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LB 1-18

duced before we recess before this afternoon's ceremonies. So would you please get all the bills that you have ready for introduction up to the desk at this time so that we can proceed. Thank you. Proceed then, Mr. Clerk, with the introduction of the bills you do have.

CLERK: Read LB 1-18 by title for the first time. (See pages 74-77 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: Is Senator Marsh in the room?

PRESIDENT: Senator Marsh is right there.

SPEAKER MARVEL: Senator Marsh, do you have a Committee on Committees report that you would like to distribute and take up at this time?

SENATOR MARSH: Yes, Mr. Clerk, would you please start the distribution.

CLERK: Yes, Senator, it is on its way.

SPEAKER MARVEL: The item that we refer to is being added to the agenda as 5(a). This is to bring before you the Committee on Committees report for your consideration.

PRESIDENT: The Chair recognizes Senator Marsh as soon as we get the...we probably ought to wait until we make sure all of the reports are distributed, Senator Marsh, so why don't you just kind of watch...

SENATOR MARSH: Mr. President, I believe we are now ready.

PRESIDENT: All right, proceed.

SENATOR MARSH: Thank you very much. I will ask that the Clerk would read the cover letter on this report.

PRESIDENT: Mr. Clerk, go ahead.

CLERK: Mr. President, a communication from Senator Marsh addressed to Mr. Speaker and Senators: The following report is submitted as a final action of the Committee on Committees five hour meeting on Wednesday, January 7, 1981. Respectfully submitted, Shirley Marsh, Chairperson.

SENATOR MARSH: Mr. President, I move for the adoption of this report as the final action of the Committee on Committees following our five hour meeting on yesterday, January 7, 1981.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

will explain to those owners the procedure to be followed if they don't agree with the formation of the district. It will also call for publication by legal notices in the newspapers in the area. It was simply my intention to make sure that people whose property in many cases are affected by tremendous large amounts of assessments on their property were aware of the creation of these ordinances and were aware of these assessments in time to protest if they so desired. You will also notice that the length of time given them to file written protest to the city council was extended by ten days, from twenty to thirty days in an attempt to be more reasonable to the people whose property was being affected.

SPEAKER MARVEL: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, if I could just, Senator Vickers, get a quick statement of intent from you. I assume with regard to the mailing of the notice it is required that it be mailed to the last known address of the owners of the record title and that is intended to be owners of record title as of the date of the passage of the ordinance. Is that correct?

SENATOR VICKERS: Yes, Senator Beutler, that is correct.

SENATOR BEUTLER: Thank you.

SPEAKER MARVEL: The motion is to advance the bill. Is there any further discussion? All those in favor of that motion vote aye, opposed no. Record.

CLERK: 29 ayes, 2 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Are we ready for 214E now?

CLERK: Mr. President, if I may right before that, your committee on Ag and Environment whose chairman is Senator Schmit to whom is referred LB 9 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 38 General File with amendments, (Signed) Senator Schmit, Chairman.

SPEAKER MARVEL: We will take up LB 214E.

SENATOR DeCAMP: Mr. President, members of the Legislature, the reason I held up on 214 was because I have always tried no matter what the bill is to make sure the Legislature

SENATOR GOODRICH: Mr. President and members of the body, the sole purpose and thing that this bill achieves is the adoption of the 1981 National Electrical Code as opposed to the present 1978 Electrical Code. Every three years we go through this particular motion. We have what is called the National Electrical Code and it is revised every three years as, for example, progress is made in the knowledge of combustible materials, building materials, that sort of thing, how to prevent fires and that sort of thing from electrical apparatuses. They incorporate those changes, the further research into the National Electrical Code, and what we do then is just adopt the National Electrical Code that is the most recent code into the state statutes because of the fact that the Legislature, for example, cannot say that we shall adopt the National Electrical Code because it is subject to change by rules and regs from the federal level or by Congress. So we have to go through this same thing we do for savings and loans and that sort of thing. We adopt it as it is now, and that is what we are doing is we are adopting the National Electrical Code as in the 1981 form as opposed to the '78 form. I move the bill be advanced.

SENATOR CLARK: Is there any further discussion? Senator Dworak, your light is still on. Do you want to talk? If there is no further discussion, the question before the House is the advancement of LB 77. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up LB 9. Senator Maresh.

CLERK: Mr. President, LB 9 was offered by Senator Richard Maresh. (Read title.) The bill was first read on January 8 of this year. It was referred to the Agriculture and Environment Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

SENATOR CLARK: Senator Schmit, do you want to take the committee amendments? LB 9.

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments exempt the Mary Lanning

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Hospital from the provisions of LB 9, and Senator Maresh has an amendment that he would like to add to the committee amendment. Do you wish to adopt the committee amendment first and then take that amendment, or do you wish to adopt the amendment and then....first? It also....(interruption).

SENATOR CLARK: We have no further amendments on the desk.

SENATOR SCHMIT: Well, the other part of the committee amendment exempts the Board of Lands and Funds from the provision of the amendment. So I move the adoption of the committee amendments and then we will take Senator Maresh's amendment after that.

SENATOR CLARK: Senator Maresh, do you want to take the committee amendments or do you want to take your amendment to the committee amendments?

SENATOR MARESH: Mr. Chairman, I think it would be simple just to add this other section of the Internal Revenue Code, just amend the committee amendment with this amendment. It would be real simple.

SENATOR CLARK: Read the amendment.

CLERK: Mr. President, Senator Maresh moves to amend the committee amendments: (Read the Maresh amendment as found on page 562 of the Legislative Journal.)

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Dick Spady from Hastings called my office and he is concerned that they might be included that they couldn't own land and other property in the State of Nebraska, so what we are doing we are just adding a section of the Internal Revenue Code to exclude them from being covered by this provision of acquiring land in the State of Nebraska. So I move that the committee amendment be amended to include Section 509 in addition to 501.

SENATOR CLARK: Senator Shirley Marsh, did you want to talk on the amendment to the amendments? Your light is on. Is there any further discussion on the amendment to the committee amendments? If not, all those in favor vote aye. All those opposed vote nay. It takes a simple majority. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Maresh's amendment to the committee amendments, Mr. President.

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SENATOR CLARK: The motion carried. The ammendment to the committee amendments is adopted. Senator Schmit.

SENATOR SCHMIT: Mr. President, I move the adoption of the committee amendment as amended.

SENATOR CLARK: The motion before the House is the adoption of the committee amendments. All those in favor vote aye. All those opposed vote nay.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of the committee amendments as amended.

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Now, Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, last fall before the session started a young farmer from Ohio, Ron Schropfer called me and he said, did you read the article in the Successful Farming Magazine where these pension funds which amount to about \$350 billion have formed a corporation to invest their funds in agriculture land? They were looking towards investments in all part of the country, and Iowa saw this coming so the State of Iowa has passed a law that doesn't allow this to happen in the State of Iowa. After reading the article, I agreed that something needs to be done in the State of Nebraska so we asked for a copy of the Iowa law and after receiving the copy we had the bill drafted and the committee heard the bill and there was very little opposition. The realtors sent their lobbyist there but I don't think his testimony was very valid because actually if this happens in the State of Nebraska, if these people spend billions of dollars to acquire Nebraska land, I think the realtors would not have any more transactions for that land parcel in the future. If they invest to buy this land, this land will just stay in their control forever. So I think they ought to be looking ahead and support this concept because we want the land to change hands and not to be acquired by the pension funds. Actually, if you will look at the memo that was sent to me by Dick Behren, he is the Director of the Lower Loup Natural Resource District, you will find an article which quotes a Nebraskan by the name of Ed Anderson who is our National Grangemaster and he is concerned about this acquisition of this farmland by this

trust fund, and presently there is about one or two billion dollars that....I will read the article. It says, "A potential new trend in pension fund investment has alarmed farm groups, rural organizations and some members of Congress. A recently formed pension investment company, American Agriculture Investment Management, (they call themselves AAIM), plan to use pension monies to purchase large tracts of prime farmland hiring professional agriculture management firms to run the farms much like the agribusiness operations do now. Such an arrangement, says National Grangemaster, Edward Anderson, would leave farmers no more than sharecroppers or hired hands. Others worry that pension funds with some 60 to 70 billion dollars to invest this year". That's what they plan to invest in one year but actually presently they are about \$350 billion dollars in this fund and they say by the year 1995 this pension fund will amount to about 3 trillion dollars. So it is big money that we are talking about. It says, "even if pension funds invested only 1 or 2 billion dollars, a fraction of each year's money, in farmland, they could overwhelm the national and the local farm markets according to the Department of Agriculture Economists". I would like to state that all of the national farm organizations are supporting this concept to prevent this land from being acquired by the pension fund, including our Agriculture Department, the USDA is looking into this. They are proposing legislation to prevent these people from being tax exempted. Presently, according to the IRS they don't have to pay any income tax on the gains they receive from this farmland. So these people will be coming to the State of Nebraska competing with our small farmers, not only in the market to overbid them on buying this land, but at the same time they would be at an advantage because they would pay no income tax on the gains they make on this farmland. So I hope that you advance this bill and that we get the bill enacted into law. What this bill provides for, that no trust fund with more than 25 beneficiaries or those that are exempted from state and national, from the federal income tax shall acquire Nebraska land. The county assessors would report this to the Secretary of State when a trust would buy land and then the Attorney General and the county attorneys would determine if it is a violation of the law, and if it were, then they would have to dispose of the land and we would prevent them from acquiring any more land. So I move that the bill be advanced to E & R Initial.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, you are tying the hands of farmers in saying, you cannot sell

to the one who gives you the highest bid on your land. What if that pension plan is a Nebraska pension plan? What if you are shortchanging Nebraska citizens? Apparently the introducer felt it was necessary to exclude some categories. Have sufficient exclusions been put in? Could the State of Nebraska invest in land still, Senator Maresh? Could the State of Nebraska to better its pension plan invest in the State of Nebraska farmland, or other property?

SENATOR MARESH: The committee amendments exclude the State of Nebraska, with the Educational Lands and Funds, we don't want to prevent them from buying land. But I don't think that presently there is any law on the books to allow pension funds to buy Nebraska land, to my knowledge.

SENATOR MARSH: So, you simply are saying, say, Mr. Farmer or Mr. Rancher, you are not going to be allowed even if you have a bona fide bid to sell your property to some persons who really want to buy it if it comes under this category.

SENATOR MARESH: Well, this is a pension fund that is tax exempted according to the federal income tax and the Nebraska income tax which is based on the federal tax, and if there are more than 25 beneficiaries that is the way the bill is written to exclude those that are exempt from... do we want people to be buying land to not be paying tax on the income from that land? This would dry up the communities. This would ruin our economy. These people would be buying their goods directly from the factory. They wouldn't be buying from the small merchants on main street, they would be buying their seed, their fertilizer, their farm equipment, everything would be bought directly from the manufacturer. They are large enough to buy it wholesale. They wouldn't be going through the small merchants. It would ruin the entire economy of the State of Nebraska, Senator Marsh. I hope that I can convince you that this is a good bill, that this is to preserve the family type farm and to save our communities from being dried up by the acquisition of large tracts of land in a community by the pension fund. That is the purpose.

SENATOR MARSH: Have there been any overtures to your knowledge in the State of Nebraska to date?

SENATOR MARESH: No, but we want to do this before they come to the state, and the article says definitely they are proposing to spend \$350 billion in the USA, and it

mentions the Delta Texas, California, Midwest, all parts of the state, they are looking for land to buy.

SENATOR MARSH: Thank you.

SPEAKER MARVEL: Senator Nichol, we are speaking to the advancement of the bill.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I really have reservations about these kinds of bills. They have been running through here for several years now restricting various entities from buying farm property. Here is another one, 25 members. What is magic about 25 members? Why not 24? Or 26? Or 15? You can have an organization or corporation, anybody that wants to can go out and buy land and grow weeds if they want to. You can't stop them from it. It isn't the intention of these organizations to go out and grow weeds. Now let's talk just a second about the family type farm, whatever that means nowadays is a long ways from what it used to be when a farmer had a farm and he farmed it. But with corporations including people who are interested in farming and who buy farms, put them together, make larger operations out of them, perfectly legal, perfectly what farmers want to do. They have to do it. They have been doing it now for many years since the farming operation has to become a bigger operation than it was 50 years ago when they farmed 80 or 120 acres. It can't be done any more. But when we go to this type of legislation, I think we are meddling in things that we shouldn't be meddling. We are overregulating again. We are saying to various entities, you can't buy farmland because you don't know what you are doing. You don't know that the pension fund of Nebraska will handle land any better than Iowa's pension fund, and when we go into this I really think we should have a strong look at this kind of legislation. I can't support it.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I do have some problems with this. We are again tampering with the free enterprise system. I think of anybody that has the bucks and we have a willing seller and a willing buyer and we can negotiate a price, we as government shouldn't interfere in that transaction. I have some real difficulty with this. I think agriculture is a very capital intensive industry. Agriculture needs capital. In fact, the arguments I have heard over and over again in the paper primarily on all the banking legislation is the whole motivation

behind whatever organizational structure we arrive at in the banking industry is to facilitate capital moving into the agricultural sector. So I have real difficulty when we as a government entity restrict that legitimate free transaction. I think basically we are telling that landowner that there is only certain types of people he can sell to, that he really doesn't own that land in total, he doesn't really have the right to dispose of that land however he wants to, he doesn't have the right to make that decision. We are making portions of that decision for him. The decision to sell to a particular entity is being stopped. So I think we have to look at this very closely. I think it is a precedent we are establishing that needs careful scrutiny. I think it is a restriction of the free enterprise system.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, I wholeheartedly support this piece of legislation. The reference has been made as to it restricting people who can buy into farmland. It in no way does that. It restricts trusts, huge interests that take away capitalism. Capitalism originally was a theory where people owned the land and they farmed it and you had a private personal ownership system. This is a preservation of the capitalistic theory in not letting the bucks rule the roost. Certainly the farmers in this state want some freedom in selling their land, but they don't want it taken away and bid up by outside interests that will never return it into a system of capitalism. Capitalism in its original precepts did not mean that you concentrated the ownership in a few gigantic financial organizations. It is contrary to the principle of capitalism. Had we not created these huge trust funds, if we did not have corporations, we would not have these problems. The bill in no way infringes on the rights of any person to buy farmland. It refers to trusts, perpetual organizations, taking up the ownership of the agricultural lands of this state, diverting the profits out of the state where they won't be spent in small businesses of the State of Nebraska. That is what it is getting at. It is a protection for the small business community. It is a protection for the farmer to be able to hold it, to have a shot at buying an adjacent farm when it goes into a personal ownership system, and once you get it owned outside the state with the profits directly flowing, there will be no multiplier on that farm dollar where the profit is going into a trust and shot to Chicago, Illinois or someplace outside the State of Nebraska. I think the business communities, the small businesses

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ought to get on this and really work it up for the state to keep the profits inside the state where there is a multiplier that goes through that small community, comes back into Lincoln and Omaha, Nebraska. If you want a way to protect the state, vote for this bill. It is one piece and one measure of protection of a basic heritage of family owned farms. I wholeheartedly support the measure and compliment Senator Maresh on introducing it. I think it ought to go across the board unanimously looking out for the communities of the state. Thank you.

SPEAKER MARVEL: Senator Schmit, did you wish to have the floor?

SENATOR SCHMIT: Mr. President and members of the Legislature, they say in the storytellers and Vard Johnson remembers this, then the fun began. It has been a couple of years now, at least, since there have been all kinds of people expressing deep concern about the rape of the farmland, the takeover of the farmland by the big interests. There has been all kinds of concern about what is going to happen to the water table and what is going to happen to the Sandhills and what is going to happen to the cost of living when the big guys take over. Senator Dworak has... I apologize, Senator Dworak, we are not going to fight any more, so I don't want to get into this thing again, but I want to say this. Senator Dworak has been concerned and legitimately so about abuses of property by large development interests. Well, I want to tell you something. I spent most of the last four days, Senator DeCamp and myself, driving and flying and walking over the Sandhills. We had heard all of these various concerns that have been expressed about the Foxley development in the Sandhills and what it was going to do to that prime rangeland territory. We took a good look at it and I want to say this that the part that I have looked at looks pretty well from a development standpoint. They have got a good stand of corn, it has been handled well. I am concerned about some of the land they are going to develop but I imagine maybe Mr. Foxley might possibly know what he is doing. Now the point I want to make is this, the same people that have been concerned about Foxley and Swanson and other large developers are standing here and they are saying, you have got no business interfering with the free enterprise system. Well, Mr. Foxley is a wealthy man; Swansons are wealthy. There are a lot of wealthy people in the Sandhills, but the money that those people have is like a gnat on a bull's back when contrasted with the pension funds, and as Senator Maresh has said, there are trillions of dollars amounted to here and they can buy everything west of "O" Street or West of 10th Street from here to Colorado, if they want to and level it off and leave it lay. They don't need to raise a crop because they know that in 40 or 50 or a 100 years the land is going to be worth more money. Mr. Foxley is going to have to get a return on his land this year and next year and next year. The pension funds can wait for years and years and years and years. Now I have always been the one who has stood here and opposed intervention into the free enterprise system, and Senator Burrows and I have maintained a good friendship but I have usually opposed his bills that limited corporate ownership of farmland. But I want to

say here and now, if you don't support Senator Maresh's LB 9, then you are going to have a hard time standing on this floor with a straight face and accusing some farmer or some business man or some renegade, if you will, of raping the Sandhills and developing those Sandhills in a manner not consistent with good policy and good development practices, and they are not concerned for the rights of other people, because if the pension funds buy that land, it is going to be bought up, leveled off and sowed to something else before we know what is going on.

SPEAKER MARVEL: You have thirty seconds.

SENATOR SCHMIT: I am as concerned as Senator Dworak, Senator Nichol and everyone else about the tone of the direction we are taking, ladies and gentlemen, but if you do not wish to restrict development by the pension funds, then don't ever ask this Legislature to do anything restrictive in any other area in the area of agricultural development because you will be standing on thin ice. I suggest you support Senator Maresh and LB 9 and I commend him for having the courage to bring it before this body.

SPEAKER MARVEL: Senator Vickers and then Senator Kahle.

SENATOR VICKERS: Mr. President and members, it is not often on an issue such as this that Senator Schmit and I are on the same side but in this case we certainly are, but perhaps from not the same perspective. I, too, am very concerned about the rights of individuals in the disposal of their property. I also am very concerned about what has been termed the rape of the Nebraska Sandhills, the using of natural resources of this state, but I would point out to you, the members of this body, that what we have with the pension funds with the huge amounts of dollars available to them, as Senator Schmit mentioned, they don't need to develop that land. They can buy land out there in my part of the country that is, in fact, not worth developing, too rough to develop, good for nothing but pasture land, and own that land for years and years and years but with inflation going as it is they know they are going to make money on it in the end, simply by the fact they hold onto it. So I really think we have two issues here. Some people have said that we can control this type of development, or these people from buying these large parcels of land by controlling the amount of development they can do on that land. In the instance, as Senator Schmit pointed out, of Mr. Foxley and people of that nature that do, in fact, have to have a return on

their investment within a short period of time, that is probably true. But when we have entities such as the pension funds that their only purpose is an investment, a long, long term investment, then that is not going to address that situation no matter what type of regulations we might impose on the use of the natural resources of the state. I suggest to you that these pension funds could be used to buy land that could, in fact, just lay idle for 30 years and still wind up being a profitable operation to them. Quite frankly, that scares the heck out of me and I think it scares the dickens out of a lot of other people out there in rural Nebraska. I, too, have opposed Senator Burrows on his many attempts in controlling the corporate ownership of the land, but I think this is a separate issue. And I agree with Senator Schmit, I don't know how anybody can stand on this floor later on in this session dealing with corporate ownership of farmland, or dealing with the various issues regarding the abilities to impose regulations on the development of those lands and yet oppose this very minor attempt to keep certain specific entities from buying a lot of land in this state. I, too, commend Senator Maresh for bringing LB 9 to this body and urge this body's adoption of it.

SPEAKER MARVEL: Senator Kahle. We have got Senator Kahle, Senator Cope, Senator Koch.

SENATOR KAHLE: Mr. Speaker and members, a lot has been said about this and I am not going to repeat it. I think that Senator Schmit and others have... Senator Vickers, have given you my feeling on it. I guess what really bothers me and it may come from a little different angle is that the investment of this type of funding really has nothing to do with the well being of the farmer out there or the well being of the land. All they're trying to do is to invest money to make money. Agriculture is a way of life for me. It is not necessarily a profitable endeavor. Sometimes it isn't. So I think that we are making a big mistake by allowing large funds to be invested in farmland. It does absolutely nothing for the person that is out there farming it. They could care less. They could care less about the community that is involved, and when we ruin that investment that the farmer has out there and that ability to buy from the small towns that we have, we are going to further erode our communities. Who pays the taxes? The people that work out there. Perhaps the land tax would still come in. I don't know. They might even want an exemption on that because it is a public fund. But I certainly support Senator Maresh's

idea on this and we talk about the free enterprise system, the free enterprise system just may take us out into the boondocks and we won't have our land at all. So I support this situation. I think that is the wrong kind of funding to be putting in this land. There is plenty of legitimate sales to be had from those that would farm the land. Thank you.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I am a farmer and a small business man and I understand exactly what is being said but I would have to disagree with Senator Schmit and Senator Vickers, I guess, on one point, and I think it is something to consider. They say the land... they can buy it and let it sit for 30 years and know they are going to come out ahead. Well, today with these billions of dollars in trusts, they have pretty smart money managers and with the rate that they can get just in solid investments today, I don't know what it will be ten years from now, but it might be more, it might be less, but they are looking at that angle and I don't care how fast land increases in prices it isn't increasing as fast as the percentage that they can get on their money, 18, 19, 20 percent right now. And I don't think that the scare is as bad as we are thinking about. My reason too for questioning is we did this same thing on corporations two years ago, three years ago, and actually I don't think it did a bit of good. All we have are just voluminous files of corporations that have registered. It has cost considerable money and it is a kind of a mixed up mess really. So think about those items when you vote.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, this body in the last several years has looked at this issue, first it was petro dollars and a number of other foreign interests and we were concerned. We were concerned about preserving the family farm and this bill to me is another family farm bill, and I don't understand how people can be misled to believe that pension funds are going to be carelessly invested in the areas where the return will not make certain profits for them. The rural members of our state and the nation have not been reduced today to what they are, it's due to technology, and for us to stand here and say we are going to curse the dollar that helps to make this nation what it is today to me is a dichotomy. I think the best thing the Ag Committee could

do if they feel there is really a danger of these, all these pension dollars coming into vast amounts of land as a hedge they ought to study this issue because I don't really believe that it is a serious issue. Someone said they were going to use pension funds to buy some land in certain parts of the nation and they are going to develop it, and Senator Schmit, I can say to you that if this state ever wants to get tough in terms of restrictions we place on water, and the kinds of wells we allow to be put in place, and how we defoliate the natural lands, then we better do that. We won't have to worry about these huge conglomerates coming in here and denuding and defoliating. And I remind you we have torn out trees that we planted in the 1930s and go ditch to ditch with it and I have seen some of the dust accumulate lately, and yet we are supposed to be conservationists. So I am going to support some restrictive types of water provisions but I am not going to support LB 9, because when this state wants to put something in the law that would affect how we are robbing the resources we can do it. I don't think it has anything to do with the proposed investment of pension funds, because you have got to remember pension funds are vested and they have to make returns and they can't use those monies carelessly because those people pay into those pension funds and expect that money to be there when they want to use it for retirement. I would suggest that Senator Schmit and others put this into a study to see whether or not there is imminent danger, or whether or not we are not being somewhat misled by some headlines that may not be all that truthful.

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay the question before the House is, shall debate cease? All those in favor vote aye, opposed no. Shall debate cease? Have you all voted? Okay, record the vote.

CLERK: 16 ayes, 14 nays to cease debate, Mr. President.

SPEAKER MARVEL: The motion is lost. The Chair recognizes Senator Wiitala.

SENATOR WIITALA: Mr. Speaker and members of this body, I rise in support of LB 9 for a variety of reasons. The danger I see in not preventing pension funds entering the State of Nebraska is not only the exportation of

the state's profits but also the fact that the large pension funds in buying up the lands of Nebraska will stimulate tenant farming. Farmsteads, private farmsteads, privately managed and owned and operated will cease and the lands will be purchased and turned over to tenant farmers. How soon we forget. When I was a youngster growing up on a farm in South Dakota, our farmsteads were completely circled by the farm soil bank which stopped small family owned farms from expanding, and one of the reasons that I find myself in an urban situation is precisely because of that problem. I am not against corporate farming, but certainly for small farms that would like to incorporate and expand, they are going to be prevented from doing so if pension funds enter the State of Nebraska. There is a distinction here too. When these lands are purchased, they are purchased on the basis of speculation. Their profits are earned on rising real estate values, and when they come in and buy acreages far over the present market value, it has an impact on farmers who wish to purchase land for themselves because that sets the tone for the price of those future lands to be bought. They are not interested in production value. They are interested simply in speculation value, and that is a big difference. I am also worried too when outside forces, and believe me when you total the amount of dollars that can be involved in the purchase of land into the state, it not only affects our economy but it also affects our political process. I would like to have you consider these items and I urge you to support LB 9. Thank you.

SPEAKER MARVEL: Senator Schmit, do you wish the floor before we close?

SENATOR SCHMIT: Mr. President and members of the Legislature, I want to be serious about this because I am serious about it. I believe that there is a threat. There is a very determined effort on the part of certain individuals to invest in real estate. We have had, you know, just in the last few weeks a scare about the Exxon Corporation coming to Nebraska and buying 600 quarters of land or something of that nature and there was a lot of concern, and it was a legitimate concern. There is a very real threat to the ability of land to feed the people of this nation and the world if it is not managed properly. Senator Cope says that the rates of return today are such that, of course, no one is going to invest in farmland unless they can get a better rate of return than the 19 and 20 percent they can get today on the money market certificates, etcetera, etcetera. The facts

are we all know and we had better well hope, I am sure, Senator Cope, that those rates of return do not continue much longer because they usually run 3 percent beyond the cost...rate of inflation and that is going to bankrupt this nation. When that gets done, Senator Cope, those papers and certificates are worth just what they are printed upon, but the real estate is still there and it still has a value. The real estate of this nation is basic to the entire concept of the free enterprise system and there is a very real concern that the concentration of the real estate in the hands of too few people can pose a threat to the type of agriculture and the type of free enterprise system that has been so successful in this country. You go to South America, the land has been controlled by a few people for many, many years. Other parts of the world, the land has been controlled by a small group of people, but in this country those who came here and who wished to work and sweat and toil and take the risk were able to buy land and preserve it, hopefully pass it on to their children. I am very concerned about the fact that I think the federal estate tax poses the single greatest threat to the family farm that is in existence today. We don't even know how these pension funds would respond under that kind of a system, but I have an idea that they would exist in perpetuity, would not be subject to estate taxes, but would pose a very definite threat to the private ownership of farmland. I say again, there are concerns and some legitimate concerns by many of us about what happens to the water and the soil and the resources, that those resources have been best managed by individuals over the years, whether it is a 160 acres or 1600 acres or 160,000 acres. When those funds we are talking about become available for investment in, as I said, not billions but trillions of dollars, it places an entirely new concept into the marketplace. As I said before, I am as concerned as anyone about any kind of encroachment upon the ability to purchase and own property be it land, real estate, anything else. But if we are afraid to test the water, so to speak, with this kind of a limitation upon these kind of funds, then I really seriously doubt that we have any basis whatsoever to try to incur any kind of controls upon the individual ownership or operation of real estate, whether it be in the area of water development, land development, or anything else. I am concerned about my friend, Senator Koch, when he defends the right of the pension funds to invest in those resources which they deem to be the best investment, and I really wonder if he would feel this concern if it were not for the fact that many of us

have a vested interest in those funds. I know he is concerned about Nebraska, but I really fail to see how he can be concerned about an individual, an individual threat to the resources of this great state and turn his back upon the threat that is posed by the large pension funds. To say that we have been misled by a few headlines, I don't think that is true. I think we can all read beyond the headlines. We are accustomed to doing that, headlines and, in fact, the content of the story. I have taken with a grain of salt many of those stories which have spoken dire terms of what might happen to the State of Nebraska if we don't write strict regulations governing the use of land and the water. But I think that we need to take a look....

SPEAKER MARVEL: Your time is up, Senator Schmit.

SENATOR SCHMIT:I think Senator Maresh has a bill which gives us some time to think, some cause for pause, so to speak, and very frankly I am going to watch this vote very, very carefully.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman and members of the Legislature, I have been sitting here listening to the arguments. As a former trust officer of a bank investing funds for pension funds, I would guarantee you there will be very few pension funds invested in farmland today. I think everyone of us recognize that at the price of farmland it is an impossibility for a farmer or anyone else to make it pay on the basis of the price of crops. I firmly believe we ought to let the free market work and I don't believe that we would find there is a prudent man rule that affects this kind of a pension fund and it would be unprudent at this point as I would see it to come to Nebraska and invest in farmland, and if I were a member of a pension fund where they did that, I would take the person that was operating the thing to court. And I think that could very well happen. So I would personally be opposed to this particular bill.

SPEAKER MARVEL: Senator Koch, your light is on. Senator Koch, do you wish to be recognized?

SENATOR KOCH: Mr. Speaker, every time I get into the business of free enterprise in a discussion philosophically I am somewhat interested in how we line ourselves in terms of what is free enterprise and what is not. We

talk about the small business man in small communities, well let's talk about huge co-ops which are conglomerates. Sure, I know that certain farmers buy into those, that it's pretty hard for the man on the street to compete with them, and Senator Maresh in one of his opening remarks was talking about these corporations that come in there and they are going to buy everything wholesale, and they are just going to ship it in there and they are going to do their work. If we want to get down to trying to get back to total free enterprise, then let's look at some of these things. If I remember correctly, we used to think that was sort of socialistic in terms of those conglomerates. But I am serious about it, Senator Schmit, that I think this bill needs to be studied. I don't think that we should act so hastily on it because we had considerable discussion on this bill two years ago and I think you were on my side at that time. I can go back and check the vote, but I think the Senator from Walthill that is called the rural center was one of the chief supporters of the family farm bill and we had all kinds of concerns, and I think our argument at that time, Senator Schmit, if you go back and look at it, we were on the prevailing side to defeat the bill and we were saying that free enterprise should control the issue, and that is what I am saying. I don't think pension funds that go out here and buy expensive farmland can afford to sit there 12 or 15 years hoping that they are going to make a profit. I just don't believe that they are that careless in the management of those funds. How about big insurance companies that have a lot of life insurance? Are we going to put them in next, they can't buy land if they decide that that is a good, proper and great investment? Let's take on the Rock, Prudential. Let's take on a lot of those kinds of huge conglomerates and say, no way can you ever buy real estate in the State of Nebraska unless there are 25 or less beneficiaries. What I am saying is LB 9 is a very serious piece of legislation and right now Senator Dworak might have said it best, when it is like a spirit across the desert, it looks like it has got a pretty free ride. But I think before it ever gets to Final Reading some people are going to wake up in this state and find out what it is all about.

SPEAKER MARVEL: The Chair recognizes Senator Maresh to close.

SENATOR MARESH: Thank you, Mr. Speaker. I would like to call attention to who supports this concept to not allow the pension funds to be used to purchase farmland. This article states that it is like Who's Who in agriculture,

The American Farm Bureau Federation, The National Farmers Union, The National Grange, The National Farmers Organization, Rural America and the USDA. So it isn't just that we are running scared or anything like that. I think the major farm organizations are real concerned because this is really something that has come up lately that is here and is going to come about. I don't think we would have all these farm organizations opposing this action if there was nothing to it. I would like to quote Congressman Robert D. Kastenmeyer from Wisconsin. He says, "Heavy investment in farmland will drive up farm values making it even more difficult for small farmers to expand their holdings or get into farming in the first place. Soil and water conservation practices will deteriorate as corporate farm managers seek to maximize short term profits by cutting corners on conservation. Agriculture markets will be dominated by large nonfarm corporations and the family farmer will lose his place in the American farming". Somebody mentioned that big is good. I don't think that is the way the figures show now. This Congressman Kastenmeyer says that "Americans recognize that it is the family farm which has made the U.S. the most efficient producer of food in the world. We are slowly learning the painful lesson that economic concentration does not necessarily result in greater efficiency and productivity." So I think there must be some studies made on this that the large farm operations are not the most efficient, that it is the small family type farm that is efficient. So I would like to call your attention that these funds are growing and that by the year of 1995 they are predicting that we will have 3 trillion dollars available for investment in this area. So I hope that you vote to advance this bill.

SPEAKER MARVEL: The motion is the advancement of LB 9 to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 25 ayes, 7 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 38.

CLERK: Mr. President, LB 38 was offered by Senator Martin Kahle. (Read title.) The bill was read on January 8. It was referred to the Agriculture and Environment Committee. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

February 20, 1981

LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARGES: (Prayer offered).

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarrin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

February 25, 1981

LB 9, 124

the amendments, but I think we should be cognizant of two things, number one, many of you accused us of merely harrassing, badgering a bill. Now, we are looking at a refinement that forced the committee, the Liquor Commission, to sit down, reevaluate, come back with specific tighter recommendations and I commend Senator Hefner and all those that worked with him on this. But just a couple days ago many were very critical of those who had grave concerns about this. Number two, I think it demonstrates the danger of curtailing debate in this body. Legislative process is not a fast process, and many times when we try to act expeditiously things get overlooked, concepts get approved that, in fact, aren't truly understood and truly desired. So I think in the future we need to be very, very cautious about curtailment of debate and about trying to do too many things too fast.

SPEAKER MARVEL: Senator DeCamp. There are none others who wish to speak. The motion is the adoption of the Hefner amendment as found on page 649 to LB 124. All those in favor of the Hefner amendment vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the second Hefner amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The Hefner amendment is adopted. What is next?

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

SPEAKER MARVEL: Senator Hefner. Senator Hefner, do you want to advance the bill?

SENATOR HEFNER: Mr. President, I move the advancement of the bill to E & R Engrossing.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. This is on the advancement of the bill. Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 9.

CLERK: Mr. President, there are E & R amendments to LB 9.

February 25, 1981

LB 9, 345

SPEAKER MARVEL: Senator Maresh, do you want to move the adoption of the E & R amendments?

SENATOR MARESH: Mr. Speaker, I so move.

SPEAKER MARVEL: All those in favor of the adoption of the E & R amendments to LB 9 say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

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

SPEAKER MARVEL: Senator Maresh, do you want to move the advancement of the bill?

SENATOR MARESH: I move that LB 9 be advanced to E & R Engrossing.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. The next is LB 345.

CLERK: Mr. President, there are no E & R amendments to LB 345. I do have amendments from Senator Johnson, however, Senator Vard Johnson. (Read the Johnson amendment as found on pages 658 and 659 of the Legislative Journal.) That is offered by Senator Vard Johnson.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker and members of the body, I thought the amendment was going to be in the Journal but it's not, so it is now being passed out. LB 345 is a bill that deals with the collection of child support and by and large makes the kind of changes that are necessary so that our child support collection program fully conforms to the child support collection requirements of the Department of Health, Education and Welfare. I guess that is now the Department of Health and Human Services. One of the things that LB 345 does is says that if any person wants to have the assistance of the local county attorney for the collection of child support, they may go to that county attorney, rich or poor, and that county attorney will provide assistance in the collection of child support. My amendment, my amendment is an amendment which says that if a defendant is haled before the court, is haled before the court, and is about to be imprisoned for nonpayment of child support, then the court at least has got to make, number one, an inquiry concerning the defendant not having an attorney with him, and the court cannot imprison that

March 2, 1981

LB 9, 34, 110, 124, 178,
214, 345, 547

opposed nay. Record the vote.

CLERK: 31 ayes, 1 nay, Mr. President, on the motion to introduce the bill.

PRESIDENT: The motion carries. The bill may be introduced. Read the bill.

CLERK: Mr. President, LB 547 introduced by the Ag and Environment Committee. (Read LB 547 for the first time.)

PRESIDENT: Senator Landis, did you wish to....thank you. I thought you might want to speak. Ready for agenda item #5, Final Reading. The Sergeant at Arms will see that all unauthorized personnel are off the floor of the Legislature. All legislators are to be at their desks. We are ready to proceed with Final Reading. As soon as everyone is at your desk we will commence with LB 110.

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 9 and find the same correctly engrossed; 34 correctly engrossed; 124 correctly engrossed; 178 correctly engrossed, and 345 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

PRESIDENT: All right, we are ready to proceed then with Final Reading. Mr. Clerk will proceed with the Final Reading of LB 110.

CLERK: (Read LB 110 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 110 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 704 of the Legislative Journal.) 35 ayes, 8 nays, 5 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 110 passes. The next bill on Final Reading is LB 214.

CLERK: (Read LB 214 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 214 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

March 5, 1981

LB 9, 34, 59, 69, 206,
206A, 308, 331

(Recorder malfunctioned. Following are the proceedings taken from the Journal.)

SPEAKER MARVEL PRESIDING

G. BRUCE CURRIER: Prayer offered.

ROLL CALL

CORRECTIONS FOR THE JOURNAL

MESSAGES, REPORTS, ANNOUNCEMENTS: LB 331 placed on General File as amended. (See pages 746-747 of the Journal.)

Message from the Governor. (See page 747.)

Executive Board report. (See pages 747-748.)

Attorney General's opinions re LB 59, LB 308, LB 69 as found on pages 748-752.

Speaker Marvel signed LE 206 and LB 206A.

FINAL READING: LB 9 read and passed on Final Reading. Final vote 33 ayes, 12 nays as found on pages 752-753 of the Journal.

Senator DeCamp moved to return LB 34 to Select File for a specific amendment.

Senator DeCamp asked unanimous consent to withdraw his motion.

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, is there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

March 9, 1981

LB 67, 72, 73, 77, 113,
144A, 186, 214, 221, 459A.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senators Burrows, Cullan, Hoagland and Beutler would like to be excused until they arrive, and Senators Higgins, Koch, Maresh and Stoney all day.

PRESIDENT: Have you all recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal, Mr. Clerk?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 459A and recommend that same be placed on Select File; 144A Select File; 72 Select File with amendments, and 73 Select File with amendments. (Signed) Senator Kilgarin. (See pages 789 and 790 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp reports LB 113 to General File with amendments. (See page 790 of the Legislative Journal.)

Mr. President, I have a report from the Public Works Committee regarding the appointments of....certain gubernatorial appointments and confirmation thereof. (See page 791 of the Legislative Journal.)

Mr. President, communications from the Governor addressed to the Clerk. (Read communications regarding LB 77, 67, 186, 214 and 221 as found on pages 791 and 792 of the Legislative Journal.)

Mr. President, I have letters making appointments to the Crime Victims Reparations Board, to the Rural Health Manpower Commission and to the Investment Council. (See pages 792 and 793 of the Legislative Journal.)

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 11, 1981

LB 4, 9, 22, 24, 34, 38,
54, 124, 171, 178, 275,
276, 288, 292, 345,
368, 460, 475, 517

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor David L. Erdman, Plains Baptist Church.

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Goll, Barrett and Waitala until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? Record the vote. Yes. Senator Marsh, for what purpose?

SENATOR MARSH: I ask for this to be a recorded vote for those who are here at 9:05 a.m.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have some items to read in?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 475 and recommend that same be placed on Select File with amendments; 171 Select File; 22 Select File with amendments. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Government reports 292 to General File with amendments; LB 460 to General File; LB 276 Indefinitely postponed; 517 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, LB 288, 275, 54, 38, and 24 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 24, LB 38, LB 54, LB 275, LB 288.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 9, 34, 124, 178 and 345.) (See page 844, Legislative Journal.)

Two Attorney General's opinions, a first to Senator Koch regarding LB 368. The second to Senator Beutler regarding LB 4. They also will be inserted in the Journal, Mr. President.

Finally, Mr. President, Senator Maresh asks unanimous consent