

January 6, 1982

LB 192, 665-676

clear what was in the bill and easier for the public to follow. Germaneness is the same concept that you have one issue, one subject area and you stick to that and don't start spreading all over the place with what is in the bill. So this would attempt to clarify and make sure that that is the case in this legislative body.

SPEAKER MARVEL: Senator Nichol. Number 15. The motion before the House is the adoption of item #15 on germaneness. All those in favor of that motion vote aye, opposed vote no. Twenty-five. Have you all voted? Have you all voted? Senator Wesely.

SENATOR WESELY: I think we're giving up.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 19 ayes, 21 ayes, Mr. President.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, if I may I would like to read some items. New bills, Mr. President. LB 665 offered by Senator DeCamp, Labedz, Wesely and Kilgarin. (Read by title for the first time, LB 665-677 as found on pages 124-126 of the Legislative Journal.)

Mr. President, Senator Johnson asks unanimous consent to be excused tomorrow, Senator Vard Johnson.

The Retirement Systems Committee gives notice of public hearing for next Tuesday.

Mr. President, Senator Vickers asks unanimous consent to add his name to LB 192 as cointroducer.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, I have a new resolution, LR 202 offered by Senator DeCamp. (Read LR 202 as found on page 127 of the Legislative Journal.) Mr. President, I have a request from Senator DeCamp to refer that, LR 202 to the Reference Committee for purposes of referencing it to committee for a public hearing.

SPEAKER MARVEL: No objections, so ordered. Senator Warner, are you ready to take up item #16? Oh, I'm sorry, Senator Wesely. It's #16, appropriations process.

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature there has been a great deal of discussion the last

Captain Svoboda who is the head training officer of the state patrol, the poor little officer caught up in this grinding machine and the county attorney who was the prosecutor. With those five high-powered people with right and justice on their side, they came and brought me before the bar of justice and without me offering a word of testimony, without me offering any evidence, I was acquitted. How can such things be? Because you have people like Senator Hoagland telling you that a high standard of professionalism and proper obedience to the requirements of the rules of evidence are not necessary in the State of Nebraska. Well you have made the bill palatable I presume for everybody. Now the requirement is training for the officer, proper operation of the equipment, it must be tested to be shown to be in working order and even Colonel Kohmetscher can't speak against those things. He might because he doesn't know much but I doubt if he would because the lawyer would tell him, "Uh uh, Colonel, I've got to draw you up short here. If you keep talking like that they will mistake you for the one who cooks chicken rather than the one who runs the state patrol so sit this one out and be cool." So I ask, members of the Legislature, that we take this poor mangled bill and let it limp on its way across the floor and maybe despite the fact that it won't do what I want it to do, which is give the officers a laundry list for obtaining convictions, it will nevertheless point them in the right direction. I thank you.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of the bill. All those in favor of advancing 413 vote aye, opposed vote no. Have you all voted? The motion is the advancement of the bill. Record the vote.

CLERK: 25 ayes, 4 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some items you want to read in?

CLERK: Mr. President, I have notice of hearing offered by the Miscellaneous Subjects Committee and Senator Wagner would like to print amendments to LB 675. And Senator Pirsch would like to print amendments to LB 465 and Senator Labedz print amendments to LB 431. (See pages 430-432 of the Legislative Journal.)

SPEAKER MARVEL: Is Senator Vickers in the room? Are you ready to take up LB 32?

SENATOR VICKERS: Yes, I am, Mr. President.

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LB 593, 611, 619, 660,  
675, 685, 697, 773, 794,  
834, 840, 861, 873, 897

first motion. The motion is, shall we go under Call?  
All those in favor of that motion vote aye, opposed  
vote no. Record.

CLERK: 16 ayes, 10 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. Senator Burrows, do you want to record your presence? Senator Cope, will you please record your presence? Senator Kremer, will you please record your presence? Senator Newell, will you please record your presence? Senator Dworak, will you please record your presence? Senator Chambers. Senator Vickers, will you please record your presence? How many have we got? Senator Newell, everybody is here? Shall we proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on page 814 of the Legislative Journal.) 19 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 685 and find the same correctly engrossed, and LB 834 correctly engrossed.

Your Committee on Public Works reports LB 611 advanced to General File, 660 advanced to General File, 794 advanced to General File, all signed by Senator Kremer. (See pages 811 and 812 of the Legislative Journal.)

Your Committee on Ag and Environment reports LB 593 advanced to General File, 619 General File, 697 General File, 861 General File, 897 General File, 675 General File with amendments, 873 General File with amendments, and 840 indefinitely postponed, all signed by Senator Schmit as Chair. (See page 812 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler to introduce a new bill.

CLERK: Mr. President, Senator Fowler would move to suspend Rule 5, Section 5(d) so as to permit the introduction of Request #1665.

SENATOR FOWLER: Yes, I think this is a joint of Senator

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LB 675

SENATOR LAMB: The bill is advanced. LB 675.

CLERK: Mr. President, LB 675 was a bill introduced by the Agriculture and Environment Committee and signed by its members. (Read title.) The bill was read on January 6. It was referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

SENATOR LAMB: Senator Schmit on the committee amendments.

SENATOR SCHMIT: Mr. President, would you care to read the amendment...the committee amendment? It is a different amendment than what we started out with.

CLERK: Mr. President....

SENATOR SCHMIT: The committee amendment calls for removal of an area from the brand territory. It is an amendment which was offered by the Livestock Feeders Association and by Senator Hefner. Can you explain...is that the one you have?

CLERK: Yes, Senator, I guess, Senator, I am a little confused. Your committee amendment says, "In the Wagner amendment on pages 431 and 432 of the Journal....."

SENATOR SCHMIT: That's right. Yes.

CLERK: ....page 2, strike the new matter in line 9 through 12."

SENATOR SCHMIT: Mr. President and members of the Legislature, this amendment originally started out as an amendment that was a cooperative amendment between Senator Wagner and Senator Hefner. The amendment would have excluded from the brand territory certain precincts in Knox County and it would have excluded also certain sections in Wheeler County, three-quarters of a section to be exact that encompasses a large commercial feedlot. The amendment as proposed was not adopted. We struck the provisions that dealt with the exclusion of the three-quarters of a section of land that contained the feedlot in Wheeler County. The amendment as advanced to the floor contains the provisions requested by Senator Hefner to take out of the brand territory certain precincts in Knox County. I want to say at this time that it is always somewhat controversial when we attempt to include or exclude territory

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LB 675

from the brand area. For the most part the Livestock Feeders would just as soon be out of the area. The stockgrowers and ranchers would just as soon that the area be kept intact. I would like to suggest that there was a recommendation made that this type of amendment should be the subject of a separate public hearing. I would like to also point out that there was present at the hearing a large number of individuals who supported the Hefner portion of the amendment. I believe, and I will ask Senator Hefner to comment on it, but I believe that we had at one time a vast majority of the individuals that were affected in the Knox County area had signed a petition requesting that they be excluded from the brand area. The original intent of the bill was some cleanup language by the brand committee as requested by the Secretary of State. So we have expanded on the bill, I want you to know that. But it isn't in the same section of the law and it is germane and I would recommend the adoption of the committee amendment and I would also ask if Senator Hefner would comment upon the committee amendment. I would yield my time to him.

SENATOR LAMB: The next speaker. Pardon?

SENATOR SCHMIT: I would yield any of my time remaining to Senator Hefner if he chooses to speak on it.

SENATOR LAMB: Senator Hefner.

SENATOR HEFNER: Mr. President and colleagues, I rise to support the committee amendment and I will try to explain it a little more in detail to all of you here this morning. This amendment removes all of the Morton, Peoria and half of Addison Townships in Knox County from the brand area that we have in Nebraska. These three townships are on the eastern edge of the branding area, and, of course, as Senator Schmit says, whenever you try to change this boundary well you have people on opposite sides. But at the public hearing that was held I believe in January I was presented petitions that contained a 122 signatures of a possible...out of a possible 124 households, and, of course, they only asked for one person in each household to sign the petition. At the hearing the stockgrowers did oppose this amendment. They did oppose removing these two and a half townships from the brand area, but we were able to work out an amendment....

SENATOR LAMB: You have 20 seconds on Senator Schmit's time, Senator Hefner.

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SENATOR HEFNER: Okay, do I have five minutes on my own?

SENATOR LAMB: No, we have to go to another speaker because your light didn't come on next.

SENATOR HEFNER: Oh, I thought I punched it as soon as you said, committee amendments. Mr. Chairman, I would like to finish my presentation on this and then maybe we could go to the next speaker.

SENATOR LAMB: Your time is up. Senator Burrows.

SENATOR HEFNER: Thank you.

SENATOR BURROWS: Mr. Chairman and members of the Legislature, I would oppose the committee amendment. I had supported it in committee when this came before us and it appeared that at the time of the hearing...the public hearing, that everyone was going along with the amendment and the move of the change in the brand area in Knox County. But since the public hearing, some petitions have been circulated on the other side of the amendment and I feel strongly that it would be in the best interest to have a public hearing on such a change in the brand area because I feel the opposition might have brought in nearly as many people to that change in the brand area as what developed on those that wanted the change. I feel the situation has changed considerably since the time of the public hearing when it appeared that it was a totally noncontroversial change in the brand area. It moves in Knox County to the north end of the county the brand area and splits up and changes substantially the brand area. This change will also lose funds for the branding people. Whenever you reduce the brand area, you cost dollars to the whole brand program, and I sincerely believe that it would be wise to remove this amendment or by simply voting against the amendment and then look at the bill as it was originally introduced where there wouldn't be any controversy. I think all of us wanted to give Knox County about what it wanted in brand area law but we certainly I think were misled on the idea that was presented really in the context that was nearly unanimous in support of the change of the brand area line. And I feel that it would be a real mistake to go ahead with such a controversial move and pass that into law flying across the board without going back to another public hearing. When you have a public hearing that looks like it is just sailing smoothly and noncontroversial and then you find out that people...another set of people that never

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showed up or never knew about the hearing are very alarmed at the change in the law. I think it is time we have a second public hearing and allow those people to be heard. So I urge everyone to oppose the committee amendments and let's look at this another year when all are represented at the hearing. All of us in the committee wanted to do what was best for the county of Knox County and it appeared that everything was sailing smoothly and the situation certainly changed since that time. Thank you for the time. If anyone, if I have any remaining time, maybe Senator Schmit would want to answer some of what I have said on this.

SENATOR LAMB: Senator Hefner. You have about one minute and then the bill will expire.

SENATOR HEFNER: Thank you, Mr. Chairman, but I believe we started on this at 10:19. I marked that down also. 10:19 and 10:28 leaves I believe 6 minutes.

SENATOR LAMB: Okay, I guess you are right. I was looking at a different clock.

SENATOR HEFNER: Okay. Thank you, Mr. Chairman and members of the body, let me get my thoughts back again. I think I was telling you that the Stockgrowers did oppose it at the hearing but later we were able to work out an agreement with them and so at the present time they are not opposing removing these two townships from the brand area. Like I told you before, I would probably be against this but it is on the eastern border of the brand area and so therefore I don't think it will make that much difference. The Livestock Feeders Association are supporting this amendment and are supporting the bill. But I think I ought to tell you a little bit more and I want to get this into the record, and this is what Senator Burrows was talking about. I did receive other petitions after the hearing and let me analyze that a little bit. They opposed this amendment and one of those, and I want you to hear this, one of those that was taking the petition around was a member or works for the Brand Committee, and so he and his wife got 50 signatures and, of course, 11 of these are married. They are married couples living in a household and both of those signed, and I think I told you in the previous petition that the other people that circulated the original petition got only one from a household. And so I think we ought to consider that. And in checking over the petition from the opposition, 20...20 of these people that signed the

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petition do not even live in the branding area. They live along the border outside the branding area, so that leaves 19 signatures of persons living in the brand area but 8 of these, 8 out of the 19 are from town, from the town of Bloomfield that signed these petitions. They are truckers or businessmen. So in my best judgment, over 90 percent of these people that are living in these two and a half townships want to be removed from the branding area, and, therefore, I think that we should adopt this amendment and let them get out of the branding area. If you have any questions, I would be real happy to answer them for you. I also urge you to adopt this amendment.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Well, Mr. Chairman and members, I have no idea what the agreements are between the Stockgrowers and Senator Hefner or Senator Hefner's people that are asking for this exemption. But I can tell you how one member of this Legislature who happens to live in the brand area, who happens to believe that the brand area should be larger instead of smaller feels about this issue. I think that it would be ridiculous for this Legislature to start making more exceptions in the brand area. If we do anything as far as the brand area is concerned, it seems to me that we should expand it rather than to make it smaller. Let me tell you how it operates under the present system and the discrepancies that I think result as a result of that. Under the present system if you happen to live on one side of a county line out there somewhere as opposed to the other side, then your animals... any movement that you might have from those animals from your place you have to have a brand inspector before they are moved, before there are any transactions take place, and I think that is proper. I think that is the way it should be, but maybe just across the road on the other side of the county line, if it happens to be out of the brand area, movement can take place between different owners without any brand inspection at all. Now that results in a situation where it is very difficult to enforce the brand laws, it is very difficult to keep track of not only stray animals that might stray away but also animals that walk away with a little assistance, a little two-legged assistance perhaps. And if that sort of thing can take place out there right across county lines and it does right now, I suggest to you that making more exceptions in the brand law is going to make that sort of situation much more prevalent. Now I understand that there are some



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feeders that would prefer to not have to pay the inspection and not have to have the inspections, but I was just visiting with Senator Schmit and he assures me that there is such a provision in the statute for feedlots that they can post a bond and certain procedures can be followed so that they don't have to have those procedures that are taking place with the brand inspections. They don't have to have that many inspections. I suggest that is the way those feedlots should go and not ask for this exemption. I guess I would like to ask Senator Hefner a question if I may, if he might respond. Senator....is Senator Hefner....

SENATOR LAMB: Senator Hefner. We have several other lights. We have a couple of amendments. We have....the time is expired, so we will...this bill will be laid over and the next bill is LB 895.

CLERK: Mr. President, LB 895 is a bill introduced by Senators Koch and Remmers. (Read title.) The bill was read on January 19th. It was referred to the Education Committee for hearing. The bill was advanced to General File. Mr. President, there are Education Committee amendments pending.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Koch on the amendments.

SENATOR KOCH: Thank you, Mr. Chairman. Members of the body, the Education Committee or Senator Remmers and myself were apprised of some problems we have in nonresident tuition fees that are being charged across the state. So we introduced a bill very hurriedly in attempt to resolve some of the issues. After we introduced the bill, why we have decided that the...the committee has decided that what we should do is to develop a formula that would be used by all receiving schools in the State of Nebraska. So that is what these amendments are and I ask for adoption of the amendments, and at that time I will explain how it works.

SENATOR CLARK: Senator Lamb, on the committee amendments.

SENATOR LAMB: Mr. President and members of the Legislature, I have serious reservations about the committee amendments to this bill. This is a difficult question. Nobody will deny it. What is a fair...what is a fair tuition rate? But I have to oppose the committee amendments. We have had a number of superintendents from our area call in and explain what would happen under the formula which is established by the committee amendment. In all cases that I have seen, the

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LB 408, 675, 743, 761, 942

SENATOR LAMB: The motion fails. Anything else on the bill?

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

SENATOR LAMB: Is there any further debate on LB 408?  
Senator Nichol, on the bill.

SENATOR NICHOL: Are we about ready to close on the bill?  
Good. Mr. Chairman, members of the Legislature, I just  
draw your attention to Senator Chambers' amendment again,  
not intending to do anything about it now. I think it  
weakens the bill but if that is the intention of it, that  
is fine with me. So with that, thank you.

SENATOR LAMB: Senator Howard Peterson.

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

SENATOR LAMB: That will be not necessary. We have no more  
lights on. Senator DeCamp, do you care to close on the bill.

SENATOR DeCAMP: I close.

SENATOR LAMB: The motion is the advancement of LB 408.  
Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Have you all voted?  
Record.

CLERK: 25 ayes, 17 nays, Mr. President, on the motion to  
advance the bill. I'm sorry, Senator. Senator Wesely re-  
quests a record vote. (Read record vote as found on page  
1504 of the Legislative Journal.) 26 ayes, 17 nays on the  
motion to advance the bill, Mr. President.

SENATOR LAMB: The bill is advanced. Do you have something  
to read in, Mr. Clerk?

CLERK: Mr. President, very quickly, your committee on Busi-  
ness and Labor, notice of scheduled hearing for next Wednesday  
regarding the state labor contracts. That is signed by Sena-  
tor Barrett as Chair.

Senator Peterson would like to print amendments to LB 761;  
Senator Hoagland to LB 675; Senator Newell to LB 743; Senator  
Fenger to LB 942. (See pages 1505-1506 of the Legislative  
Journal.)

Mr. President, a study resolution offered by Senator Beyer