

PRESIDENT: Speaker Marvel, shall we recess for just a short while and then I think we only have about one more bill that has come in? About ten minutes? We will stand in recess until about...no, we had better not recess, just at ease. Yes, because we don't want to recess for that short period of time. We will be at ease then for about ten minutes. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I would like to make my daily speech and that is that we are stalled now once again. We have got bills that are about ready to come out of the bill drafter's office. We can not do a thing with them until you sign them and put them on the Clerk's desk. So those of you who have legislation that is ready to be processed, will you please give them to the Clerk and if necessary, contact the bill drafter and urge them to get the bills out too. We have got to get the bills out so that they can be referred so that they can then proceed on their normal path and we are helpless unless you can get your bills out and get them signed.

PRESIDENT: All right, we will now stand at ease for ten minutes which will be about twenty minutes till eleven.

EASE

PRESIDENT: The Legislature will come back to order. The Clerk will continue reading new bills. Would those of you who desire to have any bills introduced this morning had best get them in because we are going to adjourn rather soon. So I would urge you to get them to the Clerk's desk at once, otherwise we are going to adjourn.

CLERK: Read LB 92-98 by title for the first time as found on pages 117-118 of the Legislative Journal.

PRESIDENT: One more, if there are any more to bring up to the Clerk's desk, bring them up right now. I have been advised if you would like to have your bill be number 100, get up here quickly. We are offering all kinds of inducements to bring them up at this time. We can't offer any discounts though.

CLERK: Read LB 99 and 100 by title for the first time as found on page 118 of the Legislative Journal.

PRESIDENT: Are there any other bills? We have got a couple more here and then I will call on Speaker Marvel to have a few words.

CLERK: Read LB 101 by title for the first time as found on page 118 of the Legislative Journal.

February 27, 1981

LB 23, 32, 87, 90, 99,  
111, 128, 166, 175, 180,  
215, 283, 347, 413, 437,  
465, 483

Senator Hefner reports 483 to General File.

Your committee on Ag whose Chairman is Senator Schmit reports 283 be advanced to General File with amendments.

Your committee on Judiciary whose Chairman is Senator Nichol reports 413 to General File with amendments; 32 General File with amendments; 215 General File with amendments; 180 General File; 347 General File with amendments; 111 General File with amendment; 465 General File; 99 General File with amendments; 87 General File with amendments; 23 Indefinitely postponed; 90 Indefinitely postponed; 166 Indefinitely postponed; 175 Indefinitely postponed. (Signed) Senator Nichol, Chair.

Your committee on Urban Affairs whose Chairman is Senator Landis reports 437 to General File with amendments. (Signed) Senator Landis.

Mr. President, LB 128 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 13 and referred to Retirement for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Rumery, do you wish to explain the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, if I could have your attention for a few minutes, I would appreciate it. We introduced this bill for these reasons, that should a member of the school employee's retirement system die before retirement, LB 128 would provide an option for the payment of benefits to the spouse of the member, if the spouse is the sole surviving beneficiary. Presently the law provides that if a teacher has twenty years service and is at least 55 years of age or thirty years of service regardless of age and dies before retirement, a monthly annuity for life would be paid the spouse if the spouse is the sole surviving beneficiary in an amount equal to the joint and survivor benefit that would have been paid if the deceased member had retired on the date of death. The joint and survivor benefit is a greatly reduced benefit. The amount of the reduction is determined by the age of the deceased member and the age of the spouse. There are times when the surviving spouse would prefer to have a lump sum benefit rather than a meager monthly payment for life. Often a surviving spouse of a deceased member needs funds for retraining or to enter another job market or to invest in a business that may have some opportunity. LB 128 would give a spouse who is the sole surviving beneficiary

SENATOR NICHOL: But why is this fairer? We are going to have schools being responsible for ordinary negligence. We are going to have the Legislature responsible. Why should we not have recreational areas responsible for ordinary negligence?

SENATOR LABEDZ: Well, I believe what is happening in the City of Omaha, and we are talking about willful and malicious negligence, we are not talking about the accidents that happen. Say for instance a little child falls off of the slides or falls off of the swings, we are talking about willful and malicious negligence by the City of Omaha, by any city or governmental entity, rather, that obtains land from a private owner and that private owner does have the protection now. We want to also include governmental entities, but they will have a very strict standard of liability under the section that is willful and malicious and I believe that is what the committee decided that this bill was essential for further protection for governmental entities.

SENATOR NICHOL: Well, thank you, Senator Labedz. I just can't see us in the same year forgiving people who are guests in a car, but at the same time we are saying this subdivision of government shall be free of being responsible for ordinary negligence. I thought the trend was in the other direction. Now there is, if a governmental entity does not buy insurance, which many of them do not especially on the state level where you have spread of risk, but I still think that if we are going to have a guest statute, then we should not allow entities of government to be free of responsibility. Thank you.

SPEAKER MARVEL: The Chair has made note of those who wanted to speak on this issue. Since it is twelve o'clock, we will have to stop and then we can take this up on Monday but those of you who wanted to speak are listed so the record will be complete and the Clerk now needs to read in whatever he has on the desk.

CLERK: Mr. President, the Business and Labor Committee will meet in executive session, Monday, March 2, 1981 at nine o'clock in Room 1019.

Mr. President, Senator DeCamp would like to print amendments to LB 150 in the Journal.

Senator Hoagland asks unanimous consent to add his name to LB 99 as cointroducer.

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LB 99, 472A

CLERK: Senator, it is an A bill for 472 and the amount appropriated is \$13,150.

SENATOR HOAGLAND: And that all is to purchase liability insurance, to appropriate funds to the Department of Education to purchase liability insurance for the Commissioners, members of the Board and members of the Department of Education.

PRESIDENT: Any further discussion on LB 472A? If not, that will be the opening and closing. The question before the House is the advance of LB 472A. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries and LB 472A is advanced to E & R Initial. Now if you will take your sheets, there has been some....you've got to keep up to date so you will know what is coming up. We are back on...those who had put their names on to delete 302 and 401 have taken their names off, so LB 302 and 401, both bills are back on. 302 and 401. 441, yes. 441, excuse me. 302 and 441. We also have inserted a new...or an additional bill after LB 310 on the first page, insert LB 267. 267 inserted after LB 310. I think that takes care of all the current additions and deletions. We are now ready for...going down into the second grouping with LB 99, commencing with LB 99 which was added. Mr. Clerk, do you want to read that bill?

CLERK: Yes, sir. Mr. President, LB 99 introduced by Senators Beutler and Hoagland. (Read title.) The bill was read on January 12 of this year. It was referred to Judiciary, Mr. President. The bill was advanced to General File. There are Judiciary Committee amendments.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and members of the Legislature, this bill has to do with the increasing of various fees for Municipal Courts. The committee amendments essentially rewrote the dollar amounts for the increase of Municipal Court fees. In addition, upon the suggestion of the Chief Justice, the Judiciary Committee thought it necessary that if Municipal Courts were going to be increased, the County Courts which essentially have the same jurisdiction as Municipal Courts, should also have their fees increased. The committee amendments would not only set the dollar amounts for these fees, but would also keep County Court fees commensurate with Municipal Court fees. I should tell

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LB 99

you for the record that the Supreme Court took no position on the amount of fees to be charged. They merely advocated the position that County Court fees and Municipal Court fees should be kept at an equal amount. As the dollar amount suggested by the committee amendments essentially became the bill and were reached as the result of a compromise with the primary introducer of the bill, I am going to ask you that you adopt the committee amendments first and then direct any discussion as to the amount of the increase to the principal sources of the bill, Senators Beutler and Hoagland. I move for the adoption of the committee amendments.

PRESIDENT: The Chair recognizes Senator Landis speaking to the committee amendments.

SENATOR LANDIS: I would just move their adoption, Mr. Speaker. I do want to notify the Chair that I intend to take Senator Beutler's place on this bill and will speak on it once the committee amendments are adopted.

PRESIDENT: All right, thank you, Senator Landis. The question then is the adoption of the committee amendments to LB 99. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT: All right, motion carries and the committee amendments are adopted on LB 99. Any further amendments?

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

PRESIDENT: The Chair recognizes Senator Landis then to explain the bill.

SENATOR LANDIS: Mr. Speaker and members of the body, you will find on your desk a summary of LB 99. It is just a one-page fact sheet detailing the fee increase which increases civil fees from \$10 to \$14, criminal fees from \$6 to \$10, and orders after judgment from \$1 to \$3. There has not been a previous increase since 1971 and before that it was 1963 before there were increases. In most counties the kinds of cases that go to our Lincoln and Omaha Municipal Courts are filed in County Court, and so that is the reason for the committee amendment that we just adopted making these changes effective for not only Municipal Courts but for County Courts as well. Your County Court systems are paid for generally out of state General Fund tax dollars.

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LB 99, 385

About 90 percent of your County Court costs are born by the state, so your counties are not picking up their net loss with respect to fees...however, in the City of Lincoln and in the City of Omaha we are. Our Municipal Courts, if they operate at a loss, are paid for by city funds, property tax funds, if you will, and our city courts have been operating at a loss because the fees that have been generated by the cases have not kept pace with the expenditures to keep those courts in operation. The difference right now in the City of Lincoln between what we raise through fees and our court costs and the cost to the courts rather is roughly a half a million dollars. We have about a million dollars of expenditures in court personnel and all of the functions of the court, but we raised only \$451,000 through court fees, and this shortfall of about half a million dollars is born by the City of Lincoln through its property tax. One fact that is very significant is that in your area when there is a highway patrolman that brings in somebody for a fine or a county sheriff, or the like, they take them into your County Courts and those County Courts are essentially state funded, but here in the City of Lincoln where we operate at a loss because the fees are set so low statutorily these state cases, these highway patrol cases are being funded because of Lincoln taxpayers. Roughly 20 percent of the caseload in the Muni Courts are cases from the highway patrol and the county sheriff traffic cases and the like outside the City of Lincoln, and yet Lincoln taxpayers are picking up the shortfall. It is simply a matter of keeping pace with inflation and the costs of opening and keeping open a Municipal Court. Again the essential distinction being that Municipal Courts are funded by the city and our city is now paying roughly half a million dollars to keep the courts open because we can't generate enough money because the Legislature hasn't given us an increase in 10 years in the ability to raise money through fees. And with that, I will open myself up to questions from the body in the event you have a specific area of information that you would like to know about that I have not made clear. Thank you, Mr. Speaker.

PRESIDENT: Any further discussion on LB 99? Senator Landis, I guess that is the opening and closing, and the question before the House is the advance of LB 99 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 99 is advanced to E & R Initial. The next bill on the consent calendar is LB 385.

May 4, 1981

LR 76  
LB 12, 99, 228, 257, 361, 385,  
LB 561, 428, 451, 472, 472A, 501

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands? I don't see them. Now I do. All those wishing to cease debate will vote aye, opposed no. Have you all voted to cease debate?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you want to close?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, in all due respect to my distinguished colleagues, Senator Warner and Senator Marsh, since the legislative intent has been placed in the record by their remarks as far as the responsibility to the duties of the Performance Review and Audit Committee, I would respectfully withdraw my amendment at this time. Thank you.

SENATOR CLARK: It is withdrawn. Do you have anything else on the bill?

CLERK: Mr. President, if I may read some matters in right before?

SENATOR CLARK: You go right ahead.

CLERK: Mr. President, a new resolution, LR 76 calling for a study offered by Senator Hoagland. (Read LR 76 as found on page 1724 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 12 and recommend that same be placed on Select File; 501 Select File; 472 Select File with amendments; 451 Select File with amendments; 428 Select File with amendments; 472A Select File; 99 Select File with amendments; 385 Select File with amendments; 361 Select File with amendments. 228 Select File. (See pages 1725-1726 of the Journal.)

And Senator Remmers would like to print amendments to LB 257, Mr. President. (See pages 1726-1727 of the Journal.)

Mr. President, the next motion I have on LR (sic) 561 is a motion by Senator Landis to reconsider the body's action in adopting the Kremer-Schmit amendment to LB 561.

SENATOR CLARK: Senator Landis.

May 3, 1981

LB 99, 296A, 361, 428,  
470, 501

is 296A.

SENATOR KILGARIN: I move we advance 296A to E & R.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 470.

SENATOR KILGARIN: I move we advance LE 470 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 501.

SENATOR KILGARIN: I move we advance LB 501 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 428.

SENATOR KILGARIN: I move the E & R amendments to LB 428.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The E & R amendments are adopted. Go ahead.

SENATOR KILGARIN: I move we advance LB 428 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 99.

SENATOR KILGARIN: I move the E & R amendments to LB 99.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

SENATOR KILGARIN: I move we advance LB 99 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 385. Okay, just a minute, 361.

SENATOR KILGARIN: I move the E & R amendments to LB 361.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The E & R amendments are adopted.

LB 3, 11, 12, 70, 95, 99, 228,  
250, 257, 266, 266A, 296A,  
310, 318, 328A, 369, 381, 384,  
389, 428, 441, 470, 472, 472A,  
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

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

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 14, 1981

LB 12, 70, 99, 146E

CLERK: (Read the record vote as found on page 2024 of the Legislative Journal.) 9 ayes, 38 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: Motion lost. What's the next item? Okay, read the bill, Mr. Clerk.

CLERK: (Read LB 12 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 12 on Final Reading. Record the vote.

CLERK: (Read the record vote as found on page 2025 of the Legislative Journal.) 44 ayes, 3 nays, 1 present and not voting and 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Next on Final Reading is LB 99. I am sorry, LB 70.

CLERK: Mr. President, LB 70. (Read LB 70 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 70 on Final Reading. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 2025 and 2026 of the Legislative Journal.) 38 ayes....Senator Wiitala changing from yes to no. 39 ayes, 9 nays...10 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill is LB 146E....I'm sorry. Okay, the next bill, LB 99.

CLERK: (Read LB 99 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Read the record vote as found on pages 2026 and 2027 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill on Final Reading, LB 146E.

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

May 14, 1981

LB 3, 11, 11A, 12, 70, 99, 146,  
184, 228, 250, 266, 266A, 296,  
296A, 310, 328, 328A, 361,  
366, 369, 376, 561

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 184 and recommend that same be placed on Select File with amendments; LB 376 placed on Select File with amendments. Those are both signed by Senator Kilgarin as Chair.

Mr. President, LBs. 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369 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 3, LB 11, LB 11A, LB 12, LB 70, LB 99, LB 146, LB 288, LB 250, LB 266, LB 266A, LB 296, LB 296A, LB 310, LB 328, LB 328A, LB 361, LB 366, LB 369. Okay, if we may have your attention, the first item will be from the Clerk's desk and the second item will be Senator Warner's. So, Mr. Clerk.

CLERK: Mr. President, I have a letter addressed to the membership from Senator Warner who is Chairman of the Appropriations Committee. (Read. See pages 2052 and 2053, Legislative Journal. Re: Line item vetoes of LB 561.)

SPEAKER MARVEL: Senator Warner, you are recognized to comment on the letter just read.

SENATOR WARNER: All right, Mr. President, again under the provision of the rule, the Appropriations Committee is to make such report, and as the report indicates, there was one item which the majority of the committee did support to offer a motion for override which at the time which will be designated by the Senator representing the majority of the committee's position on that issue. The other portion I might just go through briefly with you is the second and third page which is to give you for your information. Page two that is an analysis of the Governor's line item vetoes points out those vetoes that occurred relative to committee recommendations and it shows what the collective floor amendments were, and the last group indicates the vetoes that were relative to the floor amendments and shows the total dollar amount then of \$728 million to \$74,747 that would remain under the Governor's veto as the legislation now stands. If you look at page 3, headed Financial Status Summary, it is similar to what is on the back of the agenda but in a slightly different form. Above the line at the top it shows again the original committee level of recommendation in those bills. The next shows the allocation for A bills that was originally recommended, that subtotal, and then it shows the amount that was

May 18, 1981

LR 185  
LB 70, 99, 134, 146, 250,  
404, 466, 497, 543.

SENATOR SCHMIT: Mr. President, I move the bill be readvanced to Final Reading.

PRESIDENT: Motion to readvance to Final Reading. All those in favor signify by saying aye. Opposed nay. The bill is advanced to Final Reading and we are on Final Reading on LB 543, Mr. Clerk.

CLERK: (Read LB 543 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 543 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2071 of the Legislative Journal.) 40 ayes, 4 nays, 5 present and not voting, Mr. President.

PRESIDENT: LB 543 passes with the emergency clause attached. The Chair recognizes Speaker Marvel since it's noon, high noon.

SPEAKER MARVEL: Well, I have got some figures here but I will wait until after lunch and I move that we recess until about 1:20.

PRESIDENT: All right. The Clerk has some matters to read in real quickly and then I will call that motion.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 466 and find the same correctly engrossed. (See page 2072 of the Legislative Journal.)

Communication from the Governor addressed to the Clerk regarding LB 70, 99, 146 and 250. (See page 2072 of the Legislative Journal.)

Mr. President, I have a Reference Report referring a gubernatorial appointment to the Public Health and Welfare Committee for confirmation hearing. (See page 2071 of the Legislative Journal.)

Mr. President, new resolution, LR 185, offered by the Speaker. (Read LR 185 as found on page 2073 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 497; Senator DeCamp to 134; and Senator Warner to 404. (See pages 2073 and 2074 of the Journal.) That is all that I have.