

January 19, 1982

SENATOR CLARK: The motion lost. The next amendment is amendment number two of Senator Vickers to Section one. He wants to read a few things in first.

CLERK: Mr. President, very quickly, new bills: (Read by title for the first time, LBs 895-914 as found on pages 343-347 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Public Works Committee for January 29, February 10, 11 and 17. That is signed by Senator Kremer as Chair.

Mr. President, Retirement sets hearings for Wednesday, January 7 and Revenue sets hearings for January 25, 26 and 27, signed by the respective chairmen.

I have a reference report referring LBs 848 through 880.

Mr. President, your committee on Enrollment and Review reports that 511 be reported to Select File with amendments, 192 Select File with amendments, 231 Select File with amendments, 454 Select File, 304 Select File, 69 Select File with amendments, 139 Select File, 139A Select File, 305 Select File, 239 Select File with amendments, 410 Select File with amendments, 278 Select File with amendments, 126 Select File with amendments, all signed by Senator Kilgarin.

SENATOR CLARK: We are now ready for the second Vickers amendment to Section one.

CLERK: Mr. President, the amendment reads as follows: On page 2, line 13, strike the word "life" and insert "safe yield."

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, since that is more of a technical one there the following amendment on Section two would be more applicable to take up and I think the Clerk has other amendments on Section one so if you would want to skip over this and go to the other amendments that are on Section one, that would be fine with me. You have other amendments and I think Senator Beutler and some other people might have amendments on Section one if you want to go ahead and take those up at this time.

CLERK: So are you withdrawing. . .you don't want this one then, Senator?

SENATOR VICKERS: That one is more of a technical one. It

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LB 259, 375, 603A, 831,
909, 919A

to preserve his full rights to use the water underlying his land. There is nothing impractical about this. This is the recommendation and the product of the Natural Resources Commission, and I would urge this body to adopt it. Thank you, Mr. President.

SENATOR HEFNER: Those of you that support the Hoagland amendment please vote aye, those that oppose vote nay.

CLERK: Senator Hefner voting no.

SENATOR HEFNER: Record vote. Record.

CLERK: (Read the record vote as found on page 831 of the Legislative Journal.) 8 ayes, 19 nays, Mr. President, on the motion to adopt the amendment.

SENATOR HEFNER: The amendment lost. Yes.

CLERK: Mr. President, very quickly, if I may, your committee on Urban Affairs reports LB 909 advanced to General File with committee amendments attached. (See page 832 of the Legislative Journal.)

New A bill, LB 603A, by Senator Cullan. (Read title.) LB 919A by Senator Landis. (Read title.) (See pages 832 and 833 of the Journal.)

Mr. President, the Urban Affairs Committee will meet in Executive Session at 10:30 underneath the north balcony. That is Urban Affairs 10:30 underneath the north balcony.

Your Committee on Business and Labor will have an Executive Session at 10:30 in the West Senate Lounge. That is 10:30 this morning in the West Lounge, Business and Labor.

Senator DeCamp would like to print amendments to LB 259, and I have a letter asking unanimous consent to print a notice in the Journal. (See pages 833 and 834 of the Journal.)

Mr. President, the next amendment I have to LB 375 is offered by Senator Hoagland. It is found on page 636. (Read amendment.)

SENATOR HEFNER: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President, out of deference to the time restraints we have here what I would like to do

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LB 895, 909

SENATOR SCHMIT: Thank you.

SENATOR CLARK: The time is up on the bill. We will pass to the next bill, 909. We have other speakers, Senator Koch.

SENATOR KOCH: Senator Clark, may I ask for a vote up or down?

SENATOR CLARK: No. Not with more speakers on. That is not what the speaker has said. Is Senator Goll here today? Okay, we will take 909.

CLERK: Mr. President, LB 909 offered by Senator Goll. (Read title.) The bill was read on January 19th of this year, referred to the Urban Affairs Committee. The bill was advanced to General File, Mr. President. There are committee amendments by the Urban Affairs Committee pending.

SENATOR CLARK: Senator Landis, on the committee amendments.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, we made a couple of correcting or technical changes to narrow at least in one respect the range of the bill and that was to delete the provision "in accordance with and in compliance"...we exchanged the word "compliance" rather than "accordance with" and that was a mandated sale or bringing something in compliance with some federal language and also we struck or we added rather language that said "property which consists of streets and alleys". There, for example, when a street is closed and you will want to sell that land back to the adjacent landholders, there is no necessity for a public sale because, of course, that land is only of value to the people who abut the now closed alley or street. We also made a further provision at the suggestion of the committee, Senator Cullan's idea really, to allow for the sale of personal property which in its aggregate market value does not exceed a thousand dollars and this would not be necessary for a public sale but we could have the posting of a sale for seven or more days in a village and in so doing permit them to sell an old typewriter, some office equipment or the like. Lastly, I was trying to remember what language we struck. We also struck language stating that you could use provisions other than an auction or a sealed bid for areas...for sales which serve the community betterment purposes. That language was too broad in the opinion of the committee and it covered too much area. So we nailed down those kinds of provisions when you could utilize a sale mechanism, a direct sale mechanism to a more limited range. We deleted the one on community betterment purposes. We put in its place the sale of closed public streets or alleys and we

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LB 909

put in this provision up to \$1,000 personal property being sold without having to utilize these kinds of costly and involved sale procedures, and we also added the emergency clause to the committee...rather to the bill. If you take a look at the proponents, we asked those proponents if they agreed with the proposals that the committee was talking about among themselves. They all agreed. To my knowledge, the committee amendments are agreed upon by all interested parties including the introducer. I move their adoption.

SENATOR CLARK: I would like to introduce Carson Rogers and daughter Regina from Ord, Nebraska, friends of Senator Wagner. Will you stand and be recognized please. Welcome to the Unicameral. The question before the House is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to adopt the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. On the bill, Senator Goll.

SENATOR GOLL: Mr. Speaker, members of the Legislature, LB 909 notwithstanding its own merits has three aspects that should delight the Legislature. Number one, it has no fiscal impact. It doesn't cost any money. Number two, it is noncontroversial. Nobody is against it. And number three, number three, we are deleting a little portion of the statute and combining it all into one thing. So I would immediately following my presentation ask for your affirmative vote on LB 909, and what it does is amend two sections relating to the sale of public property in second class cities and villages. It establishes one clear, precise procedure for doing this. It also as Senator Landis explained in the amendment empowers these villages and second class cities to dispose of personal property through a regular procedure. They can do this by sealed bids. They can do it by public auction. Notices are published and posted and certain procedures must be followed according to the legislation. Once a sale is made, once it is consummated, it is final. We are in fact eliminating a controversial part of a statute which because of prior legislation established a conflict in the way these cities and villages could dispose of their real estate and personal property. I would, therefore, ask for your affirmative vote on LB 909. Thank you.

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LB 909, 480

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Well, Mr. Speaker, I think it takes a lot of audacity for a Senator to bring a bill on the floor of the Legislature that doesn't cost any money and it is non-controversial and I am immediately suspect.

SENATOR CLARK: Is there any further debate? If not, the question before the House is the advancement of 909. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

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

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

SENATOR CLARK: The bill is advanced. We go to LB 480.

CLERK: Mr. President, LB 480 is a bill introduced by Senators Hoagland, Beyer and Sieck. (Read title.) The bill was first read on January 20th of last year. At that time, Mr. President, it was referred to the Revenue Committee for hearing. The bill was advanced to General File. There are Revenue Committee amendments pending.

SENATOR CLARK: Senator Carsten on the committee amendments.

SENATOR CARSTEN: Mr. President, I would move for the adoption of the committee amendments. LB 480 was introduced as the Clerk has said last year, and because of the contents of the bill, the committee felt that it should be studied through the interim and was, and as a result, you have before you the committee amendments as was dictated by the interim study. The committee amendment does basically three things. First it transfers to the surviving spouse...transfers to the surviving spouses are exempted from the inheritance tax and this is the same as the federal estate tax law. Second, the provision regarding inclusion of gifts made within three years prior to the death is modified to conform to the federal estate tax law. That is transfers requiring filing of a federal gift tax return only would be included in the estate for tax purposes. And, thirdly, various obsolete language relating to county's use of inheritance tax receipts and other miscellaneous items in the inheritance and estate taxes is repealed. This basically brings this bill into compliance and in accordance with the federal level and I again would move for the adoption of these amendments.

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LR 249, 250, 256
LB 480, 571, 602, 609A, 688,
787, 799, 835, 854, 854A, 868, 909

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Ross, Pastor of Faith Lutheran Church in Seward, Nebraska.

REVEREND JOHN ROSS: Prayer offered.

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

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, LR 249 and 250 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 249 and LR 250.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 854 and recommend that same be placed on Select File with E & R amendments; 854A Select File with E & R amendments; 909; 480; 835; 688; 799; 868; 602 and 787, all placed on Select File, Mr. President. (Pages 1227-1280.)

Mr. President, I have a new resolution, LR 256 offered by Senator Nichol and many of the members. (Read LR 256 as found on pages 1280 through 1283 of the Journal.) That will be laid over, Mr. President.

Mr. President, new A bill, LB 609A offered by Senator Marsh. (Read title for the first time.)

Mr. President, I have a report from the Buildings and Grounds Commission on proposed lease renewal for the Department of Correctional Services, and the Nebraska State Highway Commission files their quarterly report.

PRESIDENT: We are ready then to immediately go to Final Reading, agenda item #4 commencing with LB 571. Would the Sergeant at Arms secure the Chamber and make sure that all members are at their desks, and all other unauthorized

April 6, 1982

LB 854, 854A, 909

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Fowler, do you want to move the bill?

SENATOR FOWLER: Yes, I move it be advanced as amended.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. The bill is advanced. 854A.

CLERK: Senator, there are E & R amendments to 854A.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: I would move the E & R amendments to 854A.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The E & R amendments are adopted.

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: I move that it be advanced.

SENATOR CLARK: You heard that motion. All those in favor say aye. Opposed. The bill is advanced. LB 909.

CLERK: Mr. President....did you want to take it up, Senator? Okay.

SENATOR GOLL: Yes.

CLERK: There are E & R amendments to 909, Mr. President.

SENATOR CLARK: Do you want to take the E & R amendments, Senator Goll?

SENATOR GOLL: No, Senator Warner will take those.

SENATOR CLARK: All right. Senator Warner, the E & R amendments to 909.

SENATOR WARNER: I move that they be adopted.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. They are adopted. Now on the bill.

CLERK: Mr. President, Senator Warner would now move to amend the bill.

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LB 909, 835

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, the amendment I am offering is to include LB 636 which affects the City of Lincoln and if Senator Beutler is here he may want to raise the question of germaneness. Well, in order to avoid a problem I would move to suspend the rule. The amendment I do not believe is controversial. Senator Goll has no problem with it. What it deals with is current law requires that Lincoln must mandatorily annex property once it is subdivided and is within 500 feet of the city limits. The problem rises in the fact that on the east side of Lincoln you get over to the Stevens Creek Watershed which cannot be provided with a central sewer system and the purpose of the motion would permit it to be optional on the part of the city to annex if an area is subdivided and it could be subdivided for an acreage type of development, three acres or less, one acre, and would under existing law obviously have to be annexed and then the city would be required to provide sanitary sewer which the mere lay of the land will not permit. So that is the purpose of the amendment and if no one raises a question I will move its adoption.

SENATOR CLARK: I think that is probably the smartest thing to do beings there is no objection. Is there any discussion on the amendment? If not, those in favor vote aye. Those opposed vote nay. I am not sure we have 30 people here anyway. Have you all voted on the adoption of the amendment?

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now on the bill.

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

SENATOR CLARK: Senator Goll, do you wish to move the bill?

SENATOR GOLL: Yes, Mr. Speaker, I propose that we advance the bill.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 480. We are going to pass over that one and take up LB 835.

April 7, 1982

LB 787, 591, 807, 909

juvenile code. Thank you. I move for the advancement of the bill.

SENATOR LAMB: The motion is to advance LB 787. Those in support say aye, those opposed no. The bill is advanced. LB 591.

CLERK: Mr. President, right before we get to that, Senator Hefner would like to print amendments to LB 807 in the Journal and your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 909 and find the same correctly engrossed. (See pages 1789-1791 of the Legislative Journal.)

Mr. President, LB 591, there are E & R on the bill, Mr. President.

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 591.

SENATOR LAMB: Those in favor of adopting the E & R amendments say aye, those opposed no. They are adopted.

CLERK: Mr. President, Senator Goodrich would move to amend the bill. Senator Goodrich would like to withdraw, Mr. President. Mr. President, the next amendment I have to the bill is offered by Senator Goodrich. You had a second amendment? Okay, Senator. That will be withdrawn, Mr. President. Mr. President, the next amendment I have is from Senator Chambers. It is on page 1363 of the Journal, Mr. President.

SENATOR LAMB: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I would like to ask the Clerk, is that the one exempting caskets and vaults from the sales tax?

CLERK: It exempts...

SENATOR CHAMBERS: If that is the one it is I would like to withdraw that one.

CLERK: Yes, okay.

SENATOR CHAMBERS: I would like to withdraw that one. I ask unanimous consent.

SENATOR LAMB: The amendment is withdrawn.

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LB 854A, 909

from Sargent, Nebraska. They are in the South balcony. Will you stand and be recognized please. From Senator Von Minden's District we have 23 tenth graders from New Castle. They are in the South balcony. Will you stand and be recognized please. Also under the North balcony Miss Tryloff, the Executive Director of the Nebraska Arts Council. It is a state agency and the Arts Council serves 45 community counsels across the state and she is a guest of Senator Wiitala. Will you stand and be recognized. Welcome. Welcome to your Legislature. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 1915, Legislative Journal.) The vote is 31 ayes, 12 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. Now read 909.

ASSISTANT CLERK: (Read LB 909 on Final Reading.)

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

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: (Record vote read. See page 1916, Legislative Journal.) The vote is 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. We will now take up LB 568.

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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.

LR 212, 266, 268, 269, 272, 274, 277,
278, 287, 292, 293, 295, 298, 304,
313, 316, 331, 359, 380, 388, 389
LB 278, 378, 378A, 480, 568, 602A,
604, 629, 629A, 669A, 688, 693, 708, 760,
835, 909, 967, 522, 212, 212A, 255, 255A

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RECESS

PRESIDENT LUEDTKI PRESIDING

PRESIDENT: Has everybody recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we