

January 12, 1981

LB 81-91

since the death of one such as this, a certain amount of time must elapse before a commemorative stamp can be issued. It is also my understanding that this time has now passed and I would urge that the Nebraska Legislature immediately proceed with whatever action is necessary for the issuance of a commemorative postal stamp. Thank you.

PRESIDENT: Senator DeCamp, do you wish to speak on your resolution?

SENATOR DeCAMP: Mr. President, I think Senator Goll has said everything that needs to be said and I urge you to support the resolution.

PRESIDENT: Any further discussion on LR 2? Senator Goll, is there any closing then?

SENATOR GOLL: No, there is none, sir.

PRESIDENT: All right, the matter before the House is the adoption of LR 2 found on page 96 of the Journal. All those in favor signify by voting aye, opposed nay. Has everyone voted? Record the vote.

CLERK: 39 ayes, 0 nays on adoption of LR 2, Mr. President.

PRESIDENT: Motion carries and LR 2 is adopted. We are ready for agenda item #6, introduction of new bills and those of you who have not brought the bills up to the Clerk's desk might do so now so again we can process as many today as possible so, Mr. Clerk, you may proceed with the reading of the new bills.

CLERK: Mr. President, new bills: Read LB 81-86 by title for the first time as found on pages 113-114 of the Legislative Journal.

Mr. President, while we are waiting for bills, I have a new resolution, LR 3. Read LR 3 as found on pages 114-115 of the Legislative Journal. Mr. President, it is offered by Senator Beutler and that will be laid over.

Mr. President, Senator Fowler would like to have a meeting of the Retirement Committee upon adjournment underneath the North balcony, Retirement Committee underneath the North balcony, upon adjournment.

Read LB 87-91 by title for the first time as found on pages 115-116 of the Legislative Journal.

February 20, 1981

LB 50, 84, 89, 174, 475

Mr. President, Senator Richard Peterson offers explanation of vote.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 84 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 89 General File; LB 174 General File; LB 50 General File with amendments; LB 475 to General File with amendments. That is all I have, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We now turn to item #5 and the Chair recognizes Senator Lamb.

CLERK: Mr. President, Senator Lamb moves that appointment of Marshall A. Lux as Ombudsman and asks that the Legislature vote for its approval as required by Section 81-8,241.

SENATOR LAMB: Mr. President, members of the Legislature, after a long and involved selection process, the Executive Board has selected Mr. Lux to replace the retired Mr. McNeil as Ombudsman. This is a very important position. The process by which Mr. Lux was selected was extended probably more than it should have been partly because two Executive Boards were involved. Mr. Lux became the acting Ombudsman on July 31st upon the retirement of Mr. McNeil. The Executive Board then advertised in fifteen papers throughout the state and the distribution of the job availability notice was made to all the legislative staff. The job was advertised statewide with a closing date for applying of October 31st, 1980. One hundred and nineteen persons submitted resumes and/or applications for the position. The sixteen applicants were selected from this group of one hundred and nineteen. The interviews of these persons were held on February 4th, 5th and 10th of 1981. The Executive Board made their selection on February 18th, 1981. This requires a two-thirds vote of the Legislature. I move that the motion be approved.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I am not sure where the report of the committee is but wherever it is you will find that I had passed on the vote for Mr. Lux and I want to explain that to you. Because of illness, I was not able to attend any of the interviews that were held on any of the candidates and that my abstaining was not in opposition to in any way, shape or form. The committee apparently, as I understand, were in strong agreement that Mr. Lux

March 6, 1981

LB 174, 89, 181,
534, 535

SENATOR FENGER: Mr. Speaker, I would urge consideration of adoption of LB 174 at this time.

SENATOR CLARK: All those in favor of advancement of the bill please vote aye, opposed no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 3 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: Motion carried. Bill is advanced. We will now have the changing of the guard.

CLERK: Mr. President, while the guard is changing, I have a report from Constitutional Revision and Recreation Committee reporting LB 534 as indefinitely postponed; and LB 535 advanced to General File. That is signed by Senator Labeledz.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 181 to General File with amendments. Signed by Senator Kremer.

Mr. President, I have a gubernatorial appointment confirmation list submitted by the Constitution Revision and Recreation Committee.

Mr. President, LB 89 is a bill introduced by Senator Shirley Marsh. (Read title.) The bill was first read on January 12, referred to the Judiciary Committee for hearing. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I move that LB 89 be advanced to E & R Initial. The purpose of LB 89 is to add a judge to the Third Judicial District. I will share some supporting evidence of why there is a statistical need. I will share some information about the unique nature of the caseload in this district which requires that we have another judge available in the Third District to assure efficient administration of justice. The Third Judicial District consists of Lancaster County, Lancaster County, an area of 845 square miles, and the 1980 census shows a population of approximately 192,000 people.

It is the county seat of Lancaster County and the capital of the state. There are twelve incorporated cities, villages, including Lincoln. This has been the capital since 1870 and was founded primarily as a site of state government, and for that reason, many of the principal state institutions are located here. The district court currently consists of five district judges and one court appointed referee to handle the child support contempt matters. There is a separate juvenile court consisting of one judge. The population of Lancaster County was 85,000 in 1920; 155,000 in 1960; and 192,718 in 1980. The Third Judicial District is a unique judicial district. The Legislature has passed laws that require many types of lawsuits to be filed only in Lancaster County. These are cases that the other twenty judicial districts of the state cannot hear and are peculiar to this district. Many of these cases involve serious constitutional questions that have a very serious impact on the citizens of our state, not just the Third Judicial District. There are fifteen statutes passed by this Legislature and two examples are that actions to enforce state and administrative board orders are required to be filed. This is 25-21.165. And the second example is that appeals from all administrative agency decisions that occur in Lancaster County will be filed here and that is 84-917. I am sorry Senator Schmit isn't here because I wanted him to hear that many of these cases, particularly those dealing with constitutional issues, such as, Prendergast versus Nelson (phonetic) that apporved the constitutionality of the medical malpractice bill required extensive briefing by both parties and independent research on the part of the judge. These are not garden variety cases but take concentrated thought on new areas of the law and require more time than many other cases. Senator Warner would be interested to know that the Board of Regents of the University of Nebraska versus Exon appeal to the Supreme Court was filed here to determine whether acts of the Legislature affecting the University were in violation of Article VII, Section 10 of the Constitution. Senator Koch would be interested in Gaffney versus State Department of Education appeal to the Supreme Court, 192, Neb. 358 action for declaratory judgments to determine the constitutionality of the Nebraska Textbook Loan Act. Senator VonMinden and Fitzgerald should be interested to know that the State of Nebraska Board of Educational Lands and Funds versus Lathrop and Commissioner of Labor was filed here, the appeal from Commissioner of Labor for alleged violation of veterans preference law. Senator Landis may be interested to know that Owohl versus Chizek, Commissioner of Labor, an appeal from the Nebraska Appeal Tribunal was filed here. Senator Chambers and Senator Johnson will know about the Whirl versus Department of Public Welfare bill.

The appeal denying application for food stamps was filed here. Senator Hoagland will be knowledgeable about Lubeck versus Nebraska Accountability and Disclosure Commission appeal under the Sunshine Act. Senator Carsten is certainly aware that the Nebraska City Public Schools versus Thone action brought questioning the validity of the lid as affecting the Nebraska City schools was filed here, and Senator Goodrich should be knowledgeable about the State versus the Nebraska Mortgage Finance Fund appeal to the Supreme Court. These cases are but a small sampling of the types of cases that are unique to Lancaster County District Court that other district judges do not have to consider. These types of cases can often tie up the judge for days with complicated hearings on motions and evidence, not to mention the time it takes for the court to read the briefs, do independent research and write what often is a lengthy opinion. The District Judges Association has assigned a point system determine the caseload of the judges that comprise the 21 judicial districts of the state. In 1979, the judges in Lancaster County had the heaviest docket except for the Sixteenth Judicial District and the Twenty-first. Both of these districts were one judge districts and each received an additional judge in the last session of the Legislature. Based on 1979 statistics even when the sixth judge is added, it will only reduce the number of points per judge from 733 to 611 which is still above the average of 568 per judge. Statistics were obtained from the Clerk of the District Court of Lancaster County and graphically show the increase in filings for civil, criminal, and execution dockets from 1962 to the present. The increase is 87%. In 1972 when the fifth judge was added, civil filings jumped from 1837 to 3441. That increase of 87.3% goes hand in glove with the increase in population and with the increase in the number of lawyers in the county. An important change that cannot be clearly shown by statistics and might be covered up has to do with the workload placed on courts by society's increasing concern about the quality of our judicial system. Both the Legislature and appellate courts have become more concerned with extending and protecting the individual rights of litigants, especially those charged with criminal offenses. Examples of such changes...

SPEAKER MARVEL: One minute.

SENATOR MARSH: ...in our law are the presentence reports required in all felony cases and postconvictions review available in criminal cases. The Third Judicial District is charged with additional responsibility that the other twenty judicial districts in the state do not have. The population has risen. The five judges of the Lancaster

County District Court have the highest caseload of any judges in the state. Mr. President, I renew my motion to advance LB 89 to Enrollment and Review Initial.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR VARD JOHNSON: Mr. Speaker, members of the body, although it pains me, I am going to rise in opposition to Senator Marsh's bill, not necessarily because the bill itself is a bad bill but more importantly because of what I consider to be the timing of the bill and the methodology that is being applied. Last year as a freshman Senator I had to listen to Senator Cullan initially and then to Senator Dworak plead for two additional judges, one in Senator Cullan's District and the other one in Senator Dworak's District, and the thing that distressed me during the course of the debate was the fact that I basically had to deal with those two districts in a vacuum with the two proponents saying simply, "You can see what our caseload need is and, surely, there is a demand here, and you, fellow Senator, should go ahead and approve the judge." Well, I was struck during the course of the debate by remarks of Senator Beutler from Lincoln who said, "The Bar Association and the Judiciary Committee need to undertake a fairly thorough study concerning the actual drawing of the boundary lines for these district court judgeships because" said Senator Beutler, "as I look at the overall state statistics it become painfully clear that there are some judicial district that may have more judges per filing than other judicial districts, and surely in terms of economy and efficiency and cost savings, we can take a hard look at the way our district boundary lines are formed and then determine whether or not we need to add additional judges". And I thought that was a pretty wise course of conduct. On the other hand, here were Senator Dworak and Senator Cullan in saying the demand, the need is now, and we should act now. So I went ahead and supported it but one reason why I supported their bill was I had the impression that in fact the Bar Association and the Judiciary Committee were going to undertake such an investigation. To the best of my knowledge, it has not occurred. Now looking at my black book, I see that Senator Beutler has introduced a bill, LB 386, which is designed essentially to restructure our judicial district boundaries and the restructuring calls for the movement of some counties from one judicial district into another judicial district. Essentially it is designed to provide for economy and, frankly, to assist us as legislators in knowing how many judges we really ought to have in the State of Nebraska and where those judges ought to be located. Now I can't tell you definitively

Lancaster County doesn't need a sixth judge but I think I can tell you definitively that I don't have a good sense at this juncture as to precisely where our judges in this state should be located, and, gentlemen and ladies, you and I are operating on a different time. We are operating in a time when we have to be extremely careful with how we handle taxpayer dollars. I know we have always prided ourselves on being careful with the handling of taxpayer dollars, but because the taxpayers themselves at this juncture are saying simply that we want government to be different. That means that you and I have got to look even more closely as to the allocations of monies and I think, Senator Marsh, that the first priority in this business is for us to structure our judicial districts in such a fashion that no judge carries a disproportionate caseload in relationship to another judge, and once we find such occurring after we have restructured our districts in Lancaster County, then let's approve that sixth judge.

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON: I am struck by the 1979...I am sorry...the 1980 court report which says that Nebraska District Courts had a total of 21,876 cases filed in 1979, a slight decrease from the 22,457 filed during 1978. For the fifth consecutive year the case filings in the district courts remain relatively stable. Then I look at Lancaster County, had 3438 filings in 1975 and 3476 filings, an increase of 40 filings in 1979. That is the latest report. Now it seems to me that basically our case filings are pretty stable in this state. So if one judge is overworked in relationship to another judge, that means our district boundaries aren't adequately drawn and we should make those adjustments, and then after we have made those adjustments, if we still find people out of whack, like in Lancaster County, let's appropriate the dollars. But in this case, let's put the horse before the cart. Thanks.

SPEAKER MARVEL: Senator DeCamp. The question has been called for. There are no other lights so we will proceed to vote. The motion is the...Senator Marsh, do you wish to close?

SENATOR MARSH: Yes, indeed.

SPEAKER MARVEL: Okay.

SENATOR MARSH: Mr. Speaker and especially to Senator Vard Johnson, it is not likely that Lancaster County would be cut into a smaller district than one county. The statistics that Vard is looking at don't happen to agree with my statistics. The year 1978 we had a total of 3704 cases. In 1980

we had 4463. Now that is a continued increase and it has been. In 1972 was the last year we added a judge in this district. If Senator Johnson had been on the floor when I was discussing this bill originally, he would have been very aware of why with fifteen statutes there are more cases filed in Lancaster County which makes up the entire Third Judicial District. It is entirely possible that the remainder of the state needs to have lines redrawn. You are not going to cut a county into smaller segments than the county line. You might increase them in some other locations of the state but for county court, district court, you will not have a smaller unit than Lancaster County. I explained why it was necessary to have cases filed in this Third Judicial District that cannot be filed in the other twenty judicial districts. The need for the additional judge has been known for a number of years. We, in deference to the single judge districts, last year withdrew from Lancaster County. Our increase, load increase has continued to climb. It is even more imperative than it was a year ago that Lancaster County, the Third Judicial District, be allotted an additional judge. I can appreciate the fact that both Senator Vard Johnson and Senator Beutler are interested in looking at the caseload in other parts of the state but I would remind you that the lines will not be smaller than Lancaster County. The fifteen statutes are on the books now mandating that cases of specific types be filed only in this judicial district. There is no question as to the need. There are many, many supporting statistics. You are asking judges to work sixty and seventy hours a week. They are doing it because they are continuing to process the needs in this judicial district but that is not fair. That is not cricket, and for these reasons, we need this additional judge in the Third Judicial District. Please support the advancement of LB 89 to Enrollment and Review.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of advancing LB 89 to E & R for Review vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now before we get to the A bill, underneath the South balcony Senator Richard Peterson's mother, Mrs. Opal Peterson, his aunt, Mildred Holt from Madison. Mrs. Holt was long time county treasurer and also Senator Peterson's son and daughter-in-law, Mike and Donna, and grandsons, Shawn and Eric. Will you folks please stand so we may recognize you? Senator

March 6, 1981

LB 89, 89A

Cullan has asked that we announce that from twelve noon to one p.m. the Chadron State College Eagleairs and Jazz Band will perform in the rotunda. All Senators, staff and friends are invited. We are ready to consider LB 89A, Mr. Clerk.

CLERK: Mr. President, LB 89A offered by Senator Marsh. (Read title.) It was referred directly to General File, Mr. President.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I do not come lightly with an A bill to this legislative floor. As the veteran members of this body know, serving on Appropriations Committee, I very seldom come with a bill that has an A bill need. I thoroughly believe in the need for legislative bill 89 and because I believe and know this is needed in the Third Judicial District, I ask your support for advancing the A bill which provides \$49,882 for LB A bill, 89. As you are all aware, we fund this court system through our state, and for that reason, the A bill is needed. We deserve the Third Judicial Districts additional judge in order to process the various functions which must be filed in this county. Only with this help can we continue to have quality judicial decisions in our state. Thank you for your attention. I urge you to advance this bill.

SPEAKER MARVEL: Senator Hefner, do you wish to speak on the motion to advance the A bill?

SENATOR HEFNER: Mr. President, I have a question of Senator Marsh, if she will yield.

SPEAKER MARVEL: Senator Marsh, do you yield?

SENATOR MARSH: Thank you.

SENATOR HEFNER: I see we are appropriating \$20 some thousand for the operation of the Supreme Court. Would you care to remark on that?

SENATOR MARSH: That is a necessary process for how it is funded. I have no additional information to share with you, Senator Hefner.

SENATOR HEFNER: I didn't realize that some of this money would go towards the Supreme Court.

SENATOR MARSH: This is not for the functioning of the Supreme

March 10, 1981

LB 9, 34, 50, 74, 89,
89A, 124, 174, 178,
194, 345, 425, 500

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: 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. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89A Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

March 13, 1981

LB 50, 89, 89A, 194,
LB 500, 425, 475

SENATOR CLARK: All those in favor of advancing 425 say aye, all those opposed no. The bill is advanced. LB 194.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move the E & R amendments to LB 194 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments to LB 194 say aye, all those opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: No further amendments, Mr. Speaker?

CLERK: Nothing further, Senator.

SENATOR BEUTLER: I would move that LB 194 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 194 say aye, all opposed. The bill is advanced. LB 89. Senator Beutler. Are there E & R amendments on this one?

CLERK: There are no E & R.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89 be advanced to E & R for engrossment.

SENATOR CLARK: The question is the advancement to E & R for LB 89. All those in favor say aye, all those opposed no. The bill is advanced. LB 89A.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89A be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 89A say aye, opposed no. The bill is advanced. LB 50.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that the E & R amendments to LB 50 be adopted.

SENATOR CLARK: The E & R amendments to LB 50, all those in favor say aye, all opposed nay. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 50 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of LB 50 being advanced say aye, opposed no. The bill is advanced. LB 475.

March 16, 1981

LB 328, 477, 35, 112,
245, 206, 206A, 22, 50,
74, 89, 89A, 171, 194,
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

April 28, 1981

LB 89, 339, 402,
LB 522, 525, 532

SENATOR V. JOHNSON: Well I guess we are not under Call any longer. I think I would ask for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed no. Record.

CLERK: 7 ayes, 3 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats, record your presence. Senator Burrows, Senator Wiitala, Senator Fowler, Senator Labedz, Senator Carsten, Chambers. Okay, Senator Johnson. Carsten, Chambers, Fowler, Labedz. Will all legislators please return to your seats so we can proceed? Senator Johnson, we have all but one, Senator Carsten. Senator Carsten and Senator Chambers.

SENATOR V. JOHNSON: Go ahead, Mr. Speaker.

SPEAKER MARVEL: Okay, call the roll. The motion....

CLERK: The motion is to advance the bill, Mr. President. (Read roll call vote as found on page 1612 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, your committee on Judiciary whose chairman is Senator Nichol to whom is referred LB 402 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 525 General File with amendments; 189 indefinitely postponed; 339 indefinitely postponed; LB 532 indefinitely postponed, all (Signed) Senator Nichol. (See pages 1613-1614 of the Legislative Journal.) Senator Warner would like to print amendment to LB 404. (See pages 1614-1618 of the Journal.)

Mr. President, Business and Labor Committee will hold an executive session Thursday, April 30, underneath the North balcony on adjournment. That is signed by Senator Maresh.

May 11, 1981

LB 204, 204A, 89

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

CLERK: (Read record vote as found on page 1925 of the Legislative Journal.) 34 ayes, 0 nays, 3 excused and not voting, 13 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will read 204A.

CLERK: (Read LB 204A on Final Reading.)

SENATOR CLARK: Senator Warner, your light is on. For what purpose...? Thank you. All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye. All opposed nay. I am voting aye. Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 1926 of the Legislative Journal.) 37 ayes, 0 nays, 3 excused and not voting, 10 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now revert back to LB 89. We have motions on the desk.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Mr. President, Senator Lamb moves to bracket LB 89 on Final Reading pending the receipt of the interim study report on LR 103 introduced earlier this session.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, Senator Lamb discussed with me this morning some motion on LB 89 to defer action if not to kill the bill outright because this body has before it a study concerning court redistricting and Senator Lamb is not here now to carry the motion and so I will because he and I at least talked it over a bit this morning. The motion is to bracket LB 89 until next year for consideration by the Legislature. This bill, as you will recall, would allow Lancaster County an additional district court judge. Lancaster County presently has five district court judges. Under this bill, Lancaster County could then have a sixth district court judge to serve the needs of its people. Now along the way the bill's sponsor, Senator Shirley Marsh, presented to us evidence of need of an additional judge in Lancaster County and to be truthful with you, it is not my position to dispute that evidence nor do I have any intention of disputing the evidence concerning the need of an additional judge in Lancaster County.

However, one of the things that has happened in this Legislature over the last several years has been the request of various senators and local Bar Associations for the addition of another judge to that particular judicial district from which they come. Thus, as I recall, last year we provided the Chadron area with another district judge and the Columbus area with another district judge and I believe we provided the Grand Island, Nebraska, area with another county judge and each time we have made that move and we have acted, we have always felt as if we were acting on ad hoc basis as opposed to acting on a more uniform, a more standardized basis that treats the entire state. Now Senator Chris Beutler brought to us this year a legislative bill that would call for the redistricting of the state into new judicial districts and those judicial districts essentially would take into consideration the kinds of case loads and the kinds of practices that are now confronting the bench throughout the state. And obviously where another district judge was necessary, then I assume that in due course this Legislature would allow such additional judge and appropriate the funds to support the office. Or if, instead, appropriate changes are required to judicial district boundary lines, then this Legislature would go ahead and make those changes. Now in the midst of Senator Beutler's bill and our own efforts on this issue has come LB 89 and LB 89 would give Lancaster County another judge. In the meantime, last week this Legislature added \$25,000 to an appropriation bill. The purpose of the \$25,000 was to facilitate a comprehensive study by the Legislature of district court and county court districting needs so we could more easily determine where we should put our new judges or where we should not put our new judges, so we could more easily determine where the real case load was and where the real work load was and we could more carefully allocate our resources. In addition I have had a conversation with our Chief Justice, Norman Krivosha, and he has told me that he is now in the process of undertaking a study of the needs for the location and the addition of judges and he hopes that that study will likewise be completed between now and the first of next year. So I am suggesting that we take this bill which would allow Lancaster County a sixth district court judge and not act on it this session but instead, wait until next session. We will all be the same folk. The arguments will all be the same and we at that time will have had the benefit of our \$25,000 study and what the Supreme Court itself is engaged in to ascertain whether the amount of money we are going to place into a sixth judge in Lancaster County is truly wanted, to ascertain whether that money might be better spent with another judge in some other area, to ascertain whether we should begin to shift case loads. For example, we can change the law to allow administrative appeals

to be taken in places other than Lancaster County as some of them now are. We can vary the docket through some statutory law changes but we will have better information with which to work. It seems to me that if we are frugal and we are prudent, that this would be an appropriate motion for this body to adopt. It is to lay the bill over until next year and if at that time the need for the sixth judge continues to be justified in light of our own efforts, in light of our own study, then I will be more than happy to support it as I am certain that every member in this body would be. I would recommend that such be done at this time.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Speaker, can we afford the risk? There is a strongly worded letter from Judge Fahrnbruch on your desk. I hope you have looked at it. I am quoting from that letter. "There is a strong possibility that some of these cases will be dismissed because of the court's inability, due to case load, to try cases within the six months period. You all are aware that criminal cases must start proceedings within six months or be dismissed. The compilation showing twenty-seven cases already over three months old as of today's date and more are certain to be in that category at the rate they are being added. These are cases for robbery, first-degree murder, more robbery and sexual assault, theft and other serious, serious felonies. Can we afford the risk that delay may allow any one of these people to be released without trial? Can you answer to your constituents if our criminal docket breaks down before the next session? How will you answer if one of these persons is set free just because we in Lancaster County do not have the judges to try the cases? Any redistricting plan is going to show the need for another judge in Lancaster County and there is to be no attempt to divide a county into two judicial districts. We know this is to be, that a county unit will be kept as a county unit. Why run the risk of that delay, will allow people charged with crimes to avoid trial?" And I would like to remind you that the third judicial district is a unique judicial district. The Legislature has already passed laws that require many types of lawsuits to be filed only in Lancaster County. Do we have time the remaining days of this legislative session to change all that? Many of these cases involve serious constitutional questions that have a serious impact on the citizens of this state. Actions to enforce state and administrative board orders and appeals from all administrative agency decisions have to be filed here. There is not time to bring in new legislation now with twelve days remaining in this legislative session. That is an unrealistic

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expectation. We want to work with the continuation of concern about the level of workload in the remaining judicial districts but I would emphasize again, Lancaster County is in a unique position. We cannot change that overnight. There is a heavy, heavy load in this judicial district and in previous presentations you are aware of the justification for the case load in this county in the third judicial district to be lightened. I urge your rejection of the amendment which is proposed. Can we afford to take the risk that even one criminal case will be dismissed because the time has elapsed? You have the information at your fingertips. If you will take the time to read, please inform yourself regarding this serious situation regarding LB 89. Let's move it across the board this year and solve the problem in the third judicial district, continue to work to solve the problems elsewhere in this state that do not have the high priority which the third judicial district does have. I urge you to reject the proposal which has just been presented. I think perhaps it would have not been presented had the introducer had the background....

SENATOR CLARK: You have thirty seconds.

SENATOR MARSH: ... of reading Judge Fahrnbruch's letter before he filed the motion. I would like to give him the benefit of the doubt, thinking that he would not want to let even one criminal case have to be dismissed because of the time lag. I urge your rejection of this amendment.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, I find this proposal one of frustration on the part of some members, possibly due to this morning's action on another piece of legislation. I don't think that we should use one action to harm another action, particularly as we check the votes of LB 89 across the record board. All you have to do is look at the record of the Lancaster County district judges and see, even though they are one of the most efficient judicial bodies, they still have a great number of cases and for us to defer this until a study has been made, I think would not be in our best interest. Therefore, I am opposing the motion made by Senator Lamb, now defended by Senator Johnson to bracket this piece of legislation because when we find out what the study is going to provide to us, we will make those provisions at that time and now is not the proper time. I suggest we proceed with the business and that is LB 89 which can be defended and we will not have to try to hide our actions through some other kinds of motions. Thank you.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, last year as you know Senator Dworak and I approached the Legislature and asked that you add a district judge in Alliance and one in Columbus. I feel that it was appropriate to have done that and I am glad that the Legislature responded favorably for our request, looking at the increased workloads in those areas. It appears to me from the information that Senator Marsh has circulated earlier that there is also a need for an additional judge here in Lancaster County. I think it would be very hypocritical of Senator Dworak and I and others in western Nebraska who benefitted from the additional district judge and those in central Nebraska who benefitted from the additional district judge there to now stand up and say, we needed one last year but now we are going to deny Lincoln and Lancaster County in the urban area a district judge when they have made just as strong a case for an addition to the district judges here in Lancaster County. I personally support Senator Marsh's proposal. I think she has made a strong case and I think we ought to add this additional district judge now.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, it looks like we are kind of lining up here. It is going to be everybody's turn and I possibly should draw a bill to have another judge in my district because my district is different too and it looks like it is turning into some kind of a, we will give you a judge this year and we will give Deacon John a judge next year and then Rex will get a judge a year after that. I take this letter from Dale Fahrnbruch and I look at it and it said, "running and tolled." Well I understand what toll means. This means when you go down the interstate that you have got to pay a toll and I understand what running is. That is when you run for a touchdown but I figured I had better ask somebody what that really meant and what it means is, running on this letter means that the case is running and evidently that the days are running out. And tolled means that the case is stopped, nothing is happening on the case. So if you count the running and the tolled I don't think this letter really supports the need for a new judge because there are forty-nine cases that are tolled or stopped and the judge cannot do anything or nobody can do anything and there are twenty-nine cases that are running. So it looks about like two to one. So I don't think the letter really supports the need for another judge and, therefore, as much as I hate to oppose a fine lady, Senator Marsh's bill, I am going to have to support Senator Johnson and Senator Lamb in their motion to bracket. My Dad used to tell me when I

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was just a little lad, he said, when people push you and they crowd you and they try to get you to make your decision in a hurry, back up and take another look. So I think all of the running and all of the tolling can wait another four or five or six months until we have another session. So I would ask the senators to support the motion and let's do the study and then come back next year. Thank you, Mr. President, Senator Clark, from Scottsbluff, thank you.

SENATOR CLARK: Senator Nichol from Sidney.

SENATOR NICHOL: Whoops. Mr. Chairman, members of the Legislature, I can't conscientiously sit here and let this go by without saying something. Last year we had a problem out at Alliance which is not in my district and as we count up points in judicial districts that particular district had a point per judge count of six hundred and fifty-nine and at that time we thought, and I strongly felt, that another judge was needed. I know the judge that is out there, how hard he works, Judge Moran and I certainly conscientiously felt that we should give him another judge. The District 21 which is Grand Island and north of Grand Island had a points per judge of six hundred ninety-five points and we gave them another judge out there. In Lincoln, District 3 now, we have a points per judge count of seven thirty-three which is more than either one of those that we awarded last year. I really felt that after hearing the hearing in Judiciary Committee that this is a need that Lincoln has and even though the judges work hard, they carry big loads, they still need another judge and I think they need it now and I think we should give it to them now. I am not a big spender as most of you know and redistricting is coming and we will do the best job we can. Certainly there will be a judge or two across the state that will quit or die or go into private practice so that the attrition probably should take care of any overage we have, however, I don't think we have an overage now. If anything, an underage, if that is a word, and I really think that we should support this bill now and not wait until next year. Simply because these cases are not getting taken care of is not a reason not to give them another judge. I really feel that we should give this judge to them and give it to them now.

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? All those in favor of ceasing debate will vote aye. All those opposed vote no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on ceasing debate? One

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more time, have you all voted on ceasing debate? Record the vote.

CLERK: 19 ayes, 11 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate has not ceased. Senator Fowler.

SENATOR FOWLER: Mr. President, I would support Senator Nichol's statement. There is no committee that loves studies better than the Judiciary Committee and for Senator Nichol to stand up here and say that we don't need to study this issue any more must mean that we don't need to study this issue any more. I think the point is there. The data has already been presented. Senator Nichol feels no need to look further at this question with regards to Lancaster County. That is not the question that needs to be studied. The question that needs to be studied perhaps are some of the loads in some of the areas light enough that a judge can be given up but I haven't seen anyone stand up and say that the work demand, the nature of the cases, the pressures in Lancaster County are such that we do not need another judge now. So I cannot support Senator Lamb's effort to study this and as I say, if the Judiciary Committee does not feel the need to study it, then really there is probably no need for a study.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, last year we had two problems here in the State of Nebraska and one was out in northwestern Nebraska where Senator Cullan comes from and the other one was down in my area and we certainly did need judges there. We did get them and as Senator Nichol has indicated, the work load for this judge here we are talking about is even greater than the work load that they had and I certainly will support Shirley's bill here, LB 89.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I understand this issue as my district last year was in the situation where the work load was too great. We got another judge, Judge Brower in Fullerton, and it is extremely necessary. Now I don't believe the Bar Association looks at this lightly. I think they understand when there is excessive loads and the work is not being processed in an orderly and timely fashion. I honestly cannot say even though the judge last year was in Columbus, Judge Whitehead, who said he needed another judge but if he said it and the Bar Association concurred, the attorneys who use it, I have to go along

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with it and now the same situation is here with Lancaster County. The judiciary is saying they need it. The Bar concurs. I think it is irresponsible to go along with it. Now I am not opposed to Senator Johnson's basic concept but I don't think that rests on whether or not we relieve this pressure area or not. I think that study can come and maybe a total revamping may, in fact, be in order. I do not know that but I think we can rest assured and be relatively certain that the need is there now and that to keep these cases processed we are going to have to give them the help. Now how many times have we heard in this body the judiciary not having the manpower to process the cases, a backlog of things being delayed. We have heard it a lot of times, time and time again from constituents, from news accounts across this state. So I think in order to act responsible when the cry comes, we can't put our head in the sand. We have got to solve the problem and so I strongly urge that we support this bill.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members, I am sorry I missed part of the debate but the reason this proposal to lay this over until next year was brought before you is twofold. In the first place, the Executive Board does have a study resolution, LR 103, which is on page 1797 of your Journal which calls for a study of judicial districts in the State of Nebraska. Secondly, you will remember that this body appropriated \$25,000 just the other day on LB 558 and that proposal, that record of that transaction was on page 1664 of the Journal. This body said that \$25,000 will be made available for an interim study of judicial districting in this state. I am merely saying, let's let the study become fact. The Judiciary Committee will make a study this summer. This money will be used for that purpose. I think it behooves us to wait on the results of this study before we go ahead adding a judge in this county. So with that in mind, those are the reasons that I ask that the bill be laid over. Our first thought was that the bill should be indefinitely postponed, that the enacting clause should be stricken. However, I think that this is a much better solution, that the bill be merely delayed until the next session when the study will be completed and we will have a better idea of where we should go with the redistricting problem on judicial areas.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is a very difficult question for, at least some of the

Lancaster delegation. Others have arrived at the decisions in which they can support the bill and under conditions it is possible I could as well but let me bring to you two facts which I think are significant for you who are about to decide on this motion. Number one, the business of the state courts has remained relatively stable for the last three or four years. I am going to repeat that. In other words, the case load that district courts have handled across this state have remained relatively stable for the last three, four, five years. The areas, however, have changed in their relative, the amount of business that each of those districts has had. Now a number of districts have declined in business. A number of districts have improved or increased in the amount of business that they have had. We have responded to that by adding judges in those areas. We did it twice last year if I recall, however, the work load generally as a system remains relatively the same and it seems to me that if that is the case and if that is the trend we need to recognize that. As unfortunate as it may be from my own home district I have to come to the conclusion that Senator Johnson's motion is a wise one. With response to Fahrbruch's letter, there is a mechanism to get around that. It is available and it will be exercised and that is for the Supreme Court Justice to require district court judges from other areas to come to Lincoln and to hear those cases. I have absolutely no illusion that a major criminal case will go the length of the six months and then be declared an unconstitutional act or an unstatutory act and, therefore, not prosecuted because of time delays. Our district judges will not let that happen and the Supreme Court Justice, Norman Krivosha, will not allow that to happen. He will bring in district judges from other districts to handle the temporary work load of an immediate nature between now and next year. I do not believe that there will be any major criminal prosecution that will go the distance of the six months and then be defunct for failure to find a judge to hear that case. That is just not going to happen. In other words, we do have a limited amount of time in which to prepare a plan. Now I would not say that we can do that inevitably. I do not think we can do that perpetually. Obviously we are going to have to make some adjustment for Lincoln. It deserves an adjustment with the very facts that Bill Nichol stood up here and read. Our work load in Lancaster County is very extensive, however, to look at this thing as a statewide system there are areas where the business has gone down. We need to collapse other districts. We need to change boundary lines. We need another district judge here in Lancaster County but rather than adding another one, adding a baliff, adding secretarial

services and the like totalwide to a system that is not increasing in business, it is wiser for us all to take a little bit of time to replan, redraw boundaries and to get that sixth judge into Lancaster County by changing existing boundaries and collapsing districts that are not doing their fair share of the work. That is within our grasp and if we wait from now until next session I think we can accomplish that. If we cannot accomplish it, I will certainly support a sixth judge. It should be there. However, if we simply add another judge to a system that is not increasing in work load as a statewide system, it seems to me that we are not making a wise and judicious use of state tax dollars. Wiser that we should reallocate work load and we should simply increase the number of workers within the system to take care of a constant demand for services, a stable demand for services. I am going to vote for the Johnson amendment. Many of you may regard that as voting against my district and perhaps I am. I am voting, however, for an application of sensible economic principles to a statewide system and I believe that we are going to have....

SENATOR CLARK: You have thirty seconds.

SENATOR LANDIS: ...the cooperation of the district judges and the Supreme Court Chief Justice, Norman Krivoacha, in the achievement of that end and we will save money and be more efficient if we do that.

SENATOR CLARK: I would like to announce 27 third grade students from Weeping Water, Nebraska. There are six parents with them and Sharon Nielsen is their teacher. They are in the North balcony. Would you stand and be recognized, please. We also have 7 elementary school children from Maple Grove, District #29. It is Senator Remmers district. Ida Weddle is their teacher. They are in the North balcony. Would you stand and be recognized, please. Welcome to the Legislature. The next speaker is Senator Marsh.

SENATOR MARSH: Mr. Speaker, I would like to point out a very important fact. The average points, Senator Landis, per judge in the State of Nebraska is five hundred and sixty-eight. With the additional judge which Lancaster County, the third judicial district, must have, we still would be at six hundred and eleven points which is far above the state average. Lancaster County still needs that additional judge even if you rearrange the judges in the rest of the state and that is exactly the point. One of the greatest deterrents to crime is the certainty of punishment and the speed with which the cases are processed.

If you noticed and read Judge Fahrnbruch's letter carefully on page 2, the second paragraph, I quote, "I am convinced that a large number of bench warrants pending has been because of the inability of the court, due to case load and number of motions filed to quickly process the cases. It would be too bad in Lancaster County to simply have people wait out their bench warrants thinking that the courts were so busy with important, serious problems that the bench warrants would not, in fact, be processed. Lancaster County has been plagued with a number of homicide cases. Since January 1, 1981, the court has tried two first degree murder cases, one of which lasted four and a half weeks and the second for two and a half weeks." The judge says, "I shall impanel a jury on May 11 on another first degree murder case which is expected to last between two and three weeks." Additional judges are coming in to help but this is not solving the problem. It is important that you understand they will not divide Lancaster County into a smaller unit. The additional judge is needed here right now and it still, when that additional person is added, the point system is far above the state average. Why jeopardize, why take a chance on losing even one criminal case because it cannot be filed in time? There is a separate and a serious nature only responsible to the third judicial district because of the previous laws we have passed. As Senator Vard Johnson mentioned that can be changed but it cannot be changed this legislative year with twelve days remaining in this session. That may be something that should be done another session. It is not a feasible response to the proposal now. I urge your rejection of this proposed amendment. I feel certain if Senator Lamb had read thoroughly Judge Fahrnbruch's letter he would not have offered his original motion. With that I urge your rejection.

SENATOR CLARK: Senator Cullan. Senator Nichol. The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator Johnson, do you wish to close?

SENATOR JOHNSON: (Mike not turned on.) ...it is not one to kill the bill. It is one to lay it over until next year. At

the beginning of next year if the study has come in showing that Lancaster County is deserving of the sixth judge, then at the very beginning of session we can go ahead and approve the bill. We could even, I suppose, alter our rules to approve the A bill at the same time. That would be necessary obviously. Otherwise it would be held over until the very end of next legislative session. But let me make what I think are really very telling points on this. Our Constitution was amended several years ago to provide as follows: "In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. Now you might open your bill book to LB 89 and ask yourself in looking at the list of persons who supported LB 89, whether the Chief Justice spoke in favor of the bill. The Supreme Court did not take a position on this bill. The Chief Justice did not come in and say that it was his opinion or the court's opinion as a general administrative court that an additional judge was now necessary in Lancaster County. There was a silence from the court on that point but I do know from conversations I have had with the Chief Justice and with the court, that the court at this time is thoroughly undertaking a study of our judicial needs throughout the entire state and that will include Lancaster County. And I know that this body as Senator Lamb has pointed out is going to undertake a comparable study, probably the studies will work in tandem and we will know by the end of this calendar year precisely what our judicial needs are and how they will look for the next several years and then you and I can make an informed decision, an informed decision about the appropriate way to spend tax dollars. Now you should be mindful of the fact that when we approve a sixth judge for Lancaster County we do not just approve a judge. We approve a court reporter and we approve the trappings. So it will all be in place now. Is it irresponsible for me to ask and for this body to say, let us defer this decision for...really about eight months and at the end of eight months we can look at all the facts and the figures. We can look at the point chart. You know the point chart itself is very interesting. Without any question there are many judges who have fewer points than the five hundred and thirty-eight, or whatever the number is, normative allowance and it could well be that they have fewer points simply because their case loads have not been very active and not been very heavy and redistricting is necessary for the other judges and when you get through an appropriate calculation we will discover that the Lancaster County judges are not nearly as overworked as they might think themselves to be.

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Then I look at Judge Fahrnbruch's letter. Judge Fahrnbruch says we are having a difficult time with our criminal docket. Well the court has the ability to assign more than one judge to the criminal docket. If necessary I suppose it could put all five judges temporarily on a criminal docket. In addition the court is already bringing in at least one other judge because Judge Fahrnbruch says in his letter that Judge Furman has come in from Fremont to try a robbery case. There are other district court judges that the Supreme Court can assign and can come in to help the Lancaster County Court, Lancaster District Court I should say, to make certain that its docket in the criminal area and in other areas is kept current and this would only be a temporary condition in any event. It is not as though I am saying this bill should be killed. I am saying that in terms of prudent, economic and judicial management it ought to be deferred until next year and next year at this time, surely we will have the results of an overall judicial case load study and we can determine what appropriate judicial boundaries should be and where best to put our dollars to make certain that the needs of our citizenry are well maintained. I would hope that you would vote for this motion. It is a motion to bracket the bill until next year. It is not a motion to kill the bill. It is only a motion to bracket. I respectfully move the motion at this time.

SENATOR CLARK: The question before the House is the motion to bracket LB 89. All those in favor vote aye. All those opposed vote nay. Have you all voted? Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Once more, have you all voted on bracketing the bill? Senator Johnson, I am going to call the vote. Record the vote.

CLERK: 25 ayes, 15 nays on the motion to bracket the bill, Mr. President.

SENATOR CLARK: The bill is bracketed. Are we ready to start on #6?

CLERK: Yes, sir. May I read a few things first?

SENATOR CLARK: Yes.

CLERK: Mr. President, very quickly, Senator Wiitala would like to print amendments to LB 3 in the Journal. (See page 1926 of the Legislative Journal.)

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LB 799A, 89, 602

I think Senator Higgins will be here in a minute. Senator Koch, did you want a roll call vote? You didn't ask for it. Okay, let's have a roll call vote.

CLERK: (Read the roll call vote as found on pages 1779 and 1780 of the Legislative Journal.) 20 ayes, 22 nays, Mr. President.

SENATOR NICHOL: The amendment failed.

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

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I have forgotten, this is just the A bill?

SENATOR NICHOL: Yes.

SENATOR DeCAMP: Okay, no closing.

SENATOR NICHOL: No closing. I don't see any other lights so the question is the advancement of 799A. All those in favor signify by saying aye. Opposed nay. A machine vote has been asked for. Please vote by machine. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 11 nays, Mr. President, on the motion to advance the A bill.

SENATOR NICHOL: Do you have something to read in, Mr. Clerk?

CLERK: Very quickly, Mr. President, Senator Marsh would like to print amendments to LB 89 in the Legislative Journal. (See pages 1780 and 1781 of the Journal.)

SENATOR NICHOL: We will move on to LB 602.

CLERK: Mr. President, with respect to LB 602, I have E & R amendments first of all, Mr. President.

SENATOR NICHOL: Senator Kilgarin. Would you do that over again, please?

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 602.

SENATOR CLARK: The amendment passed. The motion to advance passed, pardon me. We are ready for #6 on motions. We have fifteen minutes on each one of these. At the end of fifteen minutes we are going to take a vote up or down after we return the bill. If anything else we are not going to have any more amendments on it and any further voting will be done without debate. That is just the order from the Speaker. All right, LB 89.

CLERK: Mr. President, Senator Marsh had an amendment on page 1780. I understand she wishes to withdraw that.

SENATOR CLARK: It is withdrawn.

CLERK: Mr. President, Senator Marsh would move to return LB 89 to Select File for a specific amendment.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman, that amendment is signed by Senator Hefner and Senator Rex Haberman and myself and I will let Rex open on it please.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, this isn't a complicated bill. It isn't even a heavily financial bill. It says that on January 6, 1983, the salary of the Chief Justice and judges of the Supreme Court as provided for in this section shall be increased by an amount equal to 5%. On January 1, 1984, the salary of the Chief Justice and the judges of the Supreme Court as adjusted on January 6, 1983, shall be increased by 5%. Two years, they get a 5% increase and then that is it. Then we come back and we talk about it again. So this gives them a 5% increase for two years. It is going to cost \$115,000 which I think we can afford. Now I have stood up here in the past and opposed the increase for judges but I met with Chief Justice Krivosha many times over the DWI bill and many times over other things that have come up in the courts throughout the summer in the months that I was working on that bill. And my respect for him and what he is trying to do has grown. My respect for the court and some of the judges has grown. I was judging all of the judges and all of the courts by the few and I was wrong. I feel that these men deserve and should have this increase in salary, this modest increase in salary. Sure, they say that they know what the salary is when they run for it. Sure, they can say that there are people lined up asking to be judges. That isn't the issue. The issue is, is it a fair salary? No, it is not a fair salary to pay the Supreme Court \$48,000... \$348,315. The 5% increases it to \$50,731 and then the other 5% increases it to \$53,267 and I think that this is a fair

salary for the highest court in the land. Sure, it affects the others, not that much. The district courts, the juvenile courts go up approximately \$2,200 on the first go. The second go it is another \$2,200. Workmen's Comp goes up \$2,000. The next go it goes up \$2,000. County court jumps \$2,000. So I feel that if this body wants to show that they have the faith and the confidence in our court system that you will support this 5% increase for two years only for the judges in the State of Nebraska. Now this goes into effect January 1 of 1983. If you have any more other questions about the fiscal impact I'll be glad to answer them for you and what time that I do have left, Senator Hefner or Senator Marsh would like to speak, please do so, but (interruption) ...what you wish.

SENATOR CLARK: Senator, we have a germaneness question coming up. We'd better settle that first before you go ahead and take additional time. You've only got fifteen minutes total. Senator Vickers, did you want to question that?

SENATOR VICKERS: Mr. Chairman, I'd just like to ask for a ruling on the germaneness issue. Since we have set a precedent the last few days or the last few weeks and the amendment is to Chapter 24. The bill itself has Chapter 5 and I would suggest to the proponents of this piece of legislation that the best way to do it is to get 30 votes and suspend the rules since that is what we have been doing in the past week or two. I would like to ask a ruling on the germaneness issue from the Chair.

SENATOR CLARK: Senator Marsh, as the introducer would you like to offer an amendment to suspend the rules?

SENATOR MARSH: We're talking about....I would simply say that I feel that it is a germane issue. It is talking about the judges of our state so I would suggest that it is germane.

SENATOR CLARK: Well it goes from Chapter 5 to 24 and what we have been doing is to have the introducer ask to suspend the rules even though it will take 30 votes. It is in two separate chapters.

SENATOR MARSH: I would ask for the body's support in suspending the rules.

SENATOR CLARK: All right, they will bring it back to you right there. The question before the House then will be the suspension of the rules to allow this amendment to go on. Is there any further debate? Senator Schmit, did you want to talk to that? All right. There is no question before

the House except that then. The question before the House is the suspension of the rules. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on suspension of the rules? It takes 30 votes. Have you all voted? Senator Marsh.

SENATOR MARSH: I would ask for a Call of the House, please and then a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote nay. Record the vote.

CLERK: 11 ayes, 1 nay to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will take their seats, please and check in immediately. If you would all check in, please. Senator Vard Johnson, Senator Chambers, Senator Richard Peterson, Senator Burrows. We only have one excused so we ought to have 48 up there. Senator Vard Johnson. All right. They are all here. Do you want a roll call vote? A roll call vote has been requested. If we can have a little quiet so the Clerk can hear we will have a roll call on this. This is on the suspension of the rules. Call the roll.

CLERK: (Read roll call vote as found on page 1877 of the Legislative Journal.) 29 ayes, 15 nays, Mr. President, on the motion to suspend rules.

SENATOR CLARK: The motion lost. Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: A point of order.

SENATOR CLARK: Point of order, state your point.

SENATOR HABERMAN: I would like to have a ruling from the Chair, please, as whether this is germane or not.

SENATOR CLARK: Well it is too late for that.

SENATOR HABERMAN: No, it is not, sir.

SENATOR CLARK: I would rule it not germane. It is separate chapters.

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SENATOR HABERMAN: Thank you. Then I ask this body to overrule the Chair on the germaneness of this issue.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I want to know what the germaneness issue is. Is it on the amendment or on the vote we just took? Is the vote considered not germane?

SENATOR CLARK: I don't know. There has been an intervening thing happen here and I really don't think he can ask for the ruling of the Chair on that because it was not... there is intervening business come in the meantime. Senator Haberman, what are you getting excited about?

SENATOR HABERMAN: Wait a minute....okay, the motion was to suspend the rules.

SENATOR CLARK: That is right.

SENATOR HABERMAN: Okay. Now I ask, which was not asked before...

SENATOR CLARK: Yes, it was asked before.

SENATOR HABERMAN: The Chair was not asked on the germaneness. Who asked it?

SENATOR CLARK: It was asked by Senator Vickers.

SENATOR HABERMAN: No, he didn't. He questioned the germaneness. He didn't ask you for a ruling.

SENATOR CLARK: Well, he asked but I didn't give it to him.

SENATOR HABERMAN: Fine, I asked you for a ruling and you said no...(interruption.)

SENATOR CLARK: But I'm not going to give...I'm not going to allow you to do it now that there has been intervening business.

SENATOR HABERMAN: Then I ask that the Chair be overruled.

SENATOR CLARK: Now?

SENATOR HABERMAN: Now.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Well just to clarify things, Mr. President,

I did ask for a ruling from the Chair as to the germaneness. I think the Chair suggested that in the past, the last week or two, that instead of getting into a germaneness fight that we have in the past been asking to just suspend the rules and that is what the introducers of this motion decided to do. So just to clarify that, the question was asked and at that point in time a motion was introduced to suspend the rules.

SENATOR CLARK: What has happened in the past is that the... in order to keep this clean the people have been asking to suspend the rules in order to be sure that it is germane. I've checked with the Clerk. That is what has been happening in order to do this. We've been doing it and that is what happened in this particular issue. There is a motion on the desk now.

CLERK: Mr. President, Senator Dworak would move to reconsider the vote to suspend the rules on consideration of the Marsh-Haberman amendment to LB 89.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President, I was on the prevailing side. I think the motion is self-explanatory. I'd like to reconsider, ask us to reconsider our vote to suspend the rules. I think we're still under Call. I'd like people to check in and call the roll.

SENATOR CLARK: Senator Stoney, for what purpose do you arise?

SENATOR STONEY: Mr. President, regarding the time that has been allotted to this bill, the announcement was made at four-fourteen that we would take fifteen minutes on each bill. We have now spent sixteen minutes on this bill and I would like a ruling from the Chair as to where we proceed at this point in time.

SENATOR CLARK: Well what I had decided was and they asked for a Call of the House, on the suspension of the rules we would not take that off of the bill. I realize what can happen. If you'd like to know what will happen I will tell you. We have six hours left total that we can get bills off. We are going to take three hours on this plus all this extra time that you are doing now.

SENATOR STONEY: Then what happened to the fifteen minutes we talked about fourteen minutes ago?

SENATOR CLARK: I didn't take it off on the suspension of the rules. All I took off was what they were talking about originally. There are seven minutes left on the bill the way

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we have it up here.

SENATOR STONEY: This is like Beat the Clock. When do we start the clock now?

SENATOR CLARK: That is right.

SENATOR STONEY: Will you advise us when you plan to start the clock?

SENATOR CLARK: I'll be very happy to advise you when I am starting it and stopping it, yes. The question before the House right now is a reconsideration of this motion. And he wants a roll call vote and everyone checking in. We are under Call, not that it means anything, but we are. Was there any debate on this? This is a debatable motion if you want to debate it to take more time. If not, everyone will check in, please. Everyone is supposed to be in their seats, please. Senator Haberman, would you get in your seat, please. All right, the Clerk will call the roll on the reconsideration.

CLERK: (Read roll call vote as found on page 1878 of the Legislative Journal.) 27 ayes, 17 nays to reconsider, Mr. President.

SENATOR CLARK: Consideration motion lost. I'm sorry, it takes 25 to reconsider, okay. Now the motion is to suspend the rules. Did you want a roll call on that? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, just to clarify procedures a little bit would you rule on germaneness, please?

SENATOR CLARK: You said did I?

SENATOR BEUTLER: I said would you, please.

SENATOR CLARK: I think I'm like Senator Chambers. I'm under the table. You said, did I? No, I can do it. I would rule it is not germane. Now you only need 25 votes. I realize that. What do you want?

SENATOR HABERMAN: I'm going to challenge the germaneness of the Chair.

SENATOR CLARK: What?

SENATOR HABERMAN: I challenge your ruling...

SENATOR CLARK: I'm sure you would. Shall the Chair be

sustained? Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. Chairman. I simply would point out to you that we are talking about judges and we are talking about them in both chapters and that if we do not take this action today there is no way any judge in the state can have a salary increase before 1985. Since it is 1985 we are talking about, without your help and assistance I would ask for your help and assistance to overrule the Chair and I do not lightly ask for your help on that issue.

SENATOR CLARK: Do you want to withdraw your motion? She withdraws the motion on suspending the rules. Now we are on sustaining the Chair or not. Shall the Chair be sustained. That is the question. Shall the Chair be overruled, all right. Shall the Chair be overruled is the question right now. Senator Vickers.

SENATOR VICKERS: Mr. President and members, I apologize to the body for bringing this up. I just thought that we should operate in some sense of reasonable fashion here in the last waning hours of this session. I think what we are doing is making a shambles of our rules right now. Now it might be true that we are dealing with judges and I voted by the way, green to suspend the rules and I'll vote for this motion if we ever get to it but, nevertheless, what we are saying right now is that, no, the Chair is wrong in its ruling of germaneness when in actuality we are taking a bill with Chapter 5 and we are inserting an amendment in Chapter 24. Now as I indicated I voted to suspend the rules and I did that with good conscience but I don't think I can vote to say that the Chair is wrong in its ruling of germaneness because I don't think the Chair is wrong in its ruling of germaneness. How any of us can say that the Chair is wrong when we are going from Chapter 5 to Chapter 24 and no matter how bad the judges need a salary increase is beyond me. I believe we should have stuck with the original method, admit to ourselves that this issue is important enough to enough people in here to suspend the rules and do it anyhow but let's not admit to ourselves that our Speaker, our Chairman, is wrong in saying that this is not germane because under any stretch of the imagination I don't believe it is. Thank you.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and colleagues, I rise to urge you to vote against the ruling of the Chair. I believe that when we talk about germaneness that we should think about subject matter. I believe that the pay increases that we are talking about in this amendment is germane to the subject that we are talking about. I believe that when you talk about

judges, part of that should be on what we are going to pay them and, therefore, I would urge you to vote to overrule the Chair.

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? I do. Shall debate now cease? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Well in the first place let me tell you what I was trying to do. I was trying to be as fair as I could be with everyone in here. We have been doing this all along for this. Now if you want to play games you can do that and that is fine with me. It is not going to insult me any but that is what I was attempting to do so you could suspend the rules and do it. If that doesn't work then you try another route. That is fine. Shall the Chair be overruled? All those in favor vote aye, opposed vote nay. Yes.

SENATOR CHAMBERS: I'm trying to get clear the effect of this vote. Now if the Chair is overruled, in effect that will be a suspension of the rules with less than 30 votes. That is the effect of what is being done?

SENATOR CLARK: It takes 25 votes. All it takes...yes, it will take 25 votes now if they were all here I think.

SENATOR CHAMBERS: Then that means the issue will be considered germane and there will just be a regular vote on it?

SENATOR CLARK: That is right.

SENATOR CHAMBERS: Okay.

SENATOR CLARK: Shall the Chair be overruled? All those in favor vote aye, opposed vote nay. Record the vote. Pardon me?

SENATOR MARSH: My button is not working.

SENATOR CLARK: All right. Do you want to vote aye? All right, Senator Marsh is voting aye.

CLERK: Senator Marsh voting aye. 11 ayes, 25 nays, Mr. President, to overrule the Chair.

SENATOR CLARK: The Chair is not overruled. The Call is raised. We will now go on to LB 242. Did you want to pass over that one?

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LB 714, 714A, 764, 89

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

ASSISTANT CLERK: (Record vote read. See pages 1928 and 1929, Legislative Journal.) The vote is 44 ayes, 2 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 714A.

ASSISTANT CLERK: (Read LB 714A on Final Reading.)

SENATOR CLARK: All provisions 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. It takes 30 votes.

CLERK: Senator Clark voting no.

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

CLERK: (Record vote read. See page 1929 and 1930, Legislative Journal.) 41 ayes, 4 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. I understand that LB 764 is to be passed over. Is that all right with you, Senator Lamb? Unanimous consent from Senator Barrett to lay it over.

SENATOR LAMB: This bill is not going to be read at all, is that correct, Senator Barrett?

SENATOR BARRETT: Yes, Senator Lamb, as far as I am concerned, the bill will not be read this year. This is not a devious effort to hold it over for any particular reason. I am surprised it is on Final Reading today. I asked the Speaker's Office that it be held earlier because of a possible flaw in the bill. It would not be in the public interest as far as I am concerned as Chairman of the committee to have the bill read today. I would like to have the interim to take another good look at this issue.

SENATOR CLARK: All right, the bill will be passed over then. LB 89.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

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LB 89

CLERK: Senator Haberman would move to return LB 89 to Select File for specific amendment, that amendment being to strike the enacting clause.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, this adds a judge to Lancaster County at a cost the first year of over \$82,000; a cost the second year of over \$83,000. There is also an error in it that says that the court reporters get \$20,900 and they get \$22,000. Also it says that there is going to be \$1850 worth of travel. In Lancaster County? And then they are also going to train him, yes, going to train him to be a judge. So as tight as things are and with everybody scrunched down and tightening their belts, I think maybe we can do without another judge in Lancaster County, especially with all this traveling, and with \$82,000 cost because of the increases and then the error in the court reporter's salary, so I would like to ask this body to vote no on LB 89, and if the economy improves next year, let's come back and reconsider it. Thank you, Mr. President, and I withdraw my motion.

SENATOR CLARK: It is withdrawn.

CLERK: Mr. President, I have a motion on the desk. Senator Nichol would move to return the bill for a specific amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I just can't stand to see this go by without saying something about it. Now Lancaster County has been short a judge for a long time and, secondly, they have been in for three years asking for an additional judge. Now two years ago we had the same situation out in northwest Nebraska where the two judges were overworked. We gave them another judge. The same year we had one in Grand Island and north of Grand Island, we gave them another judge. Now there is a problem here because a few in this body don't want to do it and some of them are attorneys. Now I can't understand when we have judges overloaded why we sit here and say, "No, you can't have another judge simply because we want to save the money," but on the other hand we will vote a raise for the other judges. We are not consistent. Now in my opinion, this is very important that Lancaster County have another judge and they have been asking for it, their workload is well established that they are loaded heavier than any other area and I don't think that we as legislators, and certainly me as Chairman of Judiciary, should sit here and say, "Okay,

go ahead and vote the thing down." I live 400 miles from Lincoln and I could care less about what happens in Lincoln but I do care about this judge in Lancaster County and I think we need it. I think we should support the bill and give it to them. Simply because we, the Legislature, do not shoulder our responsibility and do the redistricting which is our responsibility, not the judges, to use that as a club over their heads and say, "Until you redistrict, we are not going to give you another judge." It is we who do the redistricting. Certainly we could use the help of the judges and they have been cooperating and giving us information along that line but I think it is our responsibility to handle the redistricting as soon as possible, but until such time as we do that, I think we are negligent in our duty if we don't give Lancaster County that additional judge.

SENATOR CLARK: Do you withdraw that?

SENATOR NICHOL: I think Senator Marsh or someone can talk and I will withdraw it when people are through talking.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. Chairman. Can we afford the risk of not passing the bill this year? There is a strong possibility that some of the cases in Lancaster County will be dismissed because of the court's inability due to caseload to try cases within the six months period. You have had statistical information shared with you as this was going across the Legislative Board. At the end of December there were 198 felony cases to be disposed of in the district court here. I trust you all are aware that court cases having to do with the State of Nebraska are filed in Lancaster County for this is the seat of state government as well as the county. As of February 1 there were 211 felony cases in spite of the diligent hard work of those Senators who currently are there. The computation showing 27 cases over three months old, we are certain that the rate at which cases are being added, and these are cases for robbery, murder, which is first degree murder, robbery and assault, sexual assault. Do you want the responsibility on your conscience that any one of these individuals may be released without trial? Can you answer to your constituents if our criminal docket breaks down before the next session? How do you answer if one of these persons is set free just because we in Lancaster County don't have the judges to try the cases? Any redistricting plan is going to show the need for another judge in Lancaster County. Why run the risk that delay will allow people charged with crimes to avoid trial?

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LB 89, 89A

Please, next term could be too late for some of those whose cases are currently pending. I urge your support for LB 89.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: I ask to withdraw the amendment.

SENATOR CLARK: It is withdrawn. The Clerk will read LB 89.

CLERK: (Read LB 89 on Final Reading.)

SENATOR CLARK: All provisions 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. Have you all voted? A roll call vote has been asked for. The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 1930 and 1931, Legislative Journal.) 27 ayes, 18 nays, Mr. President.

SENATOR CLARK: The bill passes on Final Reading. The Clerk will now read LB 89A. For what purpose do you rise, Senator Wiitala?

SENATOR WIITALA: Mr. President, I would like to rise for a point of personal privilege.

SENATOR CLARK: All right, state your point.

SENATOR WIITALA: Mr. President and colleagues, I think most of you recognize the fact that we are on Final Reading, that any serious amendment to a bill would kill a bill. The thing that I am addressing is the fact that motions are being filed to blind sight bills with no intention, no serious intention to amend the bill but to get the last word in which causes people who are carrying the bill or who favor the bill to file motions in order to get the last word in defense of their bill. I feel it is totally unnecessary. It is unfair and I would hope this body as we take a look at this next bill and as we confront Final Reading on Friday that we would discontinue that practice. Thank you.

SENATOR CLARK: That is a prerogative of the Legislature according to the rules, they have that right to do that. The Clerk will now read 89A.

CLERK: Mr. President, Senator Marsh, you had two different amendments. Senator Marsh would like to withdraw those, Mr. President.

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I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.

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LB 89, 966

are still on Final Reading so all members will please return to your desks and the Sergeant at Arms will secure the Chamber. All unauthorized personnel will leave the floor and we will continue with LB 404 when we have everybody in their place. The Clerk will read a couple of matters in at this point while we are waiting for everybody to get to their desks.

CLERK: Mr. President, I just received two other messages from the Governor. (Read message regarding LB 89 as found on page 1979 of the Legislative Journal.) Mr. President, the second addressed to Dear Mr. President and Senators. (Read message regarding LB 966 as found on page 1979 of the Legislative Journal.)