

March 10, 1982

LB 421, 629A, 819

CLERK: Mr. President, very quickly, Senator Landis would like to print amendment to LB 421; Senator Carsten to LB 819. (See pages 1093 and 1094 of the Journal.)

Mr. President, the Committee on Revenue will meet in Executive Session in Room 1520 at 3:00 today. That is Revenue Committee at 3:00 p.m.

New A bill, 629A, by Senator DeCamp. (Read title.) That is all that I have.

SENATOR CLARK: Senator Rumberger, would you like to recess us until 1:30 this afternoon and we will continue on with this bill?

SENATOR RUMERY: Mr. President and members of the Legislature, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30 this afternoon.

Edited by

L. M. Benischek
L. M. Benischek

March 17, 1982

LB 127, 383, 421, 672,
626, 629A, 677, 731

CLERK: Mr. President, very quickly, your committee on Enrollment and Review respectfully reports that we have carefully examined and engrossed LB 127 and find the same correctly engrossed; 383 and 421, 626, 672, 677 all correctly engrossed. Those are signed by Senator Kilgarin. (See page 1241 of the Legislative Journal.)

Mr. President, Senators DeCamp and Schmit would move to place LB 731 on General File pursuant to Rule 3, Section 18(b). (See page 1242 of the Legislative Journal.)

SENATOR LAMB: The next bill is LB 629A.

CLERK: (Read LB 629A.)

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I move advancement of the bill and there is an item in there, I guess, what? \$15,000 is one of the items for Department of Roads. Possibly if we'd have had a little more advertising on some of these bids we'd have had 15 million or 150 million more in the coffers now.

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

SENATOR KOCH: Senator DeCamp, would you redirect that fiscal note?

SENATOR LAMB: Senator DeCamp, would you respond.

SENATOR KOCH: I have been living in (inaudible), it's catching almost. I want to know what's going on here.

SENATOR DeCAMP: Its there for anybody to read, whatever the note is. There is no use of me.....(inaudible.)

SENATOR KOCH: The Department of Roads is the only one affected?

SENATOR DeCAMP: Pardon?

SENATOR KOCH: The Department of Roads is the only one affected in the state?

SENATOR DeCAMP: No, the entire state is affected. That is why I mentioned one item in there if you'd look at.

SENATOR KOCH: I'm talking about state government.

SENATOR DeCAMP: All of state government is affected, Senator Koch, even the schools.

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SENATOR KOCH: Do you know what the fiscal effect is? Well I know the schools are in it.

SENATOR DeCAMP: Do I know what it is?

SENATOR KOCH: Yes.

SENATOR DeCAMP: All you have to do is read the bill.

SENATOR KOCH: Well, Senator DeCamp, what is the fiscal impact to the State of Nebraska. I think it should be a matter of public record.

SENATOR DeCAMP: Well it's kind of like how many children are going to be doing this or that. How many ads are going to be placed? How many people are going to die? How many people are going to.... I don't know.

SENATOR KOCH: Senator DeCamp, is the Games Department affected by this?

SENATOR DeCAMP: Is the who?

SENATOR KOCH: Is the Games Department affected by this, the Commission?

SENATOR DeCAMP: I'd have to check and see. (Interruption.)

SENATOR KOCH: I'd probably ask my question of Senator Haberman. He's one of the most fiscal men I know on this floor. Senator Haberman, what is the fiscal note to the state in relationship to its agencies?

SENATOR HABERMAN: Senator Koch, there's no fiscal impact to the office of Secretary of State.

SENATOR KOCH: There isn't?

SENATOR HABERMAN: The majority is legal notices of the Capitol Improvement Programs, no input; cost, \$8 thousand Board of Educational Lands and Funds; \$15 thousand for the Department of Roads. That is all it shows on the fiscal note impact.

SENATOR KOCH: But you favor this fiscal note, right?

SENATOR HABERMAN: Pardon?

SENATOR KOCH: Are you in favor of this spending?

SENATOR HABERMAN: Well I got up and said it is unusual for me to stand up here and support this bill but I have my flak jacket on.

SENATOR KOCH: I know, I'm in a state of shock. I can't believe you'd carry a bill that is so heavy with spending.

SENATOR HABERMAN: (Both talking at once.) If you want to shoot at me, go ahead and shoot at me.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: I wonder if Senator Haberman would respond to a question, please. Senator Haberman.

SENATOR LAMB: Senator Haberman, would you respond to Senator Vickers' request.

SENATOR VICKERS: Senator Haberman, did I understand you to say....(interruption.)

SENATOR HABERMAN: This is to Senator Vickers?

SENATOR LAMB: Senator Vickers is asking you to respond. Would you please wait until he asks the question.

SENATOR HABERMAN: Well then I want to ask him if it is not to his wetmeadows bill, is it?

SENATOR LAMB: Pardon me?

SENATOR HABERMAN: Go ahead, Senator Vickers.

SENATOR VICKERS: I think I'm the one asking the question here. Are you going to yield, Senator Haberman?

SENATOR HABERMAN: Yes, I will yield, Senator Vickers.

SENATOR VICKERS: In response to answering Senator Koch, did I understand you to say there would be no fiscal impact to the Secretary of State's office with this, with 629?

SENATOR HABERMAN: The Secretary of State says this LB provides an increase in legal rates charged for public notice insomuch as agency published legal notices there will be a fiscal impact, however, no amounts will be significant enough to prepare an A bill. Now that is off the state sheet. If you can read, Senator Vickers, you don't have to ask me the question.

SENATOR VICKERS: Well, Senator Haberman, if we have a number of constitutional amendments that this body is going to pass, then aren't those constitutional amendments required to be printed by the Secretary of State? Wouldn't that be part of the cost involved here?

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SENATOR HABERMAN: That question is not germane to increasing the cost of advertisement in newspapers but the answer is yes, it costs money to put on constitutional amendments but that doesn't have anything to do with the legal notices, does it?

SENATOR VICKERS: I thought that there was a requirement that the explanation of that be printed in the papers, that it's part of the legal notices.

SENATOR HABERMAN: Well, all I can say is that the Secretary of State says, "however, no amounts will probably be significant enough to prepare an A bill," so either he is telling the truth or he isn't, Senator Vickers. Ask him.

SENATOR VICKERS: Okay, maybe I'll do that. Maybe I think that this body should as a matter of fact. Thank you.

SENATOR LAMB: Senator Wiitala, you didn't want to speak, did you?

SENATOR WIITALA: You're absolutely right, Mr. President. I just want to, if it's in order, call the question.

SENATOR LAMB: That will not be necessary...that will be necessary. Do we see five hands? I do see five hands. Those in support of the motion to cease debate vote aye, those opposed no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

CLERK: 27 ayes, 7 nays to cease debate, Mr. President.

SENATOR LAMB: Debate is ceased. Senator DeCamp, would you care to close on the bill?

SENATOR DeCAMP: Mr. President, let's vote.

SENATOR LAMB: The motion is to advance the bill. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 30 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. The next bill is LB 759.

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.

April 7, 1982

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

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LB 629A

will again, maybe not after this speech but, nevertheless I think it needs to be said. Thank you, Mr. Chairman.

SENATOR LAMB: Senator Newell. Senator Dworak.

SENATOR DWORAK: (Mike not on immediately.) ...colleagues, I, just like Senator Vickers am not going to take a lot of time but I personally want to stand up and protest this. At a time when many of our state agencies, many of our local subdivisions of government are looking at a cut, we're not cutting, we're just saying hey can you live with this another year without an increase. I certainly can't deny that timewise an increase is due but not this year. It is just the wrong year. It is too tight. I'm like Senator Vickers. I'm a little bit amazed at how we like to sweep this under the rug and let this go. I guess I'm as much in the public life and as dependable upon this media as anybody else is but right is right and in all good conscience I'd have to go on record as saying, not this year.

SENATOR LAMB: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, I call the question.

SENATOR LAMB: Well thank you. All right, five hands? I do see five hands. Those in support of ceasing debate vote aye, those opposed no. Record.

CLERK: 26 ayes, 0 nays, Mr. President.

SENATOR LAMB: Debate is ceased. Senator DeCamp, to close.

SENATOR DeCAMP: Mr. President, just to reply briefly to Senator Vickers and Senator Dworak. There is only one animal in this state that I know of that has gone longer than the press without any increase in their rates and that is the Nebraska Legislature members themselves. The last time the press had an increase to cover the cost of expenses was 1971, LB 401. I happen to remember it because I was the sponsor of that bill. I first learned about the press that way. Anyway, I know this is a tough bill. I know it may be tough to get those votes here tonight but I would urge you to remember that while everybody else has been increasing their cost, the press, for these advertisements or this advertising or whatever you want to call them, legal notices, such as delinquent taxes, for example, these notices that are ordered by us to pay by law, they have received no increases for. They have to print them. These notices that they print, they get three times as much just for an advertisement as they do for these things. So it is not unreasonable. It is not even covering their cost of expense and I urge you to advance the

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A bill as just a necessary part of maintaining our government process by keeping the public informed on those things we deem important.

SENATOR LAMB: The motion is to advance LB 629A. Those who would advance the bill say aye, those...a machine vote has been requested. Those in support of advancing the bill vote yes, those opposed no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: Is there someone who wants a record vote out there, Senator? Is there? Okay. (Read record vote as found on page 1797 of the Legislative Journal.) 37 ayes, 4 nays, Mr. President.

SENATOR LAMB: The bill is advanced. Do you have anything to read in, Mr. Clerk? In view of the fact that we need 30 people here at eight o'clock in the morning in order to read a long bill, Senator Barrett, would you care to adjourn us until eight o'clock in the morning?

SENATOR BARRETT: Delighted, Mr. President, I move we adjourn until eight o'clock tomorrow morning.

SENATOR LAMB: Those in favor of adjourning say aye, those opposed no. We are adjourned.

Edited by Arleen McCrory.
Arleen McCrory

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.

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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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LB 629A, 115

CLERK: (Record vote read. See pages 1920 and 1921, Legislative Journal.) 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 115.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Senator Hefner would move to return LB 115 to Select File for specific amendment, that amendment being to strike the enacting clause.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the Unicameral, I hate to do this this late in the game with only one more day left but I feel that I should point out a few things to you at this late date. Now is not the time to increase expenses for Nebraska employers. Most of us realize that we are having a downturn in our economy and it doesn't look like it is going to pick up at a very early date. In my area there has been some businesses go out of business. There have been some bankruptcies and I am sure we are going to see more and this is just another way to break the camel's back. I think that we ought to take a long hard look at this bill. This bill increases the workmen's comp payments by \$10 a week on the high end and, of course, this is going to cost the employers a little more premium in their workmen's comp insurance. The maximum weekly benefit payment at the present time is \$180 a week. This would raise it to \$190 a week. We must remember that the employee that receives this compensation does not pay any state income tax nor does he pay any federal income tax nor social security on this amount that he receives. The \$180 a week would be like receiving \$220 or maybe \$225 or even up to \$250 a week and I think that is adequate compensation. Also I want to call your attention to the A bill. It costs nearly \$10,000 to the State of Nebraska for this next fiscal year, '82-83. Then it increases to \$14,000 in the year '83-84 and so I would say to you here today let's delay this bill for one year. Then if the economy picks up, I am willing to go along with an increase, and with these remarks, Mr. Chairman, I would like to withdraw my motion.

SENATOR CLARK: Senator Fowler. The Clerk will read the bill. He has withdrawn it. There is nothing before the House.

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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

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RECESS

PRESIDENT LUEDTKI 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