

January 6, 1982

LB 618 - 645

PRESIDENT: The Legislature will stand at Ease for about five minutes. We have a few more bills to get in and we would like to get them in at this point. So the Legislature will stand at Ease for five minutes.

EASE

PRESIDENT: The Clerk will proceed with the reading of new bills.

CLERK: Mr. President, new bills. LB 618 offered by Senator DeCamp. (Read title). LB 619 offered by Senator DeCamp. (Read title). LB 620 offered by Senator DeCamp. (Read title). LB 621 offered by Senator DeCamp. (Read title). LB 622 offered by Senator DeCamp. (Read title). LB 623 offered by Senator DeCamp. (Read title). LB 624 by Senator DeCamp. (Read title). LB 625 by Senator DeCamp. (Read title). LB 626 offered by Senator DeCamp. (Read title). LB 627 offered by Senators DeCamp and Kilgarin. (Read title). LB 628 offered by Senators DeCamp, Koch and Vickers. (Read title). LB 629 offered by Senator DeCamp. (Read title). LB 630 offered by Senator Newell. (Read title). LB 631 offered by Senators Von Minden, Hefner and Goll. (Read title). LB 632 offered by Senators Wesely, Remmers and Rumery. (Read title). LB 633 offered by Senator Clark. (Read title). LB 634 offered by Senator Newell. (Read title). LB 635 offered by Senator Kahle. (Read title). LB 636 offered by Senator Warner. (Read title). Mr. President, new bills. LB 637 offered by Senator Vickers. (Read title). LB 638 offered by Senator Koch. (Read title). LB 639 offered by Senator Wiitala. (Read title). LB 640 offered by Senator Wiitala. (Read title). LB 641 offered by Senator Wiitala. (Read title). LB 642 offered by Senator Wiitala. (Read title). LB 643 offered by Senator Wiitala. (Read title). LB 644 offered by Senator Vickers. (Read title). Mr. President, LB 645 introduced by Senator Kilgarin. (Read title). (See pages 95 through 100 of the Legislative Journal).

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Wesely, Chairman of the Rules Committee, to proceed with item #10. I would respectfully remind the Legislature once again that we need to keep moving in order to remove some of the roadblocks, and if we don't they are going to be there as big as life itself. The Chair recognizes Senator Wesely.

SENATOR WESLEY: I move the adoption of permanent rules for this legislative session.

February 16, 1982

LB 230, 629, 666, 783, 788,
LB 305, 812, 813, 814, 858,
LB 862, 888, 919

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment. All those in favor of adopting the amendment vote aye, opposed vote no. Have you all voted? One more time, have you all voted? Senator Beutler.

SENATOR BEUTLER: How many are excused, Mr. Speaker?

SPEAKER MARVEL: One excused. Record the vote.

CLERK: 19 ayes, 24 nays, Mr. President, on adoption of Senator Beutler's amendment.

SPEAKER MARVEL: Motion lost. The motion now is the advancement of the bill. Machine vote has been requested. All those in favor of advancement of the bill vote aye, opposed vote no. Have you all voted. Senator Beutler. Record the vote.

CLERK: 14 ayes, 29 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill failed to advance. Senator Rumery has two constituents in I assume the North balcony, Corinne Jochum and Richard Lange. Would you please stand so we may recognize you? The Clerk has some items to read in.

CLERK: Mr. President, a series of items. First of all, a notice from the Speaker regarding the moving of LB 230 from Passed Over to General File.

The committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports LB 629 advanced to General File; 888 advanced to General File with committee amendments, both signed by Senator Hefner.

Your committee on Banking whose Chairman is Senator DeCamp reports LB 666 advanced to General File with committee amendments attached. Signed by Senator DeCamp.

Your committee on Judiciary whose Chairman is Senator Nichol reports LB 783 advanced to General File; 814 General File; 919 General File; 788 indefinitely postponed; 812 indefinitely postpone; 858 indefinitely postponed; and 862 indefinitely postponed; all signed by Senator Nichol.

Your committee on Banking whose Chairman is Senator DeCamp reports LB 813 advanced to General File with amendments.

I have notice of hearings from Appropriations, Mr. President.

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

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LB 619, 629, 726, 816

CLERK: Mr. President, very quickly Senator Kremer would like to print amendments to LB 726; Senator DeCamp to LB 619; Senator Carsten to LB 816. Mr. President, a new resolution LR 254 offered by Senator Koch. (Read. See pages 1234-1238 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 629 is a bill introduced by Senator DeCamp. (Read.) 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.

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I move advancement of the bill. I will try to be very brief because I know we have a lot of business to get done here. The bill simply for the first time in eleven years tries to provide the newspapers who are ordered by law to print certain items that normally they probably wouldn't print, in fact have no reason to print, the opportunity to recover close to actual costs of printing those things. The increase is from, well its about one-third. The last time, I repeat, it was increased was eleven years ago. Additionally the legislation does one other important thing and that is it puts a system where you can look in the book and have uniformity of price, so that whether you go to Ogallala or Neligh or O'Neill or Omaha, you have a standard price for a certain amount of words. Previously, because different people used different kinds of type, different kinds of newspaper, nobody really knew for sure whether they were paying fifty cents in one place and twenty cents in another for identical things. This would establish a uniform system. Mr. President, I urge advancement of the bill. As I say, I would try to answer any questions. Let me just say that this increase is probably very small compared to what it should be. I repeat again the last increase to cover these mandated publishings was eleven years ago. As an example newspaper, the paper itself, has gone from like a \$17⁴ a ton to five hundred and sixty some dollars a ton and a printing of this material, the types of things we're talking about, legal notices, so on and so forth, notices of bids, interestingly enough, even with this increase, incredible as this sounds, would still be only one-third the cost of me putting in, for example, an ad or a publication on something for an auction or a legal advertisement or something like that. It probably doesn't even recover the actual cost of printing it but we mandate the papers do it. I urge advancement of the bill.

SENATOR LAMB: Amendment on the desk.

CLERK: Mr. President, Senator Koch would move to amend the bill and the amendment is on page 1052 of the Journal.

SENATOR LAMB: The amendment has been withdrawn. Senator Haberman, on the bill.

SENATOR HABERMAN: Mr. President, members of the Legislature, this is kind of an unusual role for me to take, to stand up and ask for an increase so I expect to receive just a smidgen of flak but I have my flak jacket on so I am ready for it. But I have researched this in depth and I can stand here and say that if my district is any kind of a ideal district and I think it is, compared to all the rest of them, it will cost the people in my district forty-five cents a year per individual if we pass this bill and I believe that they can afford this even though things are pretty sad out in the districts and as John says it hasn't been increased since 1971, however, newsprint has gone up from \$176 to \$540. That is a 200% increase in the newsprint paper alone. So I would ask that you support LB 629 as the raise should be there and again it costs my people forty-five cents per individual and it will probably average out about the same in other districts and possibly less in the bigger ones. Thank you, Mr. President.

SENATOR LAMB: Amendment on the desk, please. Read the amendment, Mr. Clerk.

CLERK: Mr. President, Senators Hoagland and Beutler would offer an amendment to the bill. It is Request #2832.

SENATOR LAMB: Senator Beutler, on the amendment. Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, Senator Beutler and I are cosponsoring an amendment here that deals with unnecessary notices under the Uniform Probate Code. This is a change in the Uniform Probate Code that the Nebraska Bar Association has long advocated since the Uniform Probate Code was enacted in the mid 1970s. The purpose of this amendment is to eliminate one of the areas where published notices are required when you are selling real estate after an estate has gone into probate. Now it does not affect other mandatory notices that are required by the Probate Code such as the notice when an estate is commenced or the general notice to creditors at the beginning. A secondary purpose of this amendment deals with situations where publications are not required. Now currently when publications are not required in order to dispense with a publication that is not mandatory you have to go to the judge and obtain a court order allowing a publication to be eliminated. This is expensive, time consuming and the estate ultimately has to pay the attorney fees for that. Now the waiver is usually based on a showing

that the names and addresses of any interested parties are already known. The amendment eliminates the need to make a showing to the court and merely states that if you know the names and addresses of all persons you don't have to publish the notice. Again, it will save on the probated estates by cutting down on the lawyer expenses. Now bear in mind that the only publication and notice that would be eliminated by this amendment would come after notice has already been published that the estate has commenced and after the notice to creditors has been given. In other words, after the entire world knows in effect that an estate is underway. So with that, Mr. President, Senator Beutler and I would ask that this amendment be adopted.

SENATOR LAMB: For what purpose do you arise, Senator DeCamp?

SENATOR DeCAMP: Mr. President, I have some concerns as to whether this is a germane amendment, what with my new found conscience on germaneness. Anyway, and rather even than ask you, Mr. Speaker, who I'll ultimately ask, since Senator Beutler offered the amendment, he is kind of an inhouse expert on germaneness, I would...

SENATOR LAMB: To save time, I'll just rule that it is not germane and we'll go from that.

SENATOR DeCAMP: Oh, Chrissy doesn't get a chance to say...

SENATOR LAMB: No, we don't want that. Senator Hefner, on the bill.

SENATOR HEFNER: Mr. President, members of the body, I rise to support this bill and I appreciate you, Mr. Chairman, for ruling the previous amendment not germane to the issue. I think you were a 100% correct. But getting back to the bill, our committee heard this bill, the Miscellaneous Subjects Committee, and we passed it out of committee unanimously because we felt that it was time to give these newspapers an increase in their rate and of course this rate will amount to a little over 30%. I think it is fair. I think it is just. They haven't had an increase for eleven years and they gave testimony to the committee that proved that they did need an increase, and of course, I think that we need to have some of these notices published from time to time and so, therefore, I would urge you to support this bill and advance it.

SENATOR LAMB: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I rise to support 629 and recently, or since this legislation was introduced,

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LB 629

I sent out a survey in my area and I do have a number of papers in the area. It was interesting to find out their replies because basically what it amounted to is, found out there, is the cost of print went up, postage went up, labor costs went up and ink went up. In addition to that I made a tour in the area and visited a number of these newspapers and there are thirteen in my district and that is an interesting little enterprise and I was really kind of impressed at kind of the modesty of these buildings and so forth. There is only one paper in there that has a fairly modern unit and it is the one at St. Paul, Nebraska, and the others are very modest. There is nothing elaborate about them. They are having a tough time trying to make ends meet. They provide a public service out there and some of the comments I got from some of the people out there, one was that a newspaper is just as valuable to that area as a banker is. Another one indicated, like if, it is kind of like a person in his third generation. There are some of these papers that have got third generations out there. They are very dedicated people. It would be like cutting off their arm or taking the heart out of the community and so forth and for these reasons I would very much support LB 629. I would urge you to move it on. Thank you.

SENATOR LAMB: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in support of the bill. I believe that the publication of these official notices are very important to the people. I think that a tremendous service is played by the elements of the press which do the publication. I do not believe they should be forced to publish those items at a loss. I know that there are one or two newspapers which will at this time refuse to accept the legal rate of publication for those notices and, in fact, will not publish them for the present amount of money that is involved. I think that it is very important in these times because of the controversy that surrounds the expenditure of public funds in particular, that we provide, that the public shall know at no expense, at least not at a sacrifice to the press, some of the expenditures that are made by various subdivisions of government and so I would encourage the advancement of the bill.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: Mr. President, I might have a question of Senator DeCamp before you run off, John. On page 2 of the bill you've stricken some language there on line 11 that the fees for such publication of measurement shall be in eight point type and then in the rest of that paragraph it says

something about based on the official conversion table. What are we talking about there?

SENATOR DeCAMP: Yes. A very good point because that is maybe the most important part of this bill. What is eight point type if you are a city councilman? What is eight point type if a newspaper doesn't use eight point type? So in order to make it simple so that there was one rate and somebody couldn't make a mistake, you have the conversion table actually printed in statute so that everybody think is identical no matter which newspaper you go to. You don't go to one and it costs a dollar and another it costs thirty cents. It is just to make it clear to any public official or school board or anybody what the rate is and by law have it clear so that you know you are safe and protected so that it is one absolute rate.

SENATOR KAHLE: What you're saying I think is that it... let's say the newspaper decides or does not have available the exact type that is required. They can use the type that they have but it has to be converted to a standard type.

SENATOR DeCAMP: Yes. You said it better than I did.

SENATOR KAHLE: Well the reason I brought this up. I have a newspaper in my district that had trouble collecting their fees because they didn't use the exact type that was specified. So if I understand this bill right this would straighten that out and they would be payed a conversion rate no matter what size of type it was.

SENATOR DeCAMP: That is right.

SENATOR KAHLE: Thank you.

SENATOR LAMB: Senator Dworak.

SENATOR DWORAK: Senator Lamb, colleagues, just a week or so ago the Governor comes before this body and tells us what serious financial problems that is facing the State of Nebraska and reduces his original budget recommendation by many million dollars. Just this week, as a matter of fact, just yesterday some members on this floor put a resolution before us asking for a 0% no-growth budget. In watching the votes of members on this body and listening to speech after speech after speech on every A bill, potential expenditure going across this floor, speaking against it, speaking for fiscal responsibility, financial austerity, I've gotten the drift that things are tight this year. Now we're without hesitation ready to put a quarter of a million dollar tax

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burden on property. I would like to ask Senator Hefner a question.

SENATOR LAMB: Senator Hefner, would you yield? Senator Hefner.

SENATOR DWORAK: Senator Hefner, you spoke in behalf of this bill and as I understand it you sit on the committee that heard this bill. Is that correct?

SENATOR HEFNER: That is correct.

SENATOR DWORAK: Could I ask you, Senator Hefner, how the newspapers arrived at the 30% figure? Did they point out to the committee specific costs justifying the 30% increase or is that just an arbitrary figure?

SENATOR HEFNER: Senator Dworak, they did prove that some costs have gone up more than 30%.

SENATOR DWORAK: Specifically what costs? How did they arrive and prove to the committee that 30% was justifiable? What are the percentages of increases?

SENATOR HEFNER: Paper costs have gone up tremendously. I think they cited a couple hundred percent. Labor has gone up. I think they cited that labor has gone up over the last eleven years approximately 70 or 80%.

SENATOR DWORAK: Have any costs gone down?

SENATOR HEFNER: They didn't mention any costs going down, no.

SENATOR DWORAK: Well, then is 30% adequate, Senator Hefner, if paper costs have gone up 200% and labor costs have gone up 70 or 80% or should we be asking for a greater percentage of increase?

SENATOR HEFNER: Senator Dworak, postage has gone up terrifically, from a dollar forty cents per month to a hundred and twenty dollars per month.

SENATOR DWORAK: Thank you, Senator Hefner. In the litany it just seems to me that the 30% figure is arbitrary. We're talking about a 200% increase here, a 70 or 80% there. How did we arrive at the 30%? I don't think we've made that point. I think it is a poor year to put this increase on the property taxpayers of Nebraska and that is just

where we're putting it, nobody else, the property taxpayers of Nebraska and it is just the wrong time and the wrong year with the new federalism as has been pointed out time and time again on this floor, with the restricted state revenues that have been pointed out, the Governor came in and told us about it. He gave us the message from Tax Commissioner Leuenberger and now this same chain reaction is going to hit those local property taxpayers and to vote on this floor for a quarter of a million dollars increase on local property taxes is wrong. It is the wrong time and it should not be done now or this year.

SENATOR LAMB: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 629 in its form right now is a scandal. It really is. Reasonable is what we are being asked to be here. Well reasonable is, to paraphrase an old expression, as reasonable does. Senator Hoagland would have told you, had he had the chance, that there are between nine and ten thousand probates a year and in every one of those cases there is roughly a \$125 spent for absolutely nothing. Over a million dollars a year in worthless notices which in my experience, and the experience that I have had with lawyers have gone back who have been practicing 30 years. These notices have never been effective in producing heirs or the like and what we do with 629 is to raise this kind of a notice 30%. Now I suppose Senator DeCamp would say that if you hard sold and high pressured an Eskimo into buying a refrigerator but you sold him that refrigerator at a reasonable cost that he was getting a bargain, that you were being reasonable but in this case the absolute refusal of the press to consider reasonable amendments designed to do away with outdated and outmoded public notices which historically are simply unconvincing without any evidence of showing that they serve the public good. What LB 629 does, in other words, is to subsidize newspapers by paying for unneeded items. They're not generally on public notice but there certainly are some public notice items that are not needed, that can't be shown to be of value, that can't show that they have produced heirs brought into probate court but for which that lobby continues to hold on, kick and fight and cost the taxpayers of this state a million dollars a year for absolutely nothing. I defy John DeCamp or any other member on this floor to show me where the kinds of notices that Senator Beutler and Senator Hoagland were objecting to ever produced genuine public notice and a reaction to a court case. They never have. So we're going to raise by 30% fees across the board for the kinds of notices which in this case at least, have no effect and have never served a public effect. Perhaps we all were distressed to hear

about the bid rigging and we're offended to find that kind of chicanery going on. That kind of chicanery works its way into the statutes and the attempt to burn out, to cauterize from our statutes, the scandalously high gouging of the public for notices that are of no value, have fallen on deaf ears because the press will not be reasonable and now they want us to be reasonable? Ha, ha, ha, not for me. I am voting against 629.

SENATOR LAMB: Senator Labedz.

SENATOR LABEDZ: Mr. President, I call the question.

SENATOR LAMB: Do I see five hands? I see five hands. All those in support of ceasing debate vote aye, those opposed no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: We're voting to close debate. Have you all voted? Have you all voted? Record.

CLERK: Mr. President, Senator Dworak requests a record vote. (Read record vote as found on pages 1239-1240 of the Legislative Journal.) 30 ayes, 1 nay, Mr. President, to cease debate.

SENATOR LAMB: We have ceased debate. Now moving right along, Senator DeCamp to close on the bill.

SENATOR DeCAMP: Mr. President, before I close I would request a Call of the House because I think I'll have to have everybody here for the vote anyway because I don't think its...

SENATOR LAMB: A Call of the House has been requested. All those in support vote aye, those opposed vote no. Record.

CLERK: 12 ayes, 0 nays to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized persons leave the floor. Everyone record their presence, please. Senator Goodrich, Senator Schmit, Senator Remmers. Senator Cullan, would you care to record your presence? Senator Schmit, would you record your presence, please. Senator DeCamp, would you close, please.

SENATOR DeCAMP: Mr. President, would you "whommer" your "whommer." Everybody is racketing back here. I can't say anything. I need silence. Mr. President and members of the Legislature, Senator Dworak and Senator Landis have attacked this bill here in election year as being excessive spending. Senator Landis and Senator Dworak are completely off base because there are two separate issues, one of which is

not involved in this bill and one of which is involved. Issue number one, what should be published as a public policy decision of the Legislature whether probate notices should or shouldn't be, whether bids should or should not be, whether school board salaries or school salaries should or should not be. You've made those decisions over a period of about sixty, seventy years in here when pressure from different groups at different times saying this information needs to be published. That is a separate decision, a policy decision here. That has nothing to do with this bill, absolutely nothing. The second issue is once you have ordered somebody to publish something you have an obligation to pay them at least the reasonable cost of publishing. Let me use a simple example. The Page is sitting right here. I say, "Marty, go out and get me a Coca-Cola." Marty says, "Yes, sir," because she was hired to do what we ask within reason. Marty goes out and buys the Coca-Cola, brings it back to John DeCamp and says, "It cost sixty cents." I say, "Here is thirty cents, Marty." And she says, "But I just spent sixty cents out of my own pocket." That is what this bill is all about, trying to reimburse for actual costs of something we have ordered a newspaper to do, not to publish news, but to publish information for somebody else's benefit. Now for eleven years while newsprint has gone 300 and 400% increases, while ink has gone up in price and all the other things, labor, we have not increased the reimbursement for going out and ordering them to do this. All the legislation does is reimburse for something we have ordered somebody to do and tries to recover the actual cost of doing it. I urge you to advance the bill and if Senator Dworak, Senator Landis, Senator Hoagland wish to deal with the public policy issues of what should or should not be published, fine. Do that in separate legislation, give your arguments on the floor but don't say somebody should be ordered to do something and then not even be allowed to recover their actual costs of what you have ordered them to do. I urge you to advance the bill.

SENATOR LAMB: We're still looking for Senator Chambers. Please call the roll. Machine vote. All those in favor vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: A record vote has been requested. Have you all voted? Record.

CLERK: Mr. President, a record vote has been requested. (Read record vote as found on page 1240 of the Legislative Journal.) 33 ayes, 9 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. The Clerk has some material to read in.

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

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626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

Mr. President, the bills that were read on Final Reading this morning 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 LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

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LB 520, 629

providers, I don't know why they should not be able to do so. I would move the amendments.

SENATOR LAMB: The motion is to adopt the Vard Johnson amendment. Those in support vote yes, those opposed no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. I believe we are under Call. I don't think we raised the Call, however, would everyone record his or her presence. Will the Sergeant at Arms round up those that are absent. Senator Goll, Senator Wiitala, Senator Koch, Senator Kilgarin, Senator Fowler, Senator Newell, Senator DeCamp, Senator Wiitala, Senator Koch, Senator Remmers. Call in votes are authorized.

CLERK: Senator Clark voting no, Senator Goodrich voting yes, Senator Fowler voting yes, Senator VonMinden voting no, Senator Wiitala voting yes, Senator Vickers voting yes.

SENATOR LAMB: Please return to your seats. We are under Call.

CLERK: Senator Warner voting yes, Senator Hefner voting no, Senator Remmers voting no, Senator Cullan changing from yes to no, Senator Wagner voting no, Senator Haberman voting no, Senator Apking voting no.

SENATOR LAMB: Please begin the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on page 1796 of the Legislative Journal.) 23 ayes, 18 nays, Mr. President.

SENATOR LAMB: The motion failed.

CLERK: Mr. President, the next motion I have is from Senator Howard Peterson. He would move to indefinitely postpone the bill. That would lay it over unless Senator Johnson agreed to take it up at this time.

SENATOR LAMB: Senator Johnson.

SENATOR JOHNSON: I think I am going to lay it over.

SENATOR LAMB: Lay it over?

SENATOR JOHNSON: Yes.

SENATOR LAMB: The bill is laid over. LB 629.

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

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LB 629, 629A

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 629.

SENATOR LAMB: Those in favor of the E & R amendments vote aye, those opposed no. They are adopted.

CLERK: Mr. President, Senator Koch would now move to amend the bill and the Koch amendment is on page 1051.

SENATOR LAMB: Senator Koch. The Call is raised.

SENATOR KOCH: Mr. Chairman, I reluctantly withdraw the amendment.

SENATOR LAMB: The amendment is withdrawn.

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

SENATOR LAMB: Senator DeCamp, on the bill. The motion is to advance LB 629. Those in favor say aye, those opposed no. The bill is advanced. LB 629A.

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

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: I move it be advanced.

SENATOR LAMB: The motion is to advance the bill. Senator Vickers.

SENATOR VICKERS: Mr. President, somebody I think has to stand up and say something. It is pretty obvious the power of the press has I guess but we've debated for days in here about the budget. We keep talking about the cost to local governments. We talk about the cost to the state but if the press wants an increase in costs, we don't talk about it at all. It seems to me that is rather strange and I'm up for election this year. I suppose that I probably won't get too many endorsements perhaps as a result of that. It might be the last time I'm up but I think we need to recognize who is going to pay for some of these increases. We talked a little bit ago on 591 about property taxes and about equity and I can assure you that the property taxpayers are going to be paying more because of LB 629A. It just seems to me that we can't let this bill go across without at least pausing for a minute to recognize who is going to be paying for that. Now I realize this is a losing cause. I have been battered and bruised and bleeding in here before and I suppose I probably

April 8, 1982

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.

April 14, 1982

LB 568, 480, 591, 629, 629A

ASSISTANT CLERK: (Reading of LB 568 on Final Reading continued.)

SENATOR CLARK: Will you get back in your chair please? These are not my rules, they are the rules of the Legislature and we have to abide by them if we are to have any decorum at all. The Clerk will continue.

ASSISTANT CLERK: (Reading of LB 568 on Final Reading continued.)

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.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

CLERK: (Record vote read. See pages 1917 and 1918, Legislative Journal.) 44 ayes, 2 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. We now have to have a motion to read the next four bills, to suspend the rules. Senator Lamb. The only bill we are not going to read is 591 I understand. Senator Landis.

SENATOR LANDIS: Mr. Speaker, I would just request consent to pass over 591 and not include it in the motion to suspend the rules.

SENATOR CLARK: Do you want to read it today?

SENATOR LANDIS: No, that is all right.

SENATOR LAMB: Mr. President and members, I move to suspend Rule 6, Section 7, to permit consideration on Final Reading of LB 480, 591, 629, and 629A.

SENATOR CLARK: We are not going to read 591. He wants to pass over that one.

SENATOR LAMB: It takes 30 votes though to overrule the Speaker's order.

SENATOR CLARK: All right, you heard the motion. Senator Landis.

SENATOR LANDIS: I would like if I could...this is a motion to suspend, is that right?

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LB 480, 629, 629A

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.

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on page 1919 of the Legislative Journal.) 44 ayes, 1 nay, 3 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 629.

CLERK: (Read LB 629 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? Have you all voted? Record the vote.

CLERK: (Read record vote. See page 1920, Legislative Journal.) 40 ayes, 7 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 629A.

CLERK: (Commenced Final Reading of LB 629A.)

SENATOR CLARK: All unauthorized personnel will leave the floor please. The Clerk will continue.

CLERK: (Continued Final Reading of LB 629A.)

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. It takes 30 votes.

CLERK: Senator Clark voting yes.

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

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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.

LR 212, 266, 268, 269, 272, 274, 277,
278, 287, 292, 293, 295, 298, 304,
313, 316, 331, 359, 380, 388, 389
LB 278, 378, 378A, 480, 568, 602A,
604, 629, 629A, 669A, 688, 693, 708, 760,
835, 909, 967, 522, 212, 212A, 255, 255A

April 16, 1982

RECESS

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Has everybody recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we