

March 19, 1982

LR 249, 250, 256
LB 480, 571, 602, 609A, 688,
787, 799, 835, 854, 854A, 868, 909

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Ross,
Pastor of Faith Lutheran Church in Seward, Nebraska.

REVEREND JOHN ROSS: Prayer offered.

PRESIDENT: Roll call. 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 will stand as published. Any
messages, reports or announcements?

CLERK: Mr. President, LR 249 and 250 are ready for your
signature.

PRESIDENT: While the Legislature is in session and capable
of transacting business, I propose to sign and I do sign
LR 249 and LR 250.

CLERK: Mr. President, your committee on Enrollment and
Review respectfully reports they have carefully examined
and reviewed LB 854 and recommend that same be placed on
Select File with E & R amendments; 854A Select File with
E & R amendments; 909; 480; 835; 688; 799; 868; 602 and
787, all placed on Select File, Mr. President. (Pages 1227-1280.)

Mr. President, I have a new resolution, LR 256 offered
by Senator Nichol and many of the members. (Read LR 256
as found on pages 1280 through 1283 of the Journal.)
That will be laid over, Mr. President.

Mr. President, new A bill, LB 609A offered by Senator Marsh.
(Read title for the first time.)

Mr. President, I have a report from the Buildings and
Grounds Commission on proposed lease renewal for the
Department of Correctional Services, and the Nebraska State
Highway Commission files their quarterly report.

PRESIDENT: We are ready then to immediately go to Final
Reading, agenda item #4 commencing with LB 571. Would the
Sergeant at Arms secure the Chamber and make sure that all
members are at their desks, and all other unauthorized

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LB 488A, 609A, 714A

SENATOR KAHLE: Mr. President and members, Senator Goodrich's explanation is exactly what I was driving at a bit ago. I think we need to look at this thing as we go along. I think the A bill should be moved. I would agree with him that economic conditions have changed since the Government Committee had a hearing on this last year and we came up with the salary scale that is in 488 now, and I am happy to support his move now to move 488A to Select File and then offer some amendments later or work on 488 on Final Reading. I think that is the proper approach and the way it should be done. So I support Senator Goodrich in this move.

PRESIDENT: Senator Goodrich, anything further? The question then is the advance of LB 488A to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 1 nay on the motion to advance the A bill, Mr. President.

PRESIDENT: The motion carries and LB 488A is advanced to E & R Initial. The next bill is LB 714A.

CLERK: 714A offered by Senator DeCamp. (Read title.)

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: I move it be advanced.

PRESIDENT: Any further discussion? Opening and closing. All those in favor of advancing LB 714A vote aye, opposed nay. Have you all voted? Record the vote.

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

PRESIDENT: The motion carries and LB 714A is advanced to E & R Initial. The next bill is LB 609A.

CLERK: 609A offered by Senator Marsh. (Read title.) Mr. President, there are amendments pending by Senator Marsh.

PRESIDENT: The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President, members of the Legislature, the technical amendment changes the total agency figure from \$445,000 to \$73,000. It is an error in the way it was originally printed. I ask for your adoption of the amendment.

PRESIDENT: All right, any discussion on the Marsh amendment

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LR 260
LB 609A

to LB 609A? Senator Marsh, I guess that is your opening and closing. The question is the adoption of the Marsh amendment on LB 609A. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to adopt Senator Marsh's amendment.

PRESIDENT: The motion carries and the Marsh amendment is adopted. Any further amendments?

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

PRESIDENT: Senator Marsh, motion to advance.

SENATOR MARSH: Thank you, Mr. President. I move for the advancement of LB 609A. This is for the bill which has been sitting on Final Reading. I appreciate your help for getting it moved forward.

PRESIDENT: Any further discussion? If not, all those in favor of advancing LB 609A vote aye, opposed nay. Senator Clark voting aye on this.

CLERK: Senator Clark voting yes.

PRESIDENT: Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 609A is advanced to E & R Initial. Do you have anything to read in?

CLERK: One item, Mr. President. New resolution, LR 260 by Senator Kremer. (Read LR 260 as found on page 1348 of the Legislative Journal.) That will be laid over, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: The Chair recognizes Senator DeCamp for a point of personal privilege.

SENATOR DeCAMP: Mr. President and members of the Legislature, it will only take about a minute and a half. I do have a point of personal privilege and the point has to do with a letter I received from Senator Cullan late last week. Senator Cullan and I who have a very frank relationship with each other. Senator Cullan sent me a

March 23, 1982

LB 404A, 488A, 609A, 714A,
LB 522A, 755, 756, 933, 942

SENATOR LAMB: The motion is to have a Call of the House. Those in support vote aye, those opposed vote no. Record.

CLERK: 17 ayes, 0 nays, to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized personnel please leave the floor. All senators will be in their seats. Please record your presence. Call in votes will be accepted.

CLERK: Senator Fowler voting yes. Senator Vickers voting yes.

SENATOR LAMB: Senator Wiitala, Senator Koch, Senator DeCamp, Senator Schmit, Senator Labedz, Senator Wagner, please record your presence.

CLERK: Senator Labedz voting yes.

SENATOR LAMB: We're looking for Senator Chambers, Senator DeCamp and Senator Koch.

CLERK: Senator Fenger voting no.

SENATOR LAMB: Senator Johnson, we are missing only three people. Are you ready for the roll call?

SENATOR V. JOHNSON: Roll call then, yes, please.

SENATOR LAMB: Will you please call the roll, Mr. Clerk?

CLERK: (Read roll call vote as found on pages 1376-1377 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. LB 942, Mr. Clerk.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 404A and recommend that same be placed on Select File with E & R amendments; 488A, 714A, 609A, 755, 756 and 933 with E & R amendments attached. (See pages 1377-1378 of the Legislative Journal.)

Mr. President, LB 942 was last considered by the Legislature yesterday. (Read title.) The bill was first read on January 19. It was referred to the Budget Committee for a hearing. The bill was advanced to General File with committee amendments attached, Mr. President. Yesterday the Legislature adopted portions of the committee amendments. I believe

April 5, 1982

LB 522A, 609 A, 714A

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The bill is advanced. 609A.

CLERK: E & R amendments, Senator.

SENATOR KILGARIN: I move we adopt the E & R amendment to LB 609A.

SENATOR CLARK: You heard that motion. All those in favor say aye, opposed. The E & R amendments are adopted.

CLERK: Nothing further on the bill, Senator.

SENATOR KILGARIN: (Mike not on.) ...LB 609A.

SENATOR CLARK: The question before the House is the advancement of LB 609A. All those in favor say aye, opposed. The bill is advanced. 522A.

CLERK: Mr. President, I have an amendment pending to the bill offered by Senator Vard Johnson. (See page 1639 of the Legislative Journal.)

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. President and members of the body, LB 522 as you probably recall is the welfare takeover bill. It is effective July 1, 1983. It has an A bill attached to it. The A bill calls for a sum of around \$30 million effective July 1, 1983. Accordingly it has no impact on the next fiscal year. Now what my amendment does...oh no. Senator DeCamp suggested my amendment increased it to \$50 million but that is not true. It reduces it by about \$6 million for one simple reason. When the fiscal analyst prepared the fiscal note to LB 522 the fiscal analyst used a standard of medical indigency that is not in place in the State of Nebraska and that standard would call for about \$9 million to be appropriated for medical indigents. We have just advanced LB 602 and LB 602A which is an independent bill regarding medical indigency and there the A bill is a little over \$2 million and so the \$2 million sum that the fiscal analyst has arrived at for 602 and 602A should be the same sum arrived at under 522A for the medical indigents. And so all this amendment does, and I can't recall the precise dollar amount, is it simply reduces the price tag on 522A from the \$30 million down to about \$25 million. I at least think it is only fair that whatever this large bill costs that the true amount be reflected. So this is an amendment to reduce the price tag of 522A and I would ask that it be adopted.

April 6, 1982

LB 933, 609A, 714A, 760,
967

PRESIDENT: All right, let's just do it, otherwise we are going to go on and on and on with this thing. Let's.... roll call vote, Mr. Clerk, proceed. Everybody is here now.

CLERK: (Read the roll call vote as found on pages 1691 and 1692 of the Legislative Journal.) 22 ayes, 21 nays, Mr. President, on the rule suspension.

PRESIDENT: The motion failed. All right, the Clerk will read some matters in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 609A and find the same correctly engrossed; 714A correctly engrossed; 760 and 967 all correctly engrossed.

PRESIDENT: All right, Senator Lamb, you want to take off until when now....how long do you want to recess till? 1:30, okay. Senator Lamb moves to recess then until 1:30. All those in favor signify by saying aye. Opposed nay. We are in recess until 1:30.

Edited by


LaVera Benischek

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LB 604, 604A, 609, 609A

CLERK: (Read record vote. See pages 1924 and 1925, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 604A. Does that have the emergency clause on it?

CLERK: (Read LB 604A on Final Reading.)

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall 604A pass with the emergency clause attached? All those in favor vote aye, opposed vote nay. Voting aye.

CLERK: Senator Clark voting yes.

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

CLERK: (Read record vote. See pages 1924 and 1925, Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 609.

CLERK: (Read LB 609 on Final Reading.)

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

CLERK: Senator Clark voting yes.

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

CLERK: (Read record vote. See pages 1925 and 1926, Legislative Journal.) 47 ayes, 0 nays, Mr. President, 2 excused and not voting.

SENATOR CLARK: The bill is declared passed on Final Reading. LB 609A.

ASSISTANT CLERK: (Commenced reading of LB 609A.)

SENATOR CLARK: Pardon me, Senator Fowler, for what reason to you rise?

SENATOR FOWLER: I guess this is just a procedural question and it is as good a bill to clear it up on as any. The

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LB 609A

fiscal impact of this is delayed a year so it does not affect next year's budget and I am just wondering if it takes 25 or 30 votes to pass?

SENATOR CLARK: According to my information it takes 30 votes.

SENATOR FOWLER: Even though it is...

SENATOR CLARK: It is not in the Governor's budget.

SENATOR FOWLER: Even though it is for the upcoming fiscal year, not the next fiscal year but two years away, it will still take 30 votes.

SENATOR CLARK: I assume that it does because I got that from the Appropriations Committee.

SENATOR FOWLER: Okay, thank you.

ASSISTANT CLERK: (Continued reading LB 609A on Final Reading.)

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay. It takes 30 votes.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: (Read record vote. See pages 1926 and 1927, Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. Senator Johnson, for what purpose do you rise?

SENATOR V. JOHNSON: A point of clarification. You indicated that this bill took 30 votes to pass and the question that Senator Fowler raised a few minutes ago was because 609A does not speak to the ensuing fiscal year but rather to the one after that, he said he thought it only took 25 votes and you said 30 votes. A point of clarification is this, there is an Attorney General's opinion at page 1528 of the Journal dealing with this very issue in connection with another A bill that speaks to the fiscal year following the ensuing fiscal year in which the Attorney General indicates only 25 votes are required to pass the bill.

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LB 609A, 669, 669A, 714

SENATOR CLARK: That is right. I am merely following the rules of the Legislature and the Chairman of the Appropriations Committee brings me up the information which takes 25 and which takes 30. That is all up there.

SENATOR V. JOHNSON: I understand.

SENATOR CLARK: The Clerk will now read LB 669 with the emergency clause.

ASSISTANT CLERK: (Read LB 669 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 page 1927, Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 669A.

ASSISTANT CLERK: (Read LB 669A 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 page 1928, Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 714.

ASSISTANT CLERK: (Read LB 714 on Final Reading.)

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I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.