referrals. (See page 2323 of the Legislative Journal.)

New resolution, 191, offered by the Business and Labor Committee. (Read. See pages 2323-2324 of the Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Public Health reports LB 314 to General File with amendments and that is signed by Senator Cullan, Chair. See pages 2324-2325 of the Legislative Journal.)

Mr. President, Senator DeCamp would move to return LB 531 to Select File for a specific amendment. The amendment is on page 2219.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I apologize for taking up your time. I don't know who is to blame, whether it is a legislative aide, a bill drafter, E & R, or John DeCamp, but anyway when we put the amendment

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LB 531

in to have the issue on the ballot for expense reimbursement somehow we left old language from something else in that I thought was struck. As I say I would love to blame anybody other than myself and I think I could but I won't make an issue of it. I move you return the bill to make the correction so that you have it in proper form and it also has it puts it on the primary ballot and that is what the amendment is.

PRESIDENT: The Chair recognizes Senator Cullan. Okay, any further discussion then? The question is...Senator DeCamp, anything further? That motion is your opening and closing. The question is motion to return LB 531 for the DeCamp specific amendment. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: The motion carries. The bill is returned. Senator DeCamp, do you wish to make the motion? The motion is to adopt the DeCamp amendment on LB 531. Any further discussion? If not, that is your opening and closing. The question is the adoption of the DeCamp amendment on LB 531. All in favor vote aye, opposed nay. Have you all voted? Record the vote.

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

PRESIDENT: The motion carries. The DeCamp is adopted on LB 531. Senator DeCamp, do you want to move the bill to E & R for engrossment? Any discussion? The motion then is the advancing the bill back to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 531 is advanced to E & R for engrossment. We now have an additional list of motions which I will read to you if you would each take the time to write these down so you know what is coming up. They are as follows: I will read the number of the bill and the person who has a motion on the desk. First, LB 95, Senator Cullan; LB 428, Senator Johnson; LB 552, Senator Dworak; LB 544, Senator Cullan; LB 544, Senator Dworak; LB 411, Senator Hoagland; LB 548, Senator Nichol; LB 352, Senator Carsten; LB 551, is that Senator Remmers, I believe and LB 523, Senators Newell, Fitzgerald and Kilgarin. So there are ten bills added. Senator Dworak.

SENATOR DWORAK: Could you repeat that bill number that Senator Carsten has?

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LB 285, 531, 544
LB 389, 389A, 234A

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read LB 389.

ASSISTANT CLERK: (Read LB 389 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 389 pass. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on pages 2348-2349 of the Legislative Journal.) 34 ayes, 9 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 389A.

CLERK: (Read LB 389A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 2349 of the Legislative Journal.) 31 ayes, 11 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. Do you have anything to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right, go right ahead.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 285 and find the same correctly engrossed; 544 correctly engrossed; 234A correctly engrossed and 531 correctly engrossed. Those are all signed by Senator Kilgarrin as Chair.

SENATOR CLARK: How many more do you have to come up yet, Pat? What? We are waiting for seven more bills. Senator Marvel, I imagine we had better stand at ease until they come up. This might be a good time to discuss a lot of

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LB 488, 494, 531, 544

is not here, we are only going to have four or five bills on Final Reading next year, if we can't take care of those in the first two days of next year, maybe we ought to get another Legislature. So there will be absolutely no reason why people cannot run next year and know exactly what they are running and know what the salary is going to be and what their filing fee will be. That is the only reason I want to lay it over. I do not care about the salaries either.

PRESIDENT: All right, that is the closing. The question is, the motion to lay over LB 488. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 15 nays to lay the bill over, Mr. President.

PRESIDENT: Motion carries. The bill is laid over. The next bill on Final Reading then is LB 494, Mr. Clerk.

CLERK: (Read LB 494 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 494 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 45 ayes, 0 nays, Mr. President. I am sorry. (Read the record vote as found on page 2416 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 494 passes. Speaker Marvel, the next bill is passed over. Is that correct?

SPEAKER MARVEL: What, 531?

PRESIDENT: 531.

SPEAKER MARVEL: It's my understanding that the introducer wants it passed over.

PRESIDENT: Is that all right with you?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, the next bill on Final Reading is LB 544, Mr. Clerk.

CLERK: (Read LB 544 on Final Reading.)

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SENATOR HABERMAN: A Call of the House.

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

CLERK: 9 ayes, 1 nay, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in, please. Will all those that are in their seats please check in and we'll get the Appropriations Committee in here. Senator Cullian, will you check in please. Senator Newell, will you check in. If everyone will return to their seats please. We are waiting for the Appropriations Committee. Just as a little side light I thought you might like to know this process usually takes eight minutes to get a vote when you have a Call of the House. Senator Schmit, will you check in please. Sergeant at Arms, will you keep everyone in their seats, please. We're looking for Senator Warner, Senator Rumery, Senator Cope, Senator Dworak, Senator Lowell Johnson, Senator Goodrich. The Clerk would like to read a few things in here while we are waiting.

CLERK: Mr. President, a new A bill offered by the Revenue Committee. (Read LB 740A. See page 950 of the Legislative Journal.)

New resolutions, LR 235 by Senator Kremer and Vickers. (Read.) LR 236 is a resolution offered by Senator Fowler, Beutler and Burrows. (Read. See pages 950-952 of the Legislative Journal.) That too, will be laid over, Mr. President.

Senators Landis, Hoagland, Newell, Beutler, Fenger would like to print amendments to LB 359. (See pages 952-953 of the Legislative Journal.) And I have an Attorney General's opinion addressed to Senator Labeledz regarding LB 138 and LB 531. They will both be in the Journal. (See pages 953-954 of the Journal.)

SENATOR CLARK: Sergeant at Arms, have you gotten the Appropriations Committee? We're looking for Senator Warner, Senator Johnson, Senator Cope, Senator Rumery. Senator Haberman, did you want a roll call vote? Alright, thank you. Senator Dworak, Senator Goodrich, would you check in, please. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 949-950 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. Next motion.

CLERK: Mr. President, Senator DeCamp would now move to amend the bill. The amendment is on page 833 of the Legislative Journal.

March 23, 1982

LB 720, 796, 531, 522A

All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1374 of the Legislative Journal.) 43 ayes, 0 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 720 passes on Final Reading. And the last bill on Final Reading this morning, Mr. Clerk, is LB 796.

CLERK: (Read LB 796 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 796 pass. All those in favor vote aye, opposed nay. Record the vote. Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Mr. President, do I have the right to stand up and explain why I voted no? I've heard other Senators...

PRESIDENT: You can put it in the record. You can put an explanation in the Journal.

SENATOR HIGGINS: Not now.

PRESIDENT: No. Just give it to the Clerk and he will put it in the Journal. Go ahead, Mr. Clerk.

CLERK: (Read record vote as found on page 1375 of the Legislative Journal.) 38 ayes, 6 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 796 passes. Mr. Clerk, I presume you have some matters to read in.

CLERK: Mr. President, just one item. Senator Labedz would like to print amendments to LB 531 in the Legislative Journal.

SENATOR LAMB PRESIDING

SENATOR LAMB: Next we go to item #5, General File, LB 522A.

CLERK: Mr. President, LB 522A offered by Senators Vard Johnson and Cullan. (Read title.)

SENATOR LAMB: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I sometimes have a difficult time rising and I'm having a somewhat difficult time rising on 522A, not because it's a

CLERK: 8 ayes, 27 nays Mr. President.

PRESIDENT: Motion fails. Anything further on the bill?

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

PRESIDENT: Would the Sergeant at Arms make sure everyone is now at his or her desk. Everyone else will leave the floor. I remind you again we are on Final Reading. We are ready to read on Final Reading LB 626. All right, proceed then with the Final Reading of LB 626, Mr. Clerk.

CLERK: Read LB 626 on Final Reading.

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 626 pass. All those in favor vote aye, opposed nay. Have you all voted? Senator DeCamp, what do you wish to do?

SENATOR DeCAMP: I'll ask for a roll call.

PRESIDENT: A roll call vote has been requested. All right the Clerk will go ahead with a roll call vote on the advancement. . . passage of 626. Proceed with the roll call vote.

CLERK: Roll call vote. 25 ayes, 22 nays, 2 excused and not voting. Vote appears on page 1480 of the Legislative Journal.

PRESIDENT: LB 626 passes. We go to LB 531. Senator Labeledz, are you ready?

SENATOR LABEDZ: Mr. President, yes I am ready. I'm sorry to have to do this on LB 531, but I'll be very brief. The amendment on 531 contains three changes. First it places the. . .

PRESIDENT: Senator Labeledz, let me get some. . . (GAVEL). . . I remind you we are still on Final Reading and let's have a little bit of order so we can hear. . . you owe this to Senator Labeledz at least, listen to what she has to say. Senator Labeledz.

SENATOR LABEDZ: Just so they vote for the amendment. This amendment contains three changes. First it places this constitutional amendment on the general election ballot instead of the primary ballot. We are proposing this

change not only because it is too late to place a constitutional amendment on the primary ballot but because an Attorney General's opinion stated that if two constitutional amendments concerning legislative pay are passed by the voters at the same election, they will cancel each other out. A constitutional amendment proposing that legislators be paid up to one-third of the Governor's salary introduced by Senator Johnson will be on the primary ballot. If both amendments were on the primary ballot and both passed, we would then be left without an improvement in legislative pay. So for these reasons we would like to propose this constitutional amendment to the voters in the general election. The amendment would also insert a condition which stipulates this constitutional amendment would go on the ballot only if the pay raise constitutional amendment on the primary ballot is defeated. The third part of this amendment puts back the language which sets our pay at \$4,800 a year. This was deleted accidentally last session when the bill was amended to include the expenses. So if this bill is passed, as amended, a constitutional amendment will be proposed to the voters in the general election of '82 which would provide the senators with expenses and a maximum salary of \$4,800 a year. But this amendment would only go on the ballot if the constitutional amendment on the May ballot which pegs the legislative salaries at a maximum of one-third of the Governor's salary is defeated by the voters. I urge the adoption of the amendment.

PRESIDENT: Senator Newell, did you wish to speak to the motion to return? All right, I see no other speakers Senator Labeledz, I guess that is your opening and your closing. The motion is to return. Do you have anything further? All right the motion is the return of LB 531 for the specific Labeledz amendment. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries, the bill is returned. Senator Labeledz, do you wish to move the adoption of your amendment?

SENATOR LABEDZ: Yes, I move for the advancement back to Final Reading of LB 531.

PRESIDENT: The motion is...

SENATOR LABEDZ: Adopted, I'm sorry.

PRESIDENT: . . . to adopt the amendment. Anything further? The motion then before the House is the adoption of the Labedz amendment to LB 531. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 1 nay, Mr. President on the adoption of Senator Labedz's amendment.

PRESIDENT: The motion carries, the Labedz amendment is adopted. Do you want to move the bill back?

SENATOR LABEDZ: I move for the advancement of LB 531 to Final Reading.

PRESIDENT: Motion is to advance LB 531 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 531 is advanced to E & R for Engrossment. Motion on the desk. Read the motion Mr. Clerk.

CLERK: Mr. President, Senator Wesely would move to return LB 531 to Select File for a specific amendment. That motion being to strike the enacting clause.

PRESIDENT: All right, the Chair recognizes Senator Wesely.

SENATOR WESELY: I'll withdraw the amendment.

PRESIDENT: The motion is withdrawn by Senator Wesely. Another motion on the desk Mr. Clerk?

CLERK: Mr. President, Senator Warner would move to return LB 531 to Select File for a specific amendment by adding a new section which would read. Read Warner amendment.

PRESIDENT: Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I offer the amendment here to kind of test the sentiment, there is no point in having a resolution introduced if there was not a great deal of interest. But, it seems to me that there are a variety of things that could be very appropriately argued for bi-annual sessions. Certainly the cost to the tax payer would be less. I frankly can hardly think of any state policies that need to be changed every eight months and that is the potential, or every twelve months at a maximum. I'm sure that if the Legislature met every other year that there is a whole host of people who could better afford to serve in this body that now are prevented because they have to have time for a living. There isn't the slightest

doubt in my mind that the voters would approve such a proposal. One of the things that would be argumentative it would take the time limit off, but every year when we get to this stage of consideration with the time limits it seems to me that it becomes more and more obvious that it is not prudent to do the kind of crunch that we get into trying to complete our work. Secondly, biennial sessions changes in law would not be made as frequently, would give some stability for at least some period of time as to the various state policies and finally I frankly believe that biennial sessions of course means biennial budgets, you would find a much more prudent use of the tax payers funds, if that was the case. Obviously if emergencies come up, special sessions can be held, but we even have those with annual sessions. So, that is almost immaterial. But, I think if anything, most of us recognize that almost every session there is a high percentage or a large percentage at least of the bills that are considered merely a few months before and not an act that certainly many of the bills that are carried over are bills which couldn't make it through the first time and probably shouldn't have the second time. Finally, I have not been particularly impressed with the benefit of interim studies in the short period of time we now have them make them. Back when there is biennial sessions and granted there are exceptions when I say this, but back when we had biennial sessions almost all interim studies went into depth and a lot more time was spent in really searching them out rather than introduce resolution, hold a hearing sometimes between sessions and come out with legislation. So I think the public would be better served. I think it would be easier for the members of the Legislature to serve and I think it would be an appropriate amendment that the voters would eagerly endorse. I move the bill be returned to the amendment.

PRESIDENT: Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I rise to oppose the Warner amendment. I rise to oppose the Warner amendment for a couple of very simple reasons. You know this issue was debated on this floor on the question of moving from the annual sessions biennial sessions and that question was debated long and hard. But, as I recall, the situation that proceeded the change that the people authorized was an excessively long session that lasted well into September with the same number of bills that is presently heard over the two year period, being introduced in that one session. Now from a number of different standpoints I'm not sure that it serves the people well. The argument that frankly we do

a better job in one session and it makes people, it makes it easier for people to serve is one that I find most difficult to accept. Frankly, the legislature is a very time consuming job. And if we did not take the second year for our deliberations but instead only extended the first year to be nearly a year long session. I think that would preclude many more who are serving now from serving. It would preclude them from serving because they would be totally unable during that period to earn a living. It would make it more difficult for the agricultural senators that serve in this body because those individuals would find themselves having to hire the work done in the spring. I think that as the spring moved to summer they would be hiring people to do some of the additional work. Some of those who irrigate like Senator Kahle will be finding that he will be having to rely on his sons and if Senator Kahle's sons should decide to run and they are more active in the agricultural interest, family interests today than he is, then they would be precluded. It would preclude lawyers from running. It would preclude myself from being able to serve because I can not afford to take the time presently at the compensation level that presently exists and would be less able to do that even though the next year I would be totally able to do some work, I would not be able to put all that kind of time in it. Frankly, it has some other problems in terms of dealing with the state's business. Yes, it is true that we have a lot of bills on general file that will not be heard this year. That is probably as it should be. But, to guarantee that those bills will be heard does not guarantee that each and everyone of those bills should be heard or deserve that great consideration. In fact, what we do now is probably the right thing for the state, it is fact that we deal with the most important bills and those less important stay there without consideration. I think that this whole proposal has been discussed before and frankly, we changed it. The people of the state changed it. They changed it because it served this state better to have annual considerations of the budget. I think that frankly the Warner amendment is a return to the past not all that beautiful of a past at that. One last consideration that I would offer, that is the question of the great stress and strain of many of the legislators who are able to serve. As we know when we look around there are diversity of legislators in this body. Some of them are older and stress and strain and the hazards of this job would wear most heavily on those members and if it was a nine month job, as we was during the. . .

PRESIDENT: One minute Senator Newell.

SENATOR NEWELL: . . . it would wear most heavily on those older members. As for the younger members it wears most heavily on us also. So to space out and to give the two year consideration dealing with the important issues every two years, breaking that up by having hearings at one time and hearings next year instead of having all of the hearings in the first three months or the first four months of this long and arduous session, this is probably the preferable way to go. I think that for those members like Senator Warner who have served in both bodies that there is a nostalgia as there always is a nostalgia for those things that have gone on in the past, but that nostalgia is not correct...

PRESIDENT: Your time is up Senator Newell.

SENATOR NEWELL: . . . but that nostalgia is not what we need at this point. I would urge rejection of the Warner amendment.

PRESIDENT: Before we go to the next speaker we have some 90 students from Crete, Senator Apking's district, Mrs. Prokop, Larry Shestak, up here in the south balcony. Would you welcome Crete to their Legislature. Where is Crete? Are they up here? There you are. Hi Crete, welcome to your Legislature. Chair recognizes Senator Koch. Senator Beutler for what purpose do you rise?

SENATOR BEUTLER: A point of order Mr. Speaker.

PRESIDENT: State your point.

SENATOR BEUTLER: Can I ask for a ruling on the germaneness of the amendment please.

PRESIDENT: Yes you may. I believe that it is in the same. . . Senator Warner, do you wish to address yourself to the . . . of where. . . of where your amendment lies within the Constitution?

SENATOR WARNER: I rely on the integrity of the President's judgement. There isn't any doubt in my mind but I'll accept your judgement.

PRESIDENT: Well unfortunately, I'm afraid that it may be germane.

SENATOR KOCH: Mr. Chairman, I raise the same objection. Its two subjects on the same constitutional amendment.

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We went through this issue several years ago. I will remind you of that.

PRESIDENT: Now that does raise more of a question, however. . .

SENATOR KOCH: That does make it not germane. This is a disease we have the last nine days of the session every year.

PRESIDENT: Unless it can be stated as the same constitutional amendment affecting the legislature, you are right, and sometimes they have split, as you know Senator Koch, sometimes they have split the question, but it has been constitutional amendment. I'm perplexed as to that one too as to whether or not they would rule you could divide the constitutional question as to the two under one constitutional amendment since it is in the same general area. Senator Beutler, would you wish to carry on your questioning of the germaneness.

SENATOR BEUTLER: I was just interested Mr. Speaker on what the basis of your ruling would be in the event you are going to rule that it is germane. I mean it does not have to do with legislative salaries or compensation. On what basis therefore is it germane?

PRESIDENT: Well they are both in the same article of the Constitution, as I just indicated in the past they have taken, you must understand that the Chair admits he is prejudiced in this particular matter, cause I would not like to see this on the ballot, but I will say that to you very forthrightly. But the point is I think when it is in the same article of the Constitution there is the possibility of dividing the issue on the ballot as to the two concepts in the same article and they have done that before. It is probably not the best way to put a constitutional amendment on the ballot but that is argumentative. Whether it is germane though, I think it is germane. I think Senator Koch's question goes a little more to the practicality of ever passing a constitutional amendment that way.

SENATOR BEUTLER: Thank you.

PRESIDENT: I think the Legislature has it in their hands to decide whether they want to add such a thing. Whether or not the Speaker wants to allow this, I don't know where the acting speaker is, but whether or not this concept should be carried on without a hearing. I think maybe that is the only other thing that I would suggest.

Yes, yes, both of them. I am overruling both of them. For the purposes of discussion we will continue. Senator Koch did you have anything further, you have the microphone if you would like to carry on.

SENATOR KOCH: Mr. President, have you ruled.

PRESIDENT: Yes, I have overruled your objection.

SENATOR KOCH: You are ruling then that the Warner amendment is germane.

PRESIDENT: Yes, I would say that it would be germane and I would also say that your question goes more to the practically pragmatic function of putting in on . . . adding it and that is up to you to vote yes or no.

SENATOR KOCH: Mr. President and members of the body, I rise to oppose Senator Warner's amendment. I do it for several reasons. Many of us have bemoaned the fact that the power of government has ascended to the Potomac River. I submit to you the reason that power went to the Potomac River was because for years this nation saw fit to operate as part time legislators. With the new federalism which is the major topic of discussion today and with the additional responsibilities that may be transferred to state I think I think it would be foolhardy for us to go to a biennial session. I went through an annual session my first year as a lobbyist and I remember about 165 days, 1,300 and some odd bills, when they finally adjourned either late September or early October the people were numb, the same number of bills were still there. Senator Warner talked about interim studies having more depth. I submit to you that that is up to each chairman and each committee as to how in depth they. . . how much in depth they want in terms of interim studies. I would agree that possibly our interim studies haven't been as good as they should be, but again that gets down to integrity of the committee's in terms of how much they want to involve themselves in the off season, in terms of studying issues which may be critical to the needs of this state. I would remind you of one thing. If I had my way I would request to the citizens of Nebraska that they allow us additional time to make decisions today which are much more complex and much more technical because this world which you and I live moves so rapidly and changes so rapidly that for us to think that we can govern this state with any degree of integrity on a biennial basis I think is foolhardy. I would hope that Senator Warner would withdraw his amendment. If anything we would put to the vote of the people the fact

we could serve a minimum number of days with no limit on the number of days we could be here. Right now I know as we look at the bills and there are many of them that have value and merit that we are going to be leaving here in a few days and many of those bills will have to be taken up again at a future date. But to the best interest of the people in this state in spite of what they say sometimes, they would be better served if we tried to deal with every piece of legislation, one way or the other. I don't conduct businesses on a part time basis and neither do you. If you did you wouldn't be in business very long. But fortunately you have those who can manage for you. To conduct the complex business of government on a 60 days basis or a 90 day basis or a biennial basis for that matter is not in the best interest of people and our role as policy makers sometimes to educate the citizens for the need for a more responsible government that is going to be here as often as we have to be here. Or if you want to give more of your power away as a legislature then give it to the governor. Because I don't choose to dilute the doctrine of sovereign power any more than we have. So, I oppose Senator Warner's amendment and seldom do I oppose my good friend Senator Warner because he is so bright, so all knowing and so all seeing. He is like the eye on the pyramid, he knows it all. Thank you.

PRESIDENT: Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to oppose the Warner amendment. Personally it is a problem now to go back to the district and explain the one year budget and it would be tremendously hard to go back and try to explain what we did with a two year budget. Not only the figure but how is it going to work. In fact, I think we need more time and I have introduced and given to the Clerk a legislative resolution that asks that on the ballot it be placed that this body meet a minimum of 60 days in the short session and a minimum of 90 days in the long session and this resolution is also signed by Senator Koch and Senator DeCamp because if the federal government does unload on us all of the things they say they are going to unload on us we are not going to be able to do it in 60 and 90 days. We have to have longer sessions. If we have longer sessions we can also get away from something that I dislike and I know a lot of senators do and that is the 15 minute consent calendar where you vote a bill up or you vote a bill down. I personally and I know a lot of senators feel the same way, that isn't a very good way to run the ship. I'm speaking and I have one of the longest ways to come to be a legislator, my expenses

are greater than anybody in Lincoln and Omaha and so are the rest of the western legislators, and I am asking for longer sessions so I can do a better job and I feel you can do a better job. So I ask that we do not go to biennial sessions and you do defeat the Warner amendment. Thank you very much.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: I call the question Mr. Speaker.

PRESIDENT: The question is has been called for. Do I see five hands? I do. The question is shall debate cease. All in favor vote aye, opposed nay. I remind everybody you are still on Final Reading. You move around like you are not but you are. I have been giving quite a bit of leeway because I realize what it is like to sit there that long, but you should stay at your...so we can expedite the motions that are coming. Record the vote.

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

PRESIDENT: Motion carries, debate ceases. Senator Warner you may close on your motion to return.

SENATOR WARNER: Mr. President, as I started out I offered an amendment to kind of get an indication of the sentiment rather than put in a resolution to do this specifically. But I assume that about the only time of the session that this kind of an amendment might have some appeal is towards the end when you are all fully aware of what I at least consider the difficult operating procedure of time limits and it is interesting to note that several of those who oppose it would like to have unlimited time apparently on an annual basis which seems to run contradictory to those who oppose having a biennial session with unlimited as being bad and then yet would support unlimited time for an annual session. In any event the '69 session is referred to from time to time, which did run 165 days, but that is 15 more days than we now meet in two years so that really didn't make much difference and if you throw in the special session and some other things you get pretty close to the same amount of time in Lincoln that occurred then. If you look at the two session previous to '69, one was a 149 and the other was 134 days which was even less than what we now meet every year, every two years. So on that basis I don't think it is an argument and I could tell you the real story why the '69 session ran for 165 days but there is no particular need to do that here but there was a very specific reason that that occurred. So I would merely say

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LB 531, 928, 816
LR 276

that I basically believe in the philosophy of the citizen legislature. The lay person legislature. I do not believe that it is good government for the legislative branch or the legislators to be professional politicians who are in this business of legislating every day. Our role is policy makers. Our role is best served if we have more time at home among those who we represent to keep our, to keep our feelings closer to those people. I believe that you would be surprised how well this amendment would be supported if it got on the ballot.

PRESIDENT: Motion is the Warner motion to return LB 531 for the Warner specific amendment. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Senator Warner, do you want a roll call vote? Record the vote.

CLERK: 16 ayes, 24 nays, Mr. President on the motion to return the bill.

PRESIDENT: The motion fails. Anything further?

CLERK: Nothing further on the bill Mr. President.

PRESIDENT: We are ready then to read LB 531 on. . . Oh that is right it was returned, so it is on, it has been returned so it is on E & R for Engrosment. So we are ready then, that ends Final Reading for today. Do you have some things to read in Mr. Clerk?

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 816 in the Legislative Journal.

New resolution Mr. President. LR 276 by Senators Haberman, DeCamp and Koch. Read LR 276. That will be referred to the Executive Board for reference, Mr. President.

ASSISTANT CLERK: Mr. President, LB 928 was introduced by the Appropriation Committee and signed by the members thereof. Read title. The bill was referred to the Appropriations Committee. The Appropriations Committee did place the bill on General File and there are committee amendments, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: Before I call on Senator Warner I would like to introduce 90 fourth graders from Miller Park in Omaha, Senator Duda's district. They have three teachers with them. They are in the south balcony. Would you stand and be recognized.

March 31, 1982

LB 953, 604A, 626, 952, 531

Have you all voted? Record the vote.

CLERK: 6 ayes, 25 nays, Mr. President.

PRESIDENT: The motion fails. The Clerk will have some matters to read in and then we will...the Chair will recognize Senator Clark for recessing us.

CLERK: Mr. President, Senator Pirsch offers an explanation of vote. (See page 1531 of the Legislative Journal.)

Mr. President, a new resolution LR 281 offered by Senators Vickers and Barrett. (Read. See page 1531 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 531 and find the same correctly engrossed; 604A correctly engrossed. (See page 1532 of the Legislative Journal.)

Mr. President, I have a motion from Senator Beyer and Cullan to reconsider the vote on Final Reading of LB 952 and a motion from Senator DeCamp to reconsider the vote on Final Reading of LB 626. (See page 1532.)

And, Mr. President, Senator Koch would like to remind the Education Committee that they are having a public hearing at twelve noon. That is the Education Committee, a public hearing at twelve noon. That is all that I have, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: Mr. President, I move that we recess until one-thirty this afternoon.

PRESIDENT: The motion is to recess until one-thirty. Any discussion? All those in favor signify by saying aye, opposed nay. We are in recess until one-thirty.

Edited by

L. M. Benischek
L. M. Benischek

April 8, 1982

LB 970, 970A, 531

SENATOR CLARK: Have you all voted? I will wait for you, Davy. Record the vote.

ASSISTANT CLERK: (Read record vote found on page 1818 and 1819, Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 970 with the emergency clause.

ASSISTANT CLERK: (Read LB 970 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: (Record vote read. See pages 1819 and 1820, Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR CLARK: LB 970 with the emergency clause is declared passed. The Clerk will now read 970A, the appropriation, with the emergency clause.

ASSISTANT CLERK: (Read LB 970A on Final Reading.) (Recorder turned off during reading.)

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in favor vote aye, opposed vote nay. Have you all voted on the final passage of 970A? Record the vote. I voted yes.

CLERK: (Record vote read. See page 1820, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: 970A is declared passed with the emergency clause. We will now go to item #5. I am sorry, we still have LB 531, constitutional amendment.

CLERK: (Read LB 531 on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure

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LB 531, 212-212A, 520, 754
761, 807, 942, 970-970A

having been complied with, the question is, shall the bill pass? It takes 30 votes. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

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

CLERK: (Record vote read. See page 1822, Legislative Journal.) 36 ayes, 11 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. We will now go to item #5.

CLERK: Mr. President, a few items to read in. The bills that were read on Final Reading this morning are now ready for your signature, Mr. President.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 531, 970A, 970, 942, 807, 754, and 761.

CLERK: Mr. President, I have an explanation of vote offered by Senator Higgins.

And Senator Cullan would like to print amendments to LB 212 and 212A. (See page 1823, Legislative Journal.)

PRESIDENT: Okay, anything else, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for as Senator Clark said agenda item #5, Select File, and I believe we start with LB 759, is that correct, Mr. Clerk? 520, is it? Okay, we will take up 520.

CLERK: Mr. President, LB 520 was considered yesterday by the Legislature. At that time the E & R amendments were adopted. Senator Howard Peterson then made a motion to indefinitely postpone the bill. That is presently before us, Mr. President.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, last evening I handed out to this body a number of letters from a number

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LB 761, 754, 807, 970,
970A, 531, 480, 591,
629, 629A

CLERK: Mr. President, your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading this morning (LBs 761, 754, 807, 970, 970A and 531).

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 480 and find the same correctly engrossed, 591 correctly engrossed, 629 and 629A all correctly engrossed.

right, we'll have a roll call vote if you asked for it. I didn't hear it, I'm sorry. The Clerk will call the roll. All senators will be in their seats. For what purpose do you arise, Senator Dworak? All right, for what purpose do you arise?

SENATOR DWORAK: Hasn't the vote been announced?

SENATOR CLARK: No, it was a mistake as far as I am concerned. You can blame it onto me. I didn't hear him ask for a roll call vote. Others must have heard it. It was not announced.

SENATOR DWORAK: Are we going to be able to call for a roll call after votes been announced then in the future?

SENATOR CLARK: No, it was not announced. It was not announced. The vote was not announced. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 1859-1860 of the Legislative Journal.) 23 ayes, 23 nays, Mr. President.

SENATOR CLARK: The motion lost. The next amendment.

CLERK: Mr. President, the next amendment I have to the bill is offered by Senator DeCamp. It is on page 1368 of the Legislative Journal.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I will withdraw that amendment and any others I have.

SENATOR CLARK: The amendment is withdrawn. The next amendment.

CLERK: Mr. President, if I may right before that, I'd like to read some items in.

SENATOR CLARK: All right.

CLERK: Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading this morning. (Re: LB 378, 378A, 693, 760, and 967.)

An Attorney General's opinion addressed to Senator Chambers regarding LB 825. (See pages 1860-1861 of the Journal.)

Senator Higgins offers explanation of vote and I have two letters from the Governor. (Read. Re: LB 531 and LB 942. See pages 1861-1862 of the Legislative Journal.)

SENATOR CLARK: Mr. Clerk, I've got an announcement here, too. There are cookies and lemonade in the Rotunda to celebrate the Governor's proclamation today of Victim's