

January 8, 1982

LB 264, 710-726

Mr. President, the Ag and Environment Committee gives notice of hearings on gubernatorial appointments. That is offered by Senator Schmit. (See page 170 of the Journal).

New bills. LB 710 offered by Senator Wiitala. (Read title). LB 711 offered by Senator Nichol. (Read title). LB 712 offered by Senator Fowler. (Read title). LB 713 offered by Senator Schmit. (Read title). LB 714 offered by Senator DeCamp. (Read title). LB 715 offered by the Judiciary Committee and signed by its members. (Read title). LB 716 offered by the Judiciary Committee. (Read title). LB 717 offered by the Judiciary Committee. (Read title). LB 718 offered by the Law Enforcement Criminal Justice Advisory Committee. (Read title). LB 719 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 720 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 721 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 722 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 723 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 724 by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 725 offered by the Judiciary Committee. (Read title). LB 726 offered by Senator Vickers. (Read title). (See pages 170 through 174 of the Legislative Journal).

SPEAKER MARVEL: We are ready for LB 264 on General File.

CLERK: Mr. President, LB 264 offered by the Public Health and Welfare Committee and signed by its members. (Read title). The bill was first read on January 16 of this year, or last year, excuse me. It was referred to the Public Health and Welfare Committee for hearing. At that time it was advanced to General File, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, this bill was brought to the committee by the Department of Welfare in terms of trying to make a conformity with the present age of majority statutes. It is a rather small technical change. All it would do basically at this time lower it from the age of 20 to the age of 19 the age at which a guardian would be appointed for a mentally retarded individual and then the possibility of placing them in a Department of Welfare local mental retardation facility would take place. I don't see much of a problem with it. There was very little testimony as you can see from the committee statement, and basically it is a technical change.

January 29, 1982

LB 590, 677, 705, 718,  
719, 722, 724

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol reports LB 590 to General File; LB 705 to General File; LB 718 to General File; LB 719 to General File; LB 724 to General File; LB 677 General File with amendments; LB 722 General File with amendments. Signed by Senator Nichol as Chair.

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LB 705, 718, 719

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of 705? Record the vote.

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

SENATOR CLARK: The Chair declares 705 advanced to E & R. 718.

CLERK: LB 718 (read title). The bill was read on January 8 of this year, referred to the Judiciary Committee for public hearing, and advanced to General File. Mr. President, I have no amendments to the bill.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 718 eliminates two current provisions of law which relate to the terms and quorum requirements of the Nebraska Supreme Court. The bill was introduced on behalf of the Supreme Court and repeals the requirement that the Supreme Court meet on the first Monday of January and the third Monday of September. If this section is removed, the Court has told the committee it will allow them to increase the days they are able to hear cases, and if they want to work, I am all for that. Secondly, the bill repeals obsolete procedure regarding the quorums of the Court. The Supreme Court used to have terms and now they ignore these terms anyway and this procedure would simply delete that obsolete language.

SENATOR CLARK: You want to leave the absolute language out, right. The question is the advancement of 718. Is there any discussion? All those in favor of advancement vote aye, opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is advanced. LB 719.

CLERK: LB 719 (read title). The bill was read on January 8 of this year, referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

February 8, 1982

LB 719, 724

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 719 was introduced on behalf of the Nebraska Supreme Court and provides for a change in the method of payment for docket fees in cases filed in the Supreme Court and also increases that fee. Currently when a matter is filed in the Supreme Court, the party making the filing pays a docket fee of \$20. The opposing party when making their first appearance in the action is required to pay an additional docket of \$5. Incidentally, this \$5 usually never gets paid. In order to ease the administration of docket fee collection, the bill provides the entire docket fee is to be paid by the party originally filing the action and the docket fee is increased from \$25 to \$50. Generally, the losing party gets stuck for these fees anyway and it takes about \$1500 minimum to take a case to the Supreme Court so \$50 isn't going to keep them out. I move for the advancement of the bill.

SENATOR CLARK: Is there any discussion on the advancement of LB 719? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: 719 is advanced. We go to 724.

CLERK: Mr. President, LB 724 introduced by the Law Enforcement Criminal Justice Advisory Committee and signed by its members. (Read title). The bill was read on January 8 of this year, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 724 provides for the certification of questions of law in the Nebraska Supreme Court from the federal courts or other State Supreme Courts. Currently when a question arises in these other courts as to the interpretation of Nebraska law, the question is resolved by the foreign court guessing how the Supreme Court would decide the issue if it were before it. The bill will end situations like this by providing a procedure for the foreign court to request

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 4, 1982

LB 719, 724

announce there are 15 ladies and 1 gentleman from Northwestern College at Roseville, St. Paul, Minnesota. They are merely on a tour. They are in the North balcony visiting the Unicameral. Welcome to the Unicameral. We will go to 719.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 719.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 724.

CLERK: I have E & R amendments, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 724.

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

CLERK: Mr. President, Senator Vard Johnson would move to amend the bill. The amendment is found on page 606 of the Legislative Journal.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, this is a very simple amendment. As you may recall, LB 724 allows the Nebraska Supreme Court to decide whether or not it will receive from another court a question of law and will then decide the question of law. When I read the bill over, the only...I only had two misgivings with the bill and the first misgiving dealt with some kind of time limitations because as a lawyer I know how tough it can be to have a case in the federal district court and the opposing counsel says to the judge in the federal district court that this case involves a state law question and what I would like to do, Mr. Judge or Your Honor, what I would like to do is to have this case certified in the Nebraska Supreme Court so the state law question can be resolved, and as the lawyer for my client, I go to the judge and I say, Judge, you don't have to do this, you shouldn't do this, it is a bad thing to do, and it is going to take a lot of time to get it done. The judge disagrees with me and he certifies the case down to the Nebraska Supreme Court for resolution of the state law question.

LB 577, 579, 601, 605, 642, 644, 651, 662,  
677, 678, 696, 697, 718, 718, 719, 720,  
728, 729, 739, 743, 764, 767, 767A, 775,  
776, 778, 784, 792, 796, 807, 824, 825,  
828, 839, 845, 869, 877, 890, 892, 931,  
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

March 17, 1982

LB 718, 719, 728, 729

SENATOR CLARK: All provision of law relative to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting. Vote appears on page 1213 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. the Clerk will now read 719.

CLERK: Read LB 719.

SENATOR CLARK: All provisions of all according to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote no.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record.

CLERK: 44 ayes, 0 nays, 5 excused and not voting. Vote appears on page 1214 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 728.

CLERK: Read LB 728.

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. This is St. Patrick's day.

CLERK: Senator Clark votes aye.

SENATOR CLARK: Record the vote, quick. Thank you colleagues.

CLERK: 44 ayes, 0 nays, 5 excused and not voting. Vote appears on page 1512 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read 729.

CLERK: Read LB 729.



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