

January 19, 1982

LB 846, 865, 956-966

Mr. President, Senator Goodrich would move to withdraw LB 865. That will lay over.

Mr. President, I have a unanimous consent request from Senator Kahle to add his name to 846 as cointroducer; Senator Wagner to 846.

SENATOR CLARK: No objections, so ordered. There is no one left to object.

CLERK: Mr. President, new bills. (Read by title for the first time, LBs 956-966 as found on page 366-369 of the Legislative Journal.)

SENATOR CLARK: Senator DeCamp, would you like to make your momentous speech at this time.

SENATOR DeCAMP: Mr. President, I would like to ask unanimous consent to take up LB 376 on Final.

SENATOR CLARK: Right now? No objections, so ordered.

SENATOR DeCAMP: Mr. President, in the alternative, I'll move that we adjourn until nine o'clock tomorrow.

SENATOR CLARK: All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by Arleen McCrory.  
Arleen McCrory

February 25, 1982

LR 215, 230  
LB 304, 139, 139A, 456, 685,  
686, 710, 786, 830, 834, 835,  
884, 906, 936, 962

(Read record vote found on pages 853 and 854, Legislative Journal.) 28 ayes, 15 nays on the adoption of the resolution, Mr. President.

SPEAKER MARVEL: Motion is carried. The resolution is adopted. The Clerk has a couple of items to read into the record and then we will proceed with LB 304 on the agenda.

CLERK: Mr. President, your Committee on Education whose Chairman is Senator Koch instructs me to report LB 710 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 854 of the Legislative Journal.) Your Committee on Ag and Environment reports LB 786 advanced to General File, and 962 advanced to General File, both signed by Senator Schmit as Chair. Senator Schmit would like to print amendments to LB 686 in the Journal; Senator DeCamp to print amendments to LB 936. (See pages 854 through 861.)

Mr. President, I have a report of Registered Lobbyists for the week of February 19 through February 24.

Your Committee on Public Health reports LB 456 advanced to General File with committee amendments attached; 835 to General File with committee amendments attached; 830 indefinitely postponed; 884 indefinitely postponed; 906 indefinitely postponed. (See pages 861 through 866 of the Legislative Journal.)

New resolution, LR 230 by Senator Wesely. (Read LR 230 as found on page 867 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 685, 834, 139 and 139A 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 engrossed LB 685, engrossed LB 834, re-engrossed LB 139, engrossed LB 139A. Now we are going to read the motion on LB 304.

CLERK: Mr. President, I have a motion from Senators Carsten and Warner to return LB 304 to Select File for a specific amendment. The amendment would read as follows: (Read the Carsten-Warner amendment.)

SPEAKER MARVEL: I failed to do one thing and I will do that and then we will come back to this. Senator Nichol asked for a short Exec Session of the Judiciary Committee

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LB 786, 962

developed privately and I have stated that position on the floor of the Legislature many, many times. But I do not believe that checkoff dollars ought to be used to construct gasohol plants, and one of the reasons is the current situation that we see today. If you look at today's newspapers or watch the news today, you see that we have an oil glut in the United States, an oil glut worldwide. The Libyans are furious because they can't sell the oil that they have today.

SPEAKER MARVEL: Senator Cullan, you have one minute.

SENATOR CULLAN: And I guess that it's...I wonder, I have to question a little bit when those markets fluctuate so wildly whether it is wise of us to invest public dollars into that when private dollars are not being invested there today. If gasohol is fine, I think private money will take care of it and I don't think we need to put tax dollars into it. I would urge you to adopt the Warner motion.

SPEAKER MARVEL: Senator Kahle, do you wish to be recognized? We are almost finished with the time.

SENATOR KAHLE: Mr. Speaker and members, it is certainly not my intention to run out of time. I just have a...as I look at the bill and perhaps maybe a question of Senator Schmit, it does include the wheat checkoff, corn checkoff and the milo checkoff, does it not? He nods yes. I have always been an advocate of checkoffs and I am sorry, I guess, that we don't have better markets today, but we may have a poorer market if we didn't have the checkoffs. But I have, as Senator Cullan has mentioned, some misgivings about using that money for...certainly for gasohol plants at the present time, and I guess I am kind of concerned about these. I look at the committee statement where we have Ed Schrock, for instance, of the Cornrowers testifying for it and I know or think he is against this very thing of using the money for gasohol production. And, of course, we have the farmers organizations that are against it, at least some of them. So I guess I would resist at least part of the bill and perhaps it should be amended.

SPEAKER MARVEL: Okay, we turn to LB 962.

CLERK: LB 962 introduced by Senator Schmit, Hefner, VonMinden. (Read title.) The bill was read on January 19th. It was referred to Ag and Environment. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: Senator Schmit.

March 5, 1982

LB 962, 839

SENATOR SCHMIT: Mr. President and members of the Legislature, this bill like many others has been around many, many times. At the present time it has several new wrinkles in it. Section 1 is very simple. It establishes the intent of the bill, and Section 2 has domestic firms, corporations and partnerships as well as individuals. It is a list of entities that would be afforded agistor lien protection. The section also modernizes various provisions regarding foreclosures of liens. Section 2 grants a first agistor's lien to domestic feeders when they feed cattle belonging to nonresidents. In other words, if I live...if I am operating a cattle feedlot and someone from Kansas ships cattle into Nebraska into my feedlot, it gives me a first lien on those cattle for the feed that I provide for them. In the past we have had other versions of the bill which have been opposed by the Bankers Association. This bill is supported by both the Nebraska Bankers Association and the Livestock Feeders Association. I am not familiar whether or not there was opposition at the hearing, but, very frankly, I believe the bill is a good bill, deserves to be advanced to Select File. I ask your support of the bill. In fact, Mr. President, there was no opposition to the bill.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the Legislature, I rise to support this bill. I am cosponsor of it, and I think it will help the livestock industry in Nebraska. I have tried to get some...I tried to get a bill passed several years ago and ran into problems with the Banking Association and now we have come to an agreement and, in fact, the Bankers Association spoke for the bill, and so, therefore, I would urge you to advance this bill.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of the Hefner motion vote aye, opposed vote no. The motion before the House is the Hefner amendment. Have you all voted? Do you want to advance the bill? Okay. Record the vote.

CLERK: 36 ayes, 0 nays on the motion to advance LB 962, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced. The next bill is 839.

CLERK: Mr. President, LB 839 by Senator Beyer. (Read title.) The bill was read on January 14 of this year, referred to Miscellaneous Subjects. The bill was advanced to

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

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

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

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

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

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

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

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LB 601, 651, 697,  
784, 961, 962

SENATOR KILGARIN: I move we advance LB 961.

PRESIDENT: Motion is to advance LB 961 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. Motion carries and LB 961 is advanced to E & R for Engrossment. LB 784. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 784.

PRESIDENT: Motion is to advance LB 784 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 784 is advanced to E & R for Engrossment. LB 651, Senator Kilgarin. Senator Kilgarin, 651, right.

SENATOR KILGARIN: I move we advance LB 651.

PRESIDENT: Motion is to advance LB 651 to E & R for Engrossment. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. LB 651 is advanced to E & R for Engrossment. LB 743 has been taken off of the Speaker's list. LB 601 is then next, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 601.

PRESIDENT: Motion to advance LB 601 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 601 is advanced to E & R for Engrossment. The next bill is....LB 859 has been deleted, and the next bill is LB 697, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 697.

PRESIDENT: Motion is to advance LB 697 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 697 is advanced to E & R for Engrossment. LB 825 has also been deleted. The next bill then is LB 962. Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 962.

PRESIDENT: Motion is to adopt the E & R amendments on LB 962. Any discussion? All those in favor of adopting the E & R amendment on LB 962 signify by saying aye. Opposed nay. The E & R amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 962.

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LB 839, 890, 962

PRESIDENT: Motion is to advance LB 962 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. It is getting weaker. Motion carries and LB 962 is advanced to E & R for Engrossment. LB 839, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 839.

PRESIDENT: Motion is to advance LB 839 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 839 is advanced to E & R for Engrossment. And the last one on this list is LB 890. Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 890.

PRESIDENT: Motion to adopt the E & R amendments on LB 890. Any discussion? All those in favor of adopting the E & R amendments on LB 890 signify by saying aye. Opposed nay. The E & R amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 890.

PRESIDENT: Motion is to advance LB 890 to E & R for Engrossment. Any discussion? Motion then is to advance. All those in favor signify by saying aye. Senator Newell, for what purpose do you wish to....go ahead.

SENATOR NEWELL: I had a great amendment that isn't here yet and isn't ready yet and....

PRESIDENT: Do you want to hold it up or do you want to bring it back?

SENATOR NEWELL: Maybe I...I want to get a kill motion up there just to hold it over for a day, not that I want to kill it but I want to try to work something on it.

PRESIDENT: Well, we are in the middle of a vote right now.

SENATOR NEWELL: I thought I was recognized.

PRESIDENT: All right, just offer the motion, and then... that's right, that will do it, that will do what you want to do. This is 890, Mr. Clerk. Do you want to read that in, and then we will....okay. Now that is all we have to do on that because that takes care of that. Have you got some things you want to read in? I have got some....we have some....we have some guests to introduce on behalf of Senator Hefner. They are his guests. Tippy Froendt and Brett Froendt,

March 15, 1982

LR 251  
LB 961, 962  
LB 839, 868, 877, 931, 941, 951,  
LB 378, 435, 577, 601, 609, 634,  
LB 651, 697, 716, 774, 784, 792

CLERK: Mr. President, very quickly, Senator Landis would like to print amendments to LB 868.

A new resolution, LR 251, offered by Senator Wesely. (Read.) (See paged 1176, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 378 and find the same correctly engrossed, 609, 634, 435, 577, 601, 651, 697, 774, 716, 784, 792, 839, 877, 931, 941, 951, and 961, and 962 all correctly engrossed. And that is all that I have, Mr. President.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, I would move that we adjourn until 9:00 a.m., March 16th, 1982.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by Arleen McCrory  
Arleen McCrory



March 19, 1982

LB 962

the Legislative Journal.) 38 ayes, 3 nays, 5 excused and not voting, Mr. President, and 3 present and not voting.

SENATOR CLARK: The bill is declared passed on Final Reading. LB 962, the last bill.

CLERK: (Read LB 962 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. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote. Record the vote, Mr. Clerk.

CLERK: (Read the record vote as found on pages 1302 and 1303 of the Legislative Journal.) 42 ayes, 0 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The next thing we have on the agenda is a motion by Senator VonMinden and Senator Hefner and they wish to withdraw that, I understand. Senator Hefner.

SENATOR HEFNER: Mr. Chairman and members of the body, I ask unanimous consent to withdraw this motion because Senator Dworak has another amendment on this bill and he is not present today. And we want to extend our courtesy and we hope to take this up Monday morning.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: So, Senator Hefner, you are just withdrawing it temporarily for that time, you are not withdrawing it, you are just withdrawing it until he comes.

SENATOR HEFNER: Yes, but he will not be here today.

PRESIDENT: Yes, I understand.

SENATOR HEFNER: I just talked to him and he will be here Monday so we hope to take it up Monday morning.

PRESIDENT: All right.

SENATOR HEFNER: Thank you.

LB 520, 577, 591, 604A, 623, 629, 629A,  
634, 651, 659, 697, 705, 716, 724, 759,  
774, 779, 784, 792, 839, 877, 931, 941,  
951, 626, 961, 962

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626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

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

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,  
647, 651-2, 659, 678, 696-7, 700,  
716, 724, 757, 767-7A, 774-776,  
779, 784, 792, 816, 828, 839, 845,  
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

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

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.