

January 6, 1982

LB 435, 656-664

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence. Does anyone else wish to be recorded? Okay, record the vote, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has some items to read in before we continue.

CLERK: Mr. President, first of all, a reminder that there will be a chairmen's meeting tomorrow morning in Room 2102 at eight-thirty in the morning.

Mr. President, the Government Committee would like to meet in executive session underneath the North balcony upon adjournment today. That is the Government Committee.

Mr. President, I have a communication from the Speaker indicating that a priority designation for LB 435 has been withdrawn and, Mr. President, I have new bills.

Mr. President, new bills. LB 656 offered by Senator Labeledz. (Read by title for the first time, LBs 656-664. See pages 111-113 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we're ready to take up item #7.

CLERK: Mr. President, the proposed rule amendment #7 has to do with cloture. (See page 113 of the Legislative Journal.)

SENATOR WESELY: Mr. Speaker, members of the Legislature, the proposed rule change concerning cloture came from committee after being introduced by Senator Beutler. It deals with the problem of extended debate, basically a filibuster situation where those who can propose amendments, callous amendments or motions or what have you that would preclude the chance for a decision on a motion or a bill. The problem is, how do we deal with that problem? So what we came up with was a cloture rule that said five hours of debate on any stage of consideration, General File, Select File or Final Reading, you get five hours. After that amount of debate if someone makes a motion to cease debate, can vote on the motion at hand and the issue at hand, it is in order to stop all the amendments and all the other motions and go to the question at hand and vote on it. It is an attempt to try and allow extended debate. Five hours on each stage is a long time to debate any issue

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LB 126, 139, 139A, 572
659, 764

Senator Barrett to whom we referred LB 659 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Barrett, Mr. President; also LB 764 advanced to General File, also signed by Senator Barrett.

Mr. President, Senator Beutler would like to print amendments to LB 126 in the Journal and I have an Attorney General's opinion addressed to Senator Kahle. That will be inserted in the Journal. (See pages 473, 474.)

Mr. President, I have a report of registered lobbyists for the week of January 20 through January 28.

SENATOR CLARK PRESIDING

SENATOR CLARK: We are ready for Select File. The Speaker has an announcement.

SPEAKER MARVEL: If you want to take a sheet of paper with you and sit down and be comfortable for a minute and I will read off the bills that we will be processing in a few moments. The first bill is LB 572. The second one is LB 139, 572, 139, 139A, 305, 449, 450, 263, 212, 370, 353. Okay, 212 will be crossed off.

SENATOR CLARK: The first bill is LB 572.

CLERK: I have no E & R, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 572.

SENATOR CLARK: You heard the motion. All those in favor will say aye, opposed. The bill is advanced. LB 139.

SENATOR KILGARIN: I move we advance LB 139.

SENATOR CLARK: No E & R amendments?

CLERK: No, sir, no E & R.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 139A.

SENATOR KILGARIN: I move we advance LB 139A.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. LB 139A is advanced. LB 305. I think we

February 8, 1982

LB 722, 659

SENATOR CLARK: On the committee amendments, Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the committee amendments are technical amendments which remove duplicative language and unnecessary references to the Workmen's Compensation Court. I move for the adoption of the committee amendment.

SENATOR CLARK: Any discussion on the committee amendments? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: Committee amendments are adopted. Senator Nichol, on the bill.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 722 was brought to the committee by the Nebraska Supreme Court and provides for the elimination of the writ of error of criminal appeals. As I understand it, the writ of error is a common law method of seeking appeal in a criminal case, and as there are no other statutory methods of appealing a criminal conviction, the elimination of the writ of error would save the Supreme Court unnecessary paperwork without affecting any substantive rights. I move for the advancement of the bill.

SENATOR CLARK: The question is the advancement of 722 to E & R. Is there any discussion? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. LB 659.

CLERK: LB 659 (read title). The bill was read on January 6 of this year, referred to Business and Labor for hearing. The bill was advanced to General File. Mr. President, I have no amendments to the bill.

February 8, 1982

LB 659, 764

SENATOR CLARK: Senator Barrett, on the bill.

SENATOR BARRETT: Mr. Chairman and members, LB 659 simply enacts a statutory definition of elevator for purposes of inspection by the Department of Labor. Current Nebraska statutes provide state elevator inspection shall be made by the Department of Labor for all freight and passenger elevators. The inspector, of course, is appointed by the Department of Labor. The Department has for sometime had the authority, for many years had the authority to inspect freight and passenger elevators but apparently there has never been a definition of elevator in the statutes so the Department has brought this bill to the Business and Labor Committee. You will notice that there was no opposition to the bill in the hearing. The bill was advanced on a unanimous vote. I would, therefore, urge the body to advance LB 659 to E & R Initial.

SENATOR CLARK: The question is the advancement of 659. Any discussion? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote. We have got to vote again. He hit the wrong button. All those in favor vote aye, opposed nay. I guess the Clerk is allowed one mistake in a session.

CLERK: Senator Clark voting yes. 30 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is declared advanced. LB 764 is the next bill.

CLERK: LB 764 offered by the Business and Labor Committee and signed by its members. (Read title.) The bill was read on January 11 of this year, referred to Business and Labor. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CLARK: On the bill itself, Senator Barrett.

SENATOR BARRETT: Thank you, Mr. Chairman, and members. LB 764 simply provides that an individual employer or partner or a self-employed person may elect to come under the provisions of workmen's compensation. Such a person would have to actually be engaged in the business on a substantially full time basis in order to be eligible and that particular person would also have to file written notice of intent with the insurer if he or she decided to come under the provisions

February 10, 1982

LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)

March 1, 1982

LB 383, 547, 659, 854A

PRESIDENT: Before we get back into the agenda and taking up the agenda on Select File the Chair would like to announce that, some other birthdays. We have Senator Remmers. Senator Remmers, I believe you have a birthday on March 1 too, that you're trying to hide from us. We want to say happy birthday to you and to Senator Sieck whose birthday is the 29th day of February. You're one of those guys. You have a few birthdays so it is very important that we congratulate Senator Sieck on his birthday and Senator Remmers. Happy birthday. The Legislature will come back to order. Mr. Clerk, do you have some matters to read in at this time?

CLERK: Mr. President, very quickly, Senator Barrett would like to print amendments to LB 659. (See pages 904-905 of the Legislative Journal.)

Mr. President, a new A bill, LB 854A offered by Senator Fowler. (Read. See page 903 of the Legislative Journal.)

PRESIDENT: Alright we do have one more group. Oh, they have gone. We had a group from Senator Schmit's district from Wahoo. They were here during the ceremony. We will just note them for the record. We will go ahead then with Select File. The first bill is LB 547, Mr. Clerk, and Senator Kilgarin.

CLERK: E & R amendments, Senator.

PRESIDENT: E & R amendments, Senator Kilgarin, if you want to proceed.

SENATOR KILGARIN: I move the E & R amendment to LB 547.

PRESIDENT: The motion has been made to adopt the E & R amendment on LB 547. Any discussion? All those in favor signify by saying aye, opposed nay. The E & R amendment is adopted to LB 547. Do you have any further amendments, Mr. Clerk?

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

PRESIDENT: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 547.

PRESIDENT: Motion to advance LB 547. Any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 547 is advanced to E & R. We will now go to LB 383.

CLERK: There are E & R, Senator.

March 4, 1982

LB 677, 722, 659

SENATOR KILGARIN: I move we advance LB 677.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 722.

CLERK: Mr. President, there are E & R amendments to LB 722.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 722.

SENATOR CLARK: The motion is the adoption of the E & R amendments. All those in favor say aye, opposed. They are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 722.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 659.

CLERK: Mr. President, I have no E & R amendments and I do have an amendment from Senator Barrett to the bill. Senator Barrett's amendment is found on page 904 of the Journal.

SENATOR CLARK: Senator Barrett.

SENATOR BARRETT: Mr. Speaker, yes, the amendments to 659 are found on 904 in the Journal. They have been introduced at the request of the Department of Labor. First, they simply add subdivision numbers to the bill's original language. This part of the amendment was recommended to us by E & R in order to make the bill easier to read. Second, the amendments would give the Commissioner the authority to adopt by regulation the most recent version of the American National Standard Safety Code as of the effective date of the bill in order to inspect elevators. Now presently I understand the most recent version which can be adopted is September 2 of 1973. So it is an attempt to update it. The Commissioner has also indicated that he would like very much to adopt the most recent version of the code as soon as practicable so, therefore, we have also added the emergency clause. I would, therefore, move the adoption of the amendments.

SENATOR CLARK: The motion before the House is the adoption

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LB 659, 764

of the Barrett amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Is Senator Chronister in the room? Okay, thank you. I just noticed his light was turning on and I couldn't spot him. Have you all voted? It takes 25 votes. We would appreciate it if there are enough Senators here to get a vote on this. We need one more vote. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of Senator Barrett's amendment.

SENATOR CLARK: Senator Barrett's amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 659.

SENATOR CLARK: You heard the motion. All those in favor will say aye, opposed. The bill is advanced. 764. It is on the reverse side of your sheet. Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 764.

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

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

SENATOR CLARK: Senator Kilgarin. Senator Beyer, did you want to talk on the advancement?

SENATOR BEYER: Yes, Mr. Speaker. Mr. Speaker and colleagues, I have a question of Senator Barrett. Senator Barrett, it is my understanding that during the committee hearing on 764 that a representative of the Nebraska Motor Carriers Association proposed two amendments to ensure that independent contractors were included within the scope of LB 764 or that the provisions of 764 did not inadvertently create employer obligations for recipients of the service of independent contractors. Were those proposed amendments to LB 764 given full consideration and why were they not incorporated within the text now before the Legislature?

March 15, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Roll call. Record the vote, Mr. Clerk, or the presence, I mean.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, I have a report from the Department of Roads. That will be on file in my office.

The Committee on Business and Labor whose chairman is Senator Barrett instructs me to report LB 967 advance to General File with committee amendments attached; LB 968 as indefinitely postponed, both of those signed by Senator Barrett.

A new resolution, LR 248 offered by the Administrative Rules Committee calls for an interim study into the feasibility of employing an independent hearing examiners system for state agencies in Nebraska. (See page 1149 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 69 and find the same correctly engrossed; 359, 428, 571, 623, 659, 705, 724, 779 all correctly engrossed, those signed by Senator Kilgarin as Chair. (See page 1151 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 652 and recommend that same be placed on Select File with E & R amendments attached; 522 E & R amendments attached; 568 E & R amendments attached. Those are signed by Senator Kilgarin as Chair. (See pages 1150-1151 of the Legislative Journal.)

Your committee on Public Works whose chairman is Senator Kremer reports LB 785 advance to General File and LR 212 advance to General File. Those are signed by Senator Kremer. (See page 1152 of the Legislative Journal.)

I also have a committee on Public Works report on a gubernatorial confirmation hearing.

And, Mr. President, Senator Beutler would like to add his name to LB 577 as cointroducer.

March 19, 1982

LB 651, 659, 697

Smith and Jones, they would be easier to pronounce. Welcome to the Legislature. The Clerk will now read 651.

ASSISTANT CLERK: (Read LB 651 on Final Reading.)

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

ASSISTANT CLERK: (Read the record vote as found on page 1289 of the Legislative Journal.) The vote is....

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

ASSISTANT CLERK: The vote is 40 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CLARK: The Clerk will now read 659 with the emergency clause.

ASSISTANT CLERK: (Read LB 659 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 aye.

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

ASSISTANT CLERK: (Read the record vote as found on page 1290 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 6 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The rules require us to be in our seats. Every time you get up and walk around I get calls up here trying to tell you to sit in your seats. So please comply with the rules. I would appreciate that. The Clerk will now read 697.

ASSISTANT CLERK: (Read LB 697 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.

ASSISTANT CLERK: Senator Clark voting aye.

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.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

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Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

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

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.