

January 11, 1982

LB 742-745

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. 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: (Read corrections as found on page 188 of the Legislative Journal.)

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

CLERK: Mr. President, your committee on Judiciary gives notice of public hearing in Room 1113 for Monday, January 18, Tuesday, January 19 and Wednesday, January 20.

Mr. President, I have received from the Natural Resources Commission a report pursuant to report on attorney fees pursuant to statutory Section 2-3263. That will be on file in my office.

PRESIDENT: We are ready then for agenda item #4, introduction of new bills. The Clerk will read in the bills.

CLERK: Mr. President, I have a few new bills: (Read by title for the first time, LBs 742- 745 as found on pages 189-190 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Lamb for purposes of an announcement. Senator Lamb.

SENATOR LAMB: Thank you, Mr. President. Mr. President and members, I would like to call to the attention of the members that...

PRESIDENT: Let's have some attention to Senator Lamb. He has a very important announcement.

SENATOR LAMB: This is the day when all the bill requests are supposed to be in except for one per person or per committee. On the advice of the bill drafter Senator Marvel and I have sent out a notice to you on November 23 that the first

February 18, 1982

LB 230, 575, 622,  
743, 930

Your Committee on Appropriations gives notice of hearing in Room 1003 for the week of March 1. Priority bill designation from the Speaker and Senator Howard Peterson.

Your Committee on Public Works reports LB 575 indefinitely postponed. That is signed by Senator Kremer.

Your Committee on Revenue whose Chairman is Senator Carsten reports LB 743 advanced to General File; 622 indefinitely postponed; 930 indefinitely postponed. All signed by Senator Carsten.

Mr. President, Senator Sieck would like to add his name as co-introducer to LB 230.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Hearing no objection, so ordered.

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

SPEAKER MARVEL: Senator Goodrich, would you like to adjourn us until 8:30 a.m. tomorrow?

SENATOR GOODRICH: Mr. President and members of the body, I move to adjourn until 8:30 a.m. tomorrow morning.

SPEAKER MARVEL: Okay, you have heard the motion. Before we take the voice vote, you are encouraged to stick around for a program. It starts about 11:30. And Senator Goodrich's motion is to adjourn until Friday, February 19th, 1982 at 8:30 a.m. All those in favor of that motion say aye. Opposed no. The motion is carried. We are adjourned.

Edited by:

  
Mary A. Turner

March 5, 1982

LB 716, 743

would be the place to handle these technical details, and I urge you to vote for 716. Thank you.

SPEAKER MARVEL: Senator Nichol, do you wish to close on the motion to advance? You have about one minute left.

SENATOR NICHOL: Mr. President, I think that is enough. I think you have heard pretty much what it is about, and between now and as this bill advances if you have any reservations about giving the Supreme Court this authority, then have a good look at it. Now the technical part is in 725, of course, and the 716 part allows the Supreme Court to promulgate these rules rather than running it through the Legislature every time they want to change some rules. So with that, Mr. President, I move the advancement of LB 716.

SPEAKER MARVEL: The motion as you have heard from Senator Nichol is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to advance LB 716.

SPEAKER MARVEL: The next item, LB 743.

CLERK: Mr. President, LB 743 offered by Senator Warner. (Read title.) The bill was read on January 11th. It was referred to Revenue for public hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 743 be advanced. LB 743 deals with the so-called Green Belt law. Some of you may recall that it was originally enacted seven or eight years ago but it used the definition as to the type of property that would qualify for Green Belt as being land that was zoned exclusively agriculture and this has created some problems in applying the law. And so rather than try and identify what does qualify, the bill would change by identifying the kinds of property that will not qualify for the Green Belt provision, and the type of property that would not qualify then are areas which are residential lots of less than 20 acres or property inside of an SID or city or village, or land that is zoned to allow commercial and industrial development. That kind of property would not qualify and it seems to be a more easily

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LB 601, 743

administered type of statute to identify true agricultural land to qualify for Green Belt assessment. I move the bill be advanced.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion as explained by Senator Warner vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next one is 601.

CLERK: LB 601 offered by Senator Nichol. (Read title.) The bill was read on January 6th, referred to Government, Military and Veterans Affairs. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: The motion is the advance of 601, and, Senator Nichol, you need to explain your bill.

SENATOR NICHOL: Thank you, Mr. President. This bill involves the composition of the County Planning Commissions. The members of a County Planning Commission are appointed by the county board and the primary focus of the County Planning Commission is with lands which lie outside of the incorporated areas in the county. When a county board appoints members of the County Planning Commission, current law requires that no more than two of the members serving on the commission shall be from incorporated areas in the county. This bill would strike the requirement that only two members may be from incorporated areas and inserts instead the requirement that a majority of the commission members be from unincorporated areas of the county. The law as it now exists places no limits on the size of County Planning Commissions. City planning commissions, for example, are limited by statute to consist of nine members. When a county forms a planning commission, it could if it wanted have the commission consist of ten, fifteen, twenty members, three, yet only two by law could come from incorporated areas in the county. This bill would provide that whatever size of the County Planning Commission, there could be no more...excuse me, this bill provides that whatever the size of the County Planning Commission, there could be more than two members from incorporated areas. The members who are from unincorporated areas of the county would still remain a numerical majority of the commission



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

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LB 952, 743

CLERK: Senator Wiitala voting yes. Senator R. Peterson voting yes.

PRESIDENT: All of you register your presence so we do know who is here.

CLERK: Senator Cope voting no.

PRESIDENT: Senator Vard Johnson, Senator Warner, will you put the green lights on so we know who is here and who isn't.

CLERK: Senator Warner changing from no to yes.

PRESIDENT: Record the vote.

CLERK: 25 ayes, 6 nays, Mr. President.

PRESIDENT: LB 952 is advanced to E & R for Engrossment. We will go on to the next bill then, LB 743.

CLERK: Mr. President, I have no E & R amendments to the bill. I do have an amendment from Senator Warner.

PRESIDENT: Chair recognizes Senator Warner for amendments on LB 743.

SENATOR WARNER: Which one do you have, Pat?

CLERK: It is the first one, Senator (read amendment).

SENATOR WARNER: Okay, what this amendment. . . LB 743 deals with the green belt. You will recall the definition of the land that can qualify is changed and land that can be used commercially and for industrial purposes would not qualify. What this amendment does, it makes sure that any property that became disqualified that currently is receiving the greenbelt reduction in their property tax that they are disqualified by the passage of the act but then they are not also subject to the back taxes that would have been due, or the taxes that would have been due because. . . had they not received the exemption. It is simple equity, it would be done in good faith, they complied with the law, there would be no justice to go back and expect them to pay taxes if they do become disqualified or can not qualify, when they were legal, at least they had done what they thought was legal in the first place. So, that is the purpose of the amendment to ensure that those presently qualified are not penalized if they no longer qualify for greenbelt after the date the law becomes effective which will not be until January 1 of next year. I move the adoption of the amendment.

PRESIDENT: Any further discussion on the Warner amendment, the first Warner amendment. If not, Senator Warner, we will

call the motion. All those in favor of the first Warner amendment vote aye, opposed vote nay. This is on LB 743. House is technically under Call yet so we ought to be able to get enough votes. We didn't raise the Call yet so let's get through these votes and stay here for long enough to do something. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, to adopt Senator Warner's first amendment.

PRESIDENT: Motion carries. The first Warner amendment is adopted. Next amendment.

CLERK: Mr. President, Senator Warner would move to amend the bill by striking the emergency clause.

PRESIDENT: Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, there is no reason for an emergency clause on there and by the way I want to make it clear I used the word "the effective date" January 1, 83 a little bit ago, but that is not the effective date of the act, it is just a simple fact that as property taxes are collected it would not become a factor until January 1 of 83. I move adoption of the amendment and then I would ask the bill be held because Senator Labedz had an amendment that she would like to place on it next week. There is no point in running it back and forth.

PRESIDENT: So the motion is the adoption of the second Warner amendment. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the second Warner amendment.

PRESIDENT: Motion carries, the second Warner amendment is adopted. Now Senator Labedz has her amendment.

CLERK: Yes.

PRESIDENT: She will bring it up next week. So the bill is to be put over until next week. We will then take up LB 869, Mr. Clerk.

CLERK: Mr. President, I have no E & R. . . I do have an E & R to the bill, Mr. President.

PRESIDENT: Senator Kilgarin. Senator Stoney, why don't you just move the E & R amendments. Do you want to move your E & R amendment on your bill on 869.

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LR 258

LB 892 , 743, 626, 652,  
522A, 970A

PRESIDENT: Senator Higgins, did you wish to discuss the motion to advance?

SENATOR HIGGINS: Mr. President, I want to ask Senator Haberman a question.

PRESIDENT: Senator Haberman, will you respond?

SENATOR HABERMAN: Yes.

SENATOR HIGGINS: Senator Haberman, who made the mistake?

SENATOR HABERMAN: This is an old, old law that made the mistake. I'd say to get this over with I made it.

SENATOR HIGGINS: All right, do you apologize?

SENATOR HABERMAN: I apologize.

PRESIDENT: Okay, anything further? The motion is the advancement of 892 to E & R Engrossment. All those in favor signify by saying aye, opposed nay. LB 892 is advanced to E & R for Engrossment. Now, anything to read in, Mr. Clerk.

CLERK: Mr. President, Senator Labedz would like to print amendments to LB 743.

New A bill, 522A by Senator Johnson and Cullan. (Read title of bill.)

970 A by Senator Warner. (Read title of bill.)

New Resolution offered by Senators Cullan, Wesely and Rumery. (Read LR 258.)

PRESIDENT: All right, anything further?

CLERK: Mr. President, Senator DeCamp, or V. Johnson would like to print amendments to 626 and Senator DeCamp to 652.

PRESIDENT: Anything further? Senator Lamb, do you wish to adjourn us until Monday?

SENATOR LAMB: Mr. President, I move we adjourn until Monday at 9:30 a.m.

PRESIDENT: Motion to adjourn until Monday, at 9:30 a.m. All those in favor signify by saying aye, opposed nay. We are adjourned until Monday at 9:30 a.m.

Edited by

*Lm Benisch*

L. M. Benischek

9266



March 30, 1982

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