

January 7, 1982

LB 359, 413, 643,
690, 691, 692

SPEAKER MARVEL: Yes, there are some.

CLERK: Senator Clark voting yes.

SPEAKER MARVEL: Okay, six excused. Senator Fenger, will you please record your presence?

CLERK: Senator Vickers voting yes. Senator Beyer voting no.

SPEAKER MARVEL: Roll call vote has been requested. Proceed, Mr. Clerk.

CLERK: (Read the roll call vote as found on page 145 of the Legislative Journal). 25 ayes, 13 nays, on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The bill advances. Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, Senator Newell would like to print amendments to LB 359 in the Legislative Journal. (See pages 146 through 150 of the Journal).

Mr. President, new bills. LB 690 offered by Senator Hefner. (Read title). LB 691 offered by Senator DeCamp. (Read title). LB 692 offered by Senator Rumery. (Read title). (See page 150 of the Legislative Journal).

Mr. President, Senator Marsh would ask unanimous consent to be excused Friday and Monday, January 8.

Mr. President, Senator Kilgarin asks unanimous consent to add her name to LB 643 as co-introducer.

SPEAKER MARVEL: No objection, so ordered. Senator Kahle, will you recess us until 1:30.

SENATOR KAHLE: Mr. Speaker, with pleasure I move we recess until 1:30 this afternoon.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. We are recessed until 1:30.

Edited by

L. M. Benischek
L. M. Benischek

January 25, 1982

LB 208, 274, 378, 628,
636, 692, 731

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

CLERK: 13 ayes, 26 nays, Mr. President.

SENATOR CLARK: The motion lost. Senator Howard Peterson,
would you like to adjourn us until tomorrow morning at
nine o'clock? The Clerk wants to read something in first.

CLERK: Mr. President, Senator Landis would like to print
amendments to LB 636 in the Legislative Journal. (See pages
408 and 409 of the Journal).

Your committee on Urban Affairs reports LB 692 to General
File with amendments. That is signed by Senator Landis.
(See page 409 of the Journal).

Your committee on Education reports LB 628 to General File
with amendments. (See pages 409 and 410 of the Journal).

I have a Reference Report, Mr. President, referring certain
gubernatorial appointments to standing committees for
confirmation hearings. (See page 411 of the Journal).

I have a hearing notice from Miscellaneous Subjects for
February 11, February 25 and March 4. Hearing notice from
the Education Committee for February 1 and 2.

Senator Remmers would like to print amendments to LB 208.
Senator Remmers to print amendments to 274. (See pages
411 through 274 of the Journal). And Senator Schmit to
LB 731. (See pages 412 through 415 of the Journal).

SENATOR CLARK: Senator Peterson.

SENATOR H. PETERSON: Mr. Speaker, I would move we adjourn
until nine o'clock tomorrow morning.

SENATOR CLARK: You heard the motion. All those in favor
say aye. Opposed nay. We are adjourned until nine o'clock
tomorrow morning.

Edited by


L. M. Benischek

February 3, 1982

LB 646, 692

SENATOR CLARK: Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, this particular bill is the one we do every year and it gives the state chartered savings and loan associations the same rights as federally chartered savings and loan associations. As the most of you know, for example, federal chartered savings and loan associations in Nebraska are regulated by the Federal Home Loan Bank. The state chartered savings and loan associations are regulated by the State Banking Department. Now we know, for example, that you cannot hinge state law on federal change so consequently we have to process this bill every session to keep the state chartered savings and loans on parity with the federally chartered savings and loans and that is really all the bill does. It is the annual bill that we do just to help the state chartered savings and loans. I move the advancement of the bill.

SENATOR CLARK: You heard the motion. Is there any discussion? All those in favor of advancing the bill vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? No lobbying on the floor please. Once more, have you all voted? It takes 25 votes. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. We are going to pass over 654 for a few minutes here until Senator Koch gets back. We will take up 692.

CLERK: Mr. President, LB 692 introduced by Senator Rumery. (Read title). The bill was read on January 7th of this year. It was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. Mr. President, there are Urban Affairs Committee amendments attached to the bill.

SENATOR CLARK: Senator Landis on the committee amendments.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, the committee found a lot of sympathy for the concept that Senator Rumery brought to us. With respect to first class cities, there are two limitations; number one, a limitation of the vote of the people to approve bonds for the acquisition or improvements of parks, parkways, and boulevards,

and also that right to elect or choose by the voters is limited by a statutory maximum of \$400,000. So that in the event the program of construction is greater than \$400,000, they simply can't approve it by a vote of the people. LB 692 takes off that limitation, that dollar maximum, and allows the vote of the people to be determinative by itself. The committee decided to look to other sections of law because oftentimes there are parallel limitations governing other classes of cities and we found just such a limitation in Section 17-950 with respect to second class cities and villages and there the amount is \$50,000, a vote of the people up to \$50,000, and beyond that there was no method of acquisition. Therefore, the committee decided to kill two birds with one stone and take the second class cities and put them into 692, treat them the same way, that the people in those kinds of municipalities have an unlimited ability to write bonds for parks or parkways having passed on the issue by a vote of the people. The dollar limitation, a statutory maximum, we felt should not be applied, that the vote of the people was assurance enough that there was support in the community to undertake those kinds of financial obligations. The committee amendment takes the concept of 692 and applies it to second class cities and villages. It takes off the dollar limitation. It leaves the vote of the people as the determinative factor in the issuance of these kinds of bonds. I would move for the adoption of the committee amendment.

SENATOR CLARK: The question is the committee amendments. All those in favor will vote aye, opposed will vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Sorry, Senator Landis, we just don't have any more people than that here. Have you all voted? It takes 25 votes to accept the committee amendments. Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Senator Rumery on the bill.

SENATOR RUMERY: Mr. President, members of the Legislature, we give a lot of lip service in here to local control. Here is a chance to really do something about it. The limitation, as Senator Landis explained, of \$400,000 is removed. It is going to be acted on by local people anyway and voted on in regular elections and we have a chance here to remove this

February 3, 1982

LB 692

restriction. I move the advancement of the bill.

SENATOR CLARK: Is there any discussion on the advancement of the bill to E & R? If not all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

February 5, 1982

PRESIDENT: The motion carried. The DeCamp amendment is adopted. Any further amendments, Mr. Clerk?

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

PRESIDENT: Senator DeCamp. Alright the motion is to advance the bill. Any further discussion? All those in favor of advancing LB 274 signify by saying aye, opposed nay. LB 274 is advanced to E & R for engrossment. The next bill is 274A, Mr. Clerk. The Clerk will read some matters into the record and then we will take up 274A.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 692 and recommend that same be placed on Select File with amendments; 628 Select File with amendments; 630 Select File with amendments; 728 Select File with amendments, all signed by Senator Kilgarin. (See pages 564-565 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch to whom is referred LB 650 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 652 General File with amendments and LB 817 from the Urban Affairs Committee advanced to General File; LB 727 indefinitely postponed and LB 820 indefinitely postponed. Those are signed by their respective chairmen. (See pages 567-568 of the Legislative Journal.)

Mr. President, I have on 274A an amendment offered by Senator DeCamp to the bill.

PRESIDENT: Alright, Senator DeCamp, we are ready for your amendment to LB 274A.

SENATOR DeCAMP: Mr. President, the amendment is nothing more than the compliance with the new rules brought to me by the representative from the fiscal office or whoever hauls those things out and I put it up there. So we are going to spend the money that we are going to collect, Senator Warner says. In other words you collect money from them and then you spend it.

PRESIDENT: Any discussion on the DeCamp amendment to LB 274A? If not, the question then is the adoption of the DeCamp amendment to LB 274A. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the DeCamp amendment.

March 4, 1982

LB 571, 692

capital is invested in this country, that we ought to have the right to invest in other countries also. I think we need to recognize that the State of Nebraska is a capital short state and as such we need capital, and we need to encourage it from time to time, that we want to be awfully careful how we do it, that we do not surrender control and that eventually we do not surrender some very important property rights here in the State of Nebraska. I guess I am concerned because I can see in some other areas, particularly in the area of agriculture there is objection to the infusion of capital. We had a little discussion yesterday about the capital needs of the State of Nebraska and I think that we need to recognize that Senator Clark's bill here points out that there is a need for capital and even though we might not like that foreign capital concept, that we are making provisions for it under this bill.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: I guess I just had an inquiry of the Chair as to procedure. I was just curious if the rules allow a presiding officer to be there when his bill is up and to participate in debate.

SENATOR CLARK: I haven't any idea.

SENATOR FOWLER: I just wondered if you are going to ask yourself to close.

SENATOR CLARK: The Speaker just wanted to know if I would take over. He had to leave.

SENATOR FOWLER: Okay. Is there any....

SENATOR CLARK: All it is is the advancement of the bill. If it gets controversial, I will get out.

SENATOR FOWLER: Okay, just an inquiry.

SENATOR CLARK: The question before the House is the advancement of the bill. All those in favor say aye. Opposed. The bill is advanced. I guess that takes care of that, Senator Fowler. LB 692.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on 692.

March 4, 1982

LB 628, 692

SENATOR CLARK: Senator Kilgarin. Senator Landis, do you want to take the E & R amendments on 692? You heard the motion. All those in favor say aye. Opposed. The E & R amendments are adopted. Anything else on the bill?

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

SENATOR CLARK: The motion is to advance the bill. Senator Rumery.

SENATOR RUMERY: Mr. President, I move we advance 692.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 628.

March 10, 1982

LB 127, 127A, 421, 606, 630,
654, 692, 703, 801, 824, 829

PRESIDENT LUEDTKE PRESIDING

REV. JOHN MINERT: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence now? 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, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 127 and find the same correctly engrossed; 127A, 606, 630, 654, 692, 703, 801 and 829 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 824 as indefinitely postponed. That is signed by Senator Kremer.

PRESIDENT: We'll start with the agenda then on agenda item... we're going to reverse the items #4 and #6 according to Speaker Marvel and we'll start with agenda #6, motions, LB 421, Mr. Clerk.

CLERK: Mr. President, Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. Senator DeCamp offered his motion on March 3. It can be found on page 941 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, people in this body are very concerned about health costs. Any time there is fraud or payment of a claim that is improper that costs everybody, whether it is for a drug abuse situation, whether it's for error through payment that shouldn't have been made, it costs everybody, not the insurance company, we all pay for it. This bill is designed to try to correct that particular problem in Nebraska. There were some reservations by some members, Senator Landis and some of the attorneys that there was some language that wasn't clear enough. Maybe that's the reason the bill failed, maybe the fact that several members were absent that day, whatever. I would

March 17, 1982

LB 654, 692, 703, 801

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.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1220 of the Legislative Journal.

SENATOR CLARK: Bill is declared passed on Final Reading. The Clerk will read 692.

ASSISTANT CLERK: Read LB 692.

SENATOR LAMB PRESIDING

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in support vote aye, those opposed vote no. Have you all voted?

ASSISTANT CLERK: Senator Lamb voting aye.

SENATOR LAMB: Record.

ASSISTANT CLERK: 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting. Vote appears on pages 1220-21 of the Legislative Journal.

SENATOR LAMB: LB 692 passes on Final Reading. Clerk will read LB 703.

ASSISTANT CLERK: Read LB 703.

SENATOR CLARK PRESIDING

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. Those in favor vote aye, those opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1221 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached on Final Reading. The Clerk will now read LB 801.

ASSISTANT CLERK: Read LB 801.

8998

March 18, 1982

LR 243
LB 202, 267, 449, 579, 606, 628, 630,
654, 662, 692, 702-703, 717-719,
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, 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 as published. Any messages, reports or announcements?

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

LB 69, 267, 359, 435, 449, 579, 606, 628,
630, 654, 662, 692, 702, 703, 717, 718,
719, 722, 728, 729, 778, 782, 801, 829

March 22, 1982

PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

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

Edited by:

Marilyn Zank
Marilyn Zank