

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 President, I have a communication from the Speaker indicating that a priority designation for LB 435 has been withdrawn and, Mr.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 Labedz. (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 563-566, 592, 664

SENATOR LAMB: Yes, Mr. President.

PRESIDENT: The Chairman recognizes Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I would move to advance five bills directly to General File, LB 563, LB 564, LB 565, LB 566 and LB 592. These bills, I will describe each one of them...

PRESIDENT: A motion then, Senator Lamb, is to suspend the rules first. That is your first motion then is to suspend the rules and we'll take that up and then we will proceed from there. Any discussion on the motion to suspend the rules?

SENATOR LAMB: Could I add 664 to it? I do not have that on my list.

PRESIDENT: Yes. Now we will take a separate vote on each bill so we will take them up one by one. All right, if there is no further discussion, Senator Lamb, we will take a vote on all of them for purposes of suspension and then we will take them up individually for the attention to each bill. All right, the motion then before the House is suspension of the rules to take up these six bills. All those in favor vote aye, opposed nay. This will require 30 votes. Have you all voted on the motion to suspend the rules to take up these bills, revisors bills and one other, six bills, agenda item #6 if you want to refer to the bills. Have you voted? Senator Lamb, I guess maybe the only way we are going to get these people in here to vote is to have a Call of the House if they don't come in pretty soon. You really need one more vote, huh? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion carries. The rules are suspended. The Chair recognizes Senator Lamb.

SENATOR LAMB: The first bill is LB 563 which is recommended by the bill drafter that this be reported directly to General File. LB 272 passed in 1981 adopted a new limited partnership act. The act became operative January 1, 1982. Existing partnerships have until January 1, 1983, to file with the Secretary of State to continue their existence. The change of the date in LB 563 merely harmonizes the first sentence of this section with the second sentence of the section and provides what law is to apply to the partnership that were in existence on January 1, 1982.

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LB 566, 592, 664

SENATOR LAMB: Mr. President, I move LB 566 be advanced to E & R initial. LB 249 in 1981 put the Department of Health under the direct control of the Governor rather than under the State Board of Health. The revisors statutes was to substitute "Department of Health" for "State Board of Health" where such term appeared in the statutes. Some of these changes did not fit or make sense so the bill shows some additional changes.

PRESIDENT: Any discussion on the advancement of LB 566? The question then before the House is the advancement of LB 566 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance LB 566, Mr. President.

PRESIDENT: Motion carries and LB 566 is advanced to E & R initial. LB 592. Senator Lamb.

SENATOR LAMB: Mr. President, I move that LB 592 be advanced to E & R initial. In 1980 this body passed a bill which requires the revisor's statute to ferret out the obsolete statutes so that this body can delete them from the statutes. This bill contains those obsolete statutes and I move that it be advanced.

PRESIDENT: Any further discussion on LB 592? Hearing none, the question before the House is the advancement of LB 592 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 592 is advanced to E & R initial. Senator Lamb, are you going to take LB 664, too? LB 664. The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President, I move that LB 664 be advanced to E & R initial. This is a bill that was brought to the Reference Committee by Senator Vard Johnson. It's a bill which would name a gymnasium over at the Nebraska School for the Deaf after Mr. Nick Peterson. The people over there would like to have this done immediately because they would like to honor Mr. Peterson on January 16 and I believe it is a noncontroversial bill. I would ask that it be advanced.

PRESIDENT: Any discussion on LB 664? Hearing none, the question before the House then is the advancement of LB 664 to E & R initial. All those in favor vote aye, opposed nay.

Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President.

PRESIDENT: Motion carries and LB 664 is advanced to E & R initial. The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, at this time I would move that the engrossing of LB 664 be expedited. As Senator Lamb pointed out the Nebraska School for the Deaf intends to honor Mr. Peterson this Saturday and for that reason I need to move this bill through as quickly as I can.

PRESIDENT: We can get unanimous consent. You don't have to move. Do you want to ask for that first?

SENATOR V. JOHNSON: I would ask for unanimous consent, Mr. Speaker.

PRESIDENT: All right, a request for unanimous consent. Is there any objection? Hearing none, so ordered.

SENATOR V. JOHNSON: Thank you.

PRESIDENT: We are now ready for agenda item #7 on motions. We begin with LB 570. Senator Vickers.

CLERK: Mr. President, Senator Vickers moves that LB 570 be rereferred from the Revenue Committee to the Education Committee pursuant to Rule 6, Section 2(a).

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, LB 570 and LB 572 both deal with a situation which came about as a result of a bill we passed in this body I think a couple of years ago, one that changed the valuation proceedings for real estate from 35% to 50% or from 35% to 100% and at the same time we neglected, it was just an oversight on our part, to change the amount of in lieu of tax payments that the Board of Educational Lands and Funds pay on the school lands from 50% up to an appropriate figure that would have included more than the 100% probably because that's what the determination had been made in the past. So as a result there are several school districts in this state that have school lands within their boundaries that are facing a very severe financial situation right now because they had budgeted those monies but are now not getting them. Now the reason these two bills were introduced as I say was to rectify the mistake that this body had made.

that you visit Arbor Lodge and the holdings that the Arbor Lodge Foundation has there and that you plant not one but two trees next spring. Thank you.

SENATOR CLARK: The Clerk has some things to read in.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance gives notice of hearing on gubernatorial appointments for Tuesday, January 19.

Mr. President, your committee on Education gives notice of executive session upon adjournment in Room 1517 today, that is Education Committee upon adjournment in Room 1517 today. The Education Committee also gives notice of public hearing on bills for Monday, January 18, Mr. President.

Mr. President, a new bill, LB 766 offered by the Constitutional Revision and Recreation Committee. (Read by title for the first time. See pages 221-222 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 664 and recommend that same be placed on Select File. That is signed by Senator Kilgarin as Chair.

Mr. President, Senator DeCamp asks unanimous consent to add his name as cointroducer to LB 689. (See page 222 of the Legislative Journal.)

SENATOR CLARK: No objection, so ordered. Senator Vickers, on a point of personal privilege. Would you state your point.

SENATOR VICKERS: Thank you, Mr. President, the point that I would like to state is to introduce to the members of the Legislature today a new queen in the State of Nebraska and it is one of our Pages who is down in front of the room and Senator Barrett and I are going to have to share this honor somewhat with you because her address is in Senator Barrett's district but she happens to live in my district and she is here representing the 30th District as a Page and, Verlyne, would you stand up so we can all know who we are talking about. This is the new queen of the Pork Producers Association in the State of Nebraska just crowned over the weekend in Senator Marvel's hometown of Hastings and he tells me is a little bit unhappy that he didn't get invited so he could come and kiss the queen but I would like to introduce to the members of this Legislature, the Pork Queen of the State of Nebraska, Verlyne Dannehl, Verlyne.

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LB 664

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Chaplain.

CHAPLAIN: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, please excuse Senator Burrows until he arrives.

PRESIDENT: Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections this morning, Mr. President.

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

CLERK: Mr. President, your committee on Administrative Rules and Regulations gives notice of public hearing for next Tuesday and that is signed by Senator Vard Johnson.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol gives notice of public hearing in Room 1113 for Monday, January 25; Wednesday, January 27. That is signed by Senator Nichol as Chairman.

Mr. President, I have received from the State Auditor a series of audits issued for several state agencies. Those will be on file in my office.

PRESIDENT: Mr. Clerk, go ahead then with agenda item #4, Introduction of New bills. Read the new bills.

CLERK: Mr. President, I don't have any new bills at this time.

PRESIDENT: No bills. All right, that is the good news of the day. Now we have some more good news with agenda item #5. We have a very important...no, this is Select File first. Let's go to Select File.

CLERK: Mr. President, the first bill is LB 664. There are no E & R amendments pending.

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LR 197, 200
LB 664

PRESIDENT: Is Senator Johnson here? Senator Kilgarin, will you handle LB 664 on Select File? LB 664 on Select File, no E & R amendments.

SENATOR KILGARIN: I move to advance LB 664.

PRESIDENT: Motion then is to advance LB 664 to E & R. Is there any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 664 is advanced to E & R for review. We are now ready for agenda item #6 on Resolutions and starting with LR 197. Mr. Clerk, go ahead.

CLERK: Mr. President, LR 197 is found on page 106 of the Journal. It is offered by Senator Koch. (Read.) It is found on page 106, Mr. President.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. President. This is a noncontroversial resolution. It has no impact in terms of dollars but it has an awful lot of impact in terms of people of all ages and I have been asked to introduce this resolution on behalf of the Library Commission, the Nebraska Department of Education, elementary principals and other interested groups in the area of education and I would hope that there would be no red votes on this resolution and there is no need to advise you any further since you can read and I think you can understand this. It is very explicit. I ask for the adoption of LR 197.

PRESIDENT: Any further discussion on LR 197? Seeing none, Senator Koch, I guess that is your opening and your closing. The question before the House is the adoption of LR 197. All in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays on the adoption of LR 197, Mr. President.

PRESIDENT: The motion carries and LR 197 is adopted. Next Legislative Resolution is LR 200.

CLERK: Mr. President, LR 200 offered by Senator Lowell Johnson is found on page 109 of the Journal. (Read.) Mr. President, it is offered by Senator Johnson and is found on page 109 of the Journal.

PRESIDENT: The Chair recognizes Senator Lowell Johnson.

SENATOR LOWELL JOHNSON: Thank you, Mr. President. I was privileged to serve on the committee to commemorate the

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LB 131, 255, 341,
664, 797

CLERK: Mr. President, if I may right before that, I have notice of hearing for the Constitutional Revision and Recreation Committee for January 28 and 29. Your committee on Education gives notice of hearing for January 19. Your committee on Public Health gives notice of hearing for Monday, January 18, and Tuesday, January 19. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 664 and find the same correctly engrossed.

Mr. President, new bill, LB 797 offered by Senator Vickers. (Read title). (See page 249 of the Legislative Journal).

Senator Wagner and Hefner would like to print amendments to LB 255 in the Journal, Mr. President. (See page 249 of the Legislative Journal.)

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler to whom was reported LB 131 reports same to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Are we ready for 341?

CLERK: Yes, sir.

SPEAKER MARVEL: Okay, LB 341.

CLERK: Mr. President, LB 341 offered by Senator Hoagland. (Read title). The bill was read on January 19 of last year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Nichol, do you want to take the committee amendments?

SENATOR NICHOL: Yes, Mr. Speaker. The Judiciary Committee adopted one amendment to the bill which reinstates language which was stricken in the bill. The language which is reinstated prevents claims from being filed under the political subdivisions Torts Claim Act when these claims occurred before January 1, 1970. I move for the adoption of the committee amendments.

SPEAKER MARVEL: All those in favor of the committee amendments as explained by Senator Nichol vote aye, opposed vote no. Have you all voted?

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

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LB 138, 231, 233, 622,
664, 722, 825-833

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Record.

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

SPEAKER MARVEL: Do you have anything under item #3?

CLERK: Yes, sir, Mr. President, your committee on Administrative Rules and Regulations gives notice of hearing for Wednesday, January 20.

Mr. President, your committee on Business and Labor gives notice of hearing for January 20, 27 and February 3 and that is signed by Senator Barrett and Senator Johnson.

Mr. President, I have two Attorney General's opinions, one addressed to Senator Labeledz regarding LB 138 and one addressed to Senator Fowler regarding LB 231. (See pages 280-282 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 622 or 233. (See pages 282-283 of the Journal.)

Mr. President, I have received two reports from the Middle Republic NRD and the Lower Platte South NRD regarding payment of attorney fees. (See pages 283-284 of the Legislative Journal.)

I will have on file in my office a report I received from the Director of State Engineer Department of Roads pursuant to LB 722.

Mr. President, new bills: (Read by title for the first time LB 825-833 as found on pages 284-286 of the Legislative Journal.)

SPEAKER MARVEL: We are ready for item #5, Final Reading, and the Chair recognizes Senator Vard Johnson.

CLERK: Mr. President, Senator Johnson would move to suspend Rule 6, Section 7(b) to permit the Final Reading of LB 664 today.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I want to thank you for your indulgence with this particular measure. As you know this is the bill that would name the gymnasium for the Nebraska School for the Deaf after Mr. Nick Peterson who is an alumnus of the Nebraska School for

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the Deaf. As you also know the Nebraska School for the Deaf is having its homecoming game with the Iowa School for the Deaf Saturday and at that time intends to recognize Mr. Peterson and all those arrangements have been made, therefore, it has become incumbent upon me to persuade this body to pass that legislation and have it signed by the Governor and in place by Saturday night. To do so I need to suspend the rules. There are rules that require a bill on Final Reading to be on our desks for two days prior to ultimate reading. The Constitution says only one day. I would ask your indulgence at this time to suspend the rule so that we may now read finally, LB 664.

SPEAKER MARVEL: The motion is the suspension of the rules as explained by Senator Johnson. All those in favor of the suspension of the rules vote aye, opposed vote no. Have you all voted? Okay, record the vote.

CLERK: 32 ayes, 0 nays to suspend the rules, Mr. President.

SPEAKER MARVEL: The rules are suspended. Will all legislators please be in their seats. We are on Final Reading and the rules require that you have to be in your seats during Final Reading. Okay, the Clerk will read LB 664.

CLERK: (Read LB 664 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with emergency clause attached. Those in favor vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: (Read record vote as found on pages 286-287 of the Legislative Journal.) 37 ayes, 1 nay, 11 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The next item of business is item #6, resolutions. The first resolution, LR 204.

CLERK: Mr. President, LR 204 offered by Senators Vickers and Barrett found on page 232 of the Journal. (Read.)

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, if you recall a couple, three days ago I introduced to this body the Pork Queen for the State of Nebraska representing the Nebraska Pork Producers Association who happens to also be one of our Pages that is representing the 38th District

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LR 205

meantime I think it is highly necessary that we pass this resolution and at least put our Attorney General in a position so he can hire someone and defend our good people of Nebraska that are losing their property.

SPEAKER MARVEL: The motion is the adoption of LR 205. All those in favor of the resolution vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 36 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you have any other items in there before we go to General File?

CLERK: Mr. President, new bills. (Read by title for the first time LBs 834-836 as found on pages 287-288 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign engrossed LB 664. Okay, the Clerk will read LB 278.

CLERK: Mr. President, LB 278 was a bill offered by Senators Goodrich, Hefner and Howard Peterson. (Read.) The bill was first read on January 16 of last year. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. The Legislature considered the bill yesterday, Mr. President. At that time there was a motion to adopt committee amendments. That was approved and a motion to amend offered by Senator Beutler that was also accepted. I now have, Mr. President, a motion to advance the bill.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Yes, Mr. President and members of the body, this is the bill that you will recall that we left off with yesterday. Just to reiterate to refresh everybody's memory, the bill provides that if a contractor and an owner sign a contract to build a particular building and the contract is going to extend over a two year period, the contractor doesn't buy the material he is buying for that project until possibly a year later. If the sales tax goes up he can apply for a refund from the Department of Revenue for the amount of the increase only. If the rate of tax goes down, he must then refund to the State of Nebraska the difference between what the contract provided for in the form of the rate or the rate that was in effect at the time of the signing of the contract and the lower

to the source. I'm not talking about the young people. I'm talking about those who buy it and make tons of money from it, hundreds of thousands of dollars and there are some cases prominent businessmen so I put this only in the record and I hope somebody will think seriously about it because I don't think 126 is going to solve very much. Thank you.

SENATOR CLARK: I would like to introduce for you before we take the vote on this, from Howard Peterson's district from Hall County, Platte Valley Academy Government Class, 16 students, three teachers. The teachers are Jim Murray, and Mr. and Mrs. McKey. I think they are in the North balcony. Will you raise your hands. Will the Legislature welcome them. Welcome to the Legislature. The question before the House is the advancement of the bill. Is there any further debate? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 32 ayes, 2 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: LB 126 is advanced. LB 448. The Clerk would like to read in first.

CLERK: Mr. President, real quickly Senator Beutler would like to print amendments to LB 126 in the Legislative Journal. (See page 289 of the Legislative Journal.)

Mr. President, Senator Koch would like to print amendments, the Education Committee, excuse me, would like to print amendments to LB 259 in the Legislative Journal. (See page 289.) And, Mr. President, I have an explanation of vote from Senator Wesely. (Re: LB 664.)

Mr. President, new bills: (Read by title for the first time, LBs 837, 838. See page 289 of the Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval LB 664.

Finally, Mr. President, Senator Beutler asks unanimous consent to add his name to LB 259 as cointroducer. (See page 290.)

SENATOR CLARK: No objections, so ordered. I would like to introduce to the Legislature, Mr. George Hefner from Coleridge, Nebraska, and his wife Kay. It is a brother of Senator Hefner. They are under the North balcony. Will you stand and be recognized please. Welcome to your brother's playhouse. We will

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LB 32, 198, 215, 264, 274, 274A,
347, 413, 431, 465, 664, 848-851

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. Senator Fenger, do you want to hit the button so we can get started? Thank you. Now we will start. Record the presence.

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 correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 198 and recommend that same be placed on Select File with amendments; LB 274 Select File with amendments; LB 274A Select File with amendments; LB 413 Select File; LB 32 Select File with amendments; LB 215 Select File with amendments; LB 347 Select File with amendments; LB 465 Select File with amendments; LB 264 Select File with amendments; LB 431 Select File with amendments. Those are all signed by Senator Kilgarin, Chair. (See pages 311 through 316 of the Legislative Journal).

Mr. President, I have a Reference Report referring LB 839 through 847. (See page 316 of the Journal).

Mr. President, communication from the Governor addressed to the Clerk. The Governor has signed LB 664.

PRESIDENT: Ready then for agenda item #4, introduction of new bills, Mr. Clerk. Are there any bills to introduce?

CLERK: Yes, sir, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, new bills. LB 848 offered by the Public Works Committee and signed by its members. (Read title). LB 849 offered by the Public Works Committee and signed by its members. (Read title). LB 850 by the Public Works Committee and signed by its members. (Read title). LB 851 offered by the Public Works Committee and