

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

February 2, 1982

LB 127, 127A, 314, 431,
LB 364, 605, 616, 685

Here he is. The Clerk will call the roll. Can we have it quiet, please, so the Clerk can hear the response.

CLERK: (Read the roll call vote as found on page 506 of the Legislative Journal.) 8 ayes, 34 nays on the motion to reconsider, Mr. President.

SENATOR CLARK: The motion carried.....or, pardon me, the motion lost. I am sorry, Senator Chambers, trying to help you out there. LB 364 is indefinitely postponed. We are now ready for item #7, 314. The Clerk would like to read in first.

CLERK: Mr. President, first of all I have, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 127 and recommend that same be placed on Select File; E & R amendments to LB 127A, Select File with E & R amendments attached.

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner reports LB 605 be advanced to General File; LB 685 advanced to General File and LB 616 advanced to General File with committee amendments attached.

Mr. President, your committee on Miscellaneous Subjects gives notice of confirmation appointment hearings.

Senator Fenger would like to print amendments to LB 431 in the Journal. (See pages 508-509 of the Legislative Journal.)

Mr. President, Senator Koch would like to announce that the Education Committee will meet in executive session immediately following the public hearing of the committee today in Room 1517.

Mr. President, I have a unanimous consent request from Senator Warner and Senator Kremer to switch hearing rooms for Wednesday, February 3 and Friday, February 5.

SENATOR CLARK: No objections? So ordered. We will now take up 314.

CLERK: Mr. President, LB 314 introduced by Senator Higgins. (Read title.) The bill was read on January 19 last year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan.

March 5, 1982

LB 792, 605

in favor of that motion vote aye, opposed vote no.

CLERK: 30 ayes, 9 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. Bill is advanced. The first item is LB 605 at the top of page 2.

CLERK: Mr. President, LB 605 offered by Senator Koch. (Read title.) The bill was read on January 6. of this year. It was referred to the Miscellaneous Subjects Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. 605 does several things and I will try to highlight them for you. One, it requires a person to renew his license or her license by July 1 each year instead of allowing two years as we presently do from the date of expiration. A number of license holders are now only renewing every other year. Secondly, it would prohibit a person from lending his or her license or knowingly permit the use thereby to another person and this is now happening because the present statute does not prohibit the practice. Thirdly, it requires the payment of a delinquent fee by any individual failing to file a proper application with fees for inspection of electrical installation as required by statute. At the present time charges must be filed by the county attorney against the individual resulting in a lengthy time and an expense consuming delays. At the present time also there are people who repeatedly will not file the application for an inspection and pay the fees unless they are actually caught making the inspection by a state electrical inspector. So that is the reason for the delinquent fee that is being suggested to reduce the number of offenders that are presently being carried on in the State of Nebraska. I ask for the adoption on the motion to advance to E & R LB 605.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the Legislature, the Miscellaneous Subjects Committee held a hearing on this bill. We discussed it thoroughly and voted unanimously to bring it to the floor. We think there is a need for this bill and it does carry out some of the provisions that we think that we are having problems with. So, therefore, I would urge this body to move this bill on at this time.

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LB 605

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Just a question of Senator Koch if I may. Now, Jerry, the section in the statute that prohibits the lending of licenses, if a person to whom the license is lent uses the license, that is a criminal violation and he can be prosecuted. Is there no criminal violation as far as the person who lends the license is concerned? I guess all I am saying is I am wondering if that section is really necessary. It seems to me that that should be, if it is not, it should be covered as a criminal violation elsewhere in the criminal statutes.

SENATOR KOCH: I can't answer right now but I will get...I will try and get the answer for you, Senator Beutler. All right?

SENATOR BEUTLER: Okay, thank you.

SENATOR KOCH: Senator Goodrich says he can.

SPEAKER MARVEL: The Chair recognizes Senator Goodrich.

SENATOR GOODRICH: There is no penalty of any kind for this now and it is being done frequently, frankly.

SENATOR BEUTLER: It just seems to me that as a broad public policy question, there should be a law against the lending of any license like that. You know, I guess I am wondering why...I understand why you are doing it here, why aren't we doing it everywhere? I guess I am surprised that that act is not presently covered with regard to all licenses, doctors or lawyers or whatever.

SENATOR GOODRICH: Well, a doctor, for example, he can't even practice without having a license, for example. This deals with contractor's licenses. The contractor then hires journey-men electricians, for example, who are licensed who then perform the work. But this deals with the actual contracting itself which means that a man holds a journeyman's license and also a contractor's license can then say, okay, to this guy that is a journeyman licensed electrician, he wants to do a job. He doesn't have a contractor's license though. He says you go ahead and do the job and we will put the job through my name as a licensed contractor. What we are doing... in other words, you are getting licensed people to do the job but it is just they don't have the technical aspect of having a contractor's license besides the journeyman's license. So, consequently, that is what we are doing, we are saying they cannot loan their contractor's license, the contractor's portion of their license and, believe me, the penalty, for example, for

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LB 605, 931

them to do the job without having a journeyman's license to do the job with would be severe and they have got penalties in for that but it is just this contractor's level up here and this is all this does, prohibits the contractors of loaning their license.

SPEAKER MARVEL: Senator Koch, do you wish to close?

SENATOR KOCH: I have no closing. I just move that we advance LB 605 to E & R Initial as presented.

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

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. The next item, 931.

CLERK: Mr. President, LB 931 offered by the Performance Review and Audit Committee and signed by its members. (Read title.) The bill was read on January 19th of this year, referred to the Appropriations Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I move LB 931 be advanced to E & R Initial. What the bill does is broadens the ability of the state to collect on delinquent accounts from governmental subdivisions where...by withholding of state aid funds with the procedures spelled out in a time frame that has to elapse in order to do it. It is a procedure we already have in one case in the Department of Institutions where this would broaden and keep those bills current. The process is one where if it is an account in excess of \$1,000 over 60 days old the director of the agency that is involved would notify the Department of Administrative Services of that fact which the Department of Administrative Services Director would then notify the governmental subdivision involved that they had 30 days to do that, to pay the bill, or else the law would be used to withhold from their next state aid payment, whatever, from the general fund portion, whatever amount that was necessary to pay the bill and at the end of the 30 days if it was not collected, then the treasurer would be notified who again would check to make sure whether or not the local entity had paid it, and if they had not, would proceed to withhold an amount equal to the amount of the bill from the state aid payment, and it probably

March 8, 1982

LR 244
LB 458, 520, 568, 605, 892,
629, 714, 799, 809, 817, 852

allowed to us by law. I move the advancement of 817.

SENATOR CLARK: The question before the House is the advancement of 817 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of the bill? Have you all voted, one more time. Record the vote.

CLERK: Mr. President, Senator Cullan requesting record vote. (Read the record vote as found on pages 1049 and 1050 of the Legislative Journal.) 26 ayes, 15 nays, Mr. President.

SENATOR CLARK: The bill is advanced. The next bill is 852. The Clerk wants to read some things in.

CLERK: Mr. President, a series of items to read in. New resolution, LR 244 offered by Senator Chambers. (Read LR 244 as found on page 1050 of the Legislative Journal.) That will be laid over, Mr. President. Mr. President, Senator Fenger would like to print amendments to LB 714; Senator Vard Johnson to print amendments to LB 520; Senator Koch to 629; Senator Koch to 892; Senator Koch to 799; Senator Koch to 605; Senator Haberman to 568; Senator Fowler to 458; Senator Stoney to 809. (See pages 1051 through 1055 of the Legislative Journal.)

Mr. President, LB 852 was a bill introduced by the Public Works Committee and signed by its members. (Read title.) The bill was read on January 18th of this year. It was referred to Public Works for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition, I have an amendment to the committee amendments that is offered by Senator Kremer that is found on page 717 of the Legislative Journal.

SENATOR CLARK: Senator Kremer on the committee amendments.

SENATOR KREMER: Thank you, Mr. Chairman and members of the Legislature, I think I should first of all very briefly explain the bill and then you will understand the amendments. This is a bill submitted by the Public Works Committee and brought to us by the rural power people that would provide for joint financing simply because financing as in the past is being discouraged. The need for electrical energy in the rural areas continues to increase greatly and

LB 577, 579, 601, 605, 642, 644, 651, 662,
677, 678, 696, 697, 718, 718, 719, 720,
728, 729, 739, 743, 764, 767, 767A, 775,
776, 778, 784, 792, 796, 807, 824, 825,
828, 839, 845, 869, 877, 890, 892, 931,
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

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LB 714, 766, 790, 605

CLERK: Nothing further, Mr. President.

PRESIDENT: Senator DeCamp or Senator Kilgarin, do you just want to move the bill along? Senator Kilgarin, why don't you just. . .

SENATOR KILGARIN: I move we advance LB 714.

PRESIDENT: Motion is to advance LB 714 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 714 is advanced to E & R for Engrossing. Next bill is LB 790.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 790.

PRESIDENT: Motion is to advance LB 790 to E & R for Engrossment. Any discussion? All those in favor of advancing LB 790 to E & R for Engrossment signify by saying aye. Opposed nay. LB 790 is advanced to E & R for Engrossment. Next bill is 766.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 766.

PRESIDENT: Motion is to advance LB 766 to E & R for Engrossment. Any discussion? If not, all those in favor of advancing LB 766 to E & R for Engrossment signify by saying aye, opposed nay. LB 766 is advanced to E & R for Engrossment. Next bill is LB 605.

CLERK: Mr. President, I have no E & R amendments. Senator Koch had an amendment to the bill. I understand Senator Goodrich is going to handle it for him.

PRESIDENT: Senator Goodrich, you are handling the Koch amendment?

SENATOR GOODRICH: Yes, Mr. President.

PRESIDENT: All right the Koch amendment, Chair recognizes Senator Goodrich.

SENATOR GOODRICH: This is Senator Koch's amendment to Senator Koch's bill, but since he wasn't going to be able to be here, he asked me if I would handle it for him. What the amendment does is it recognizes, there are five different categories of license that you can have. If you have a master or journeyman's license that is Class A license, that is the top license you can have. If, for example, you have somebody, a Class A journeyman licensed man, do the work that say a lesser grade of license would call for, then there is no fee for him to pay to be able to be do that particular lower grade of work. However, one of the political subdivisions in the State of Nebraska is interpreting it, which frankly it is Omaha, is interpreting it that if a Class A journeyman does a lesser grade of work that they can require him to come in and get that grade of license also. So what we are saying is, what the original intent of the law was and that is if you got the top grade of license you can do everything that is called for in lesser grades of license. We are just clearing up the point so that they not only don't have to pay the fee, because that is already in the law, but it is just that they don't have to take the examination for lesser grades of license to do the lesser grades of work, if they got the top license. Thank you. I move the adoption of the amendment.

PRESIDENT: Any further discussion on the Koch amendment as described and explained by Senator Goodrich. If not, Senator Goodrich, I guess that is the opening and the closing. The question is the adoption of the Koch amendment to LB 605. All those in favor vote aye, opposed nay. Have you all voted on the Koch amendment? We are on the Koch amendment explained by Senator Goodrich on LB 605. Have you all voted? Record the vote.

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

PRESIDENT: Motion carries. The Koch amendment is adopted. Any further amendments on LB 605?

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move to advance LB 605.

PRESIDENT: Motion is to advance LB 605 to E & R for Engrossment. Any discussion? All those in favor of advancing LB 605 to E & R for Engrossment signify by saying aye, opposed nay. LB 605 is advanced to E & R for Engrossment.

March 29, 1982

LB 522A, 605, 714, 753,
754, 760, 761, 942,
966, 967, 970, 970A

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer this morning by Father Edmund Placek of the Sacred Heart Catholic Church, Burwell.

FATHER PLACEK: (Prayer offered.)

SENATOR CLARK: The state officers of the Knights of Columbus are here for the occasion of the centennial of the Knights of Columbus. I think they are going to see the Governor and have him declare it that. We also have three visitors from Australia. They are under the South balcony. David McConnell, Helen McConnell, and Marilyn Handley. Would you stand and be recognized please. Senator Lamb has 7 students from Newport, Nebraska grade school, Pam Peterson, the teacher, and they are in the North balcony. Would you stand and be recognized please? Welcome to the Legislature, all of you. Roll call. Could we all check in, please. We have the Benson Republican Women's Club in the North balcony. Would you stand and be recognized please? Welcome to you to the Legislature. The Clerk will record.

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

SENATOR CLARK: Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CLARK: Do you have any messages, reports, or announcements?

CLERK: Yes, sir, I do, a series of things. Mr. President, your committee on Enrollment and Review respectfully reports they have examined and reviewed LB 754 and recommend that same be placed on Select File; 522A Select File; LB 942 Select File with amendments; LB 966 Select File with amendments; LB 970 Select File; LB 970A Select File with amendments; LB 761 Select File with amendments; LB 967 Select File; LB 760 Select File; LB 753 Select File. Those are all signed by Senator Kilgarin as Chair, Mr. President.

Mr. President, your committee on Public Health and Welfare offers a report on gubernatorial confirmation hearing.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 605 and find the same correctly engrossed; and LB 714 correctly engrossed.

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LB 672, 605

sure that these newfangled taxing mechanisms are really for the benefit of the public and the people, let's wait, let's go slow, let's see what happens in Minnesota, learn from their experience and let's not enact this bill at this point in time. With that, Mr. Speaker, I would ask unanimous consent to withdraw the motion to return to Select File and ask that we proceed to vote on the bill.

SENATOR MARSH: Before action is taken on that I would like to register a protest for our Final Reading time to be used in this manner.

PRESIDENT: All right, your protest is noted. Okay, you have withdrawn your motion, Senator Beutler. Before we go to the reading of 672, the Chair would like to introduce some twelve seniors from Senator Beutler's district, Lincoln High School, teacher Ruby Grell, they are up here in the north balcony. Welcome Lincoln High, sons and daughters of the Red and Black. Welcome. We will now read, Mr. Clerk, on Final Reading LB 672.

CLERK: (Read LB 672.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 672 pass. All those in favor vote aye, opposed nay. Have you all voted? Three are excused. Senator Beutler, do you wish to. . . Senator Goodrich, excuse me. Senator Beutler doesn't care. Senator Goodrich, I ask you if you want to do anything. Well you can have a. . .

SENATOR GOODRICH: There are three excused.

PRESIDENT: A roll call if he wants to, that is all. That is all he can do.

SENATOR GOODRICH: Are there three excused?

PRESIDENT: Three are excused. That is it. Record the vote then.

CLERK: 28 ayes, 18 nays, 3 excused and not voting. Vote appears on pages 1674-75 of the Legislative Journal.

PRESIDENT: LB 672 not having received the constitutional majority necessary to place it on the ballot as a constitutional amendment, fails. We will go on to LB 605.

CLERK: (Read LB 605.)

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LB 605, 755, 756

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 605 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 46 ayes, 0 nays, 3 excused and not voting. Vote appears on page 1675 of the Legislative Journal.

PRESIDENT: LB 605 passes. The next bill on Final Reading, Mr. Clerk, is LB 755.

CLERK: (Read LB 755.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 755 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote and subtract the one.

CLERK 44 ayes, 3 nays, 3 excused and not voting. Vote appears on page 1676 of the Legislative Journal.

PRESIDENT: LB 755 passes with the emergency clause attached. Next bill on Final Reading is LB 756, Mr. Clerk.

CLERK: (Read LB 756.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 756 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting. Vote appears on page 1677 of the Legislative Journal.

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LB 127, 127A, 408, 602A,
605, 753, 755, 756, 816

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Eddy Hallock, Southview Baptist Church here in Lincoln.

REVEREND HALLOCK: Prayer offered.

PRESIDENT: Roll call. Senator Goodrich, would you push the button and then we can get going. Thank you. 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: I have no corrections, Mr. President.

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

CLERK: I have an Attorney General's Opinion addressed to Senator DeCamp. (See pages 1755 and 1756 regarding LB 816 in the Legislative Journal.) Senator Labedz would like to print amendments to 602A; Senator Beyer to 408. (See pages 1757 through 1760 of the Journal.)

Mr. President, the bills that were read on Final Reading yesterday are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 127, 127A, 605, 755, and 756. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, motions, commencing with LB 942.

CLERK: Mr. President, I don't have any motions on LB 942 this morning.

PRESIDENT: Senator Warner....no motions, all right, so 942 is out. What about 753?

CLERK: Mr. President, Senator Warner would move to return LB 753 to Select File for a specific amendment. That amendment is found on page 1727 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Warner.

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LB 127, 127A, 605, 755,
756, 757

CLERK: Mr. President, I have another motion.

PRESIDENT: Oh, another motion on this bill, all right.
Read the motion.

CLERK: Mr. President, if I may right before that. Your Enrolling Clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 1763 regarding LBs 127, 127A, 605, 755 and 756 in the Legislative Journal.)

I have a supplement to an Attorney General's Opinion addressed to Senator Beutler. That will be inserted in the Journal. (See page 1764 of the Journal.)

Mr. President, Senator Newell would now move to return LB 757 to Select File for a specific amendment, that amendment being to eliminate the State Board of Equalization's authority to set the sales and income tax rates.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: I won't speak long if I could have some silence. Thank you, that's not a bad deal. The proposal that I am offering this Legislature is one of those that you might call a...to use a colloquialism, a "fess up" amendment, and that is simply that it will strike the State Board of Equalization's Authority to set sales and income tax rates. We would have to bring 757 back one more time to set the income tax rate after this amendment is passed but I don't think that is any great problem. I think then we have a philosophically reasonable way of explaining this to the public. We can take this out of all of the politics and so forth and have the Legislature do what 49 other states do and that is set the sales and income tax rates. I think it would be very responsible. It would help the public understand just exactly who creates the problem. It is not only the Legislature, it is also the Executive, but at least places that authority between the Legislature and the Executive Branch and not solely in the Executive Branch. That way we won't have these kinds of election year situations when we have a real fiscal crisis. I would hope this body would accept this amendment. It is the right and philosophically correct thing to do.

PRESIDENT: The Chair recognizes Senator Hefner. Okay. The Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I support the Newell amendment. I think the situation over the last year and the failure

April 13, 1982

LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. 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: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,