

April 13, 1981

LR 56  
LB 72, 329, 333, 355

PRESIDENT LUEDTKE PRF IDING

DR. ROBERT PALMER: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Burrows would like to be excused until he arrives along with Senators Schmit and Hoagland; Senators Kremer, Cullan and Clark all day.

PRESIDENT: Has everyone registered 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: Mr. President, I have no corrections to the Journal.

PRESIDENT: The Journal will stand correct as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, yes, sir, there are. I have two letters from the Governor addressed to the Clerk. (Read. See pages 1423 and 1424, Legislative Journal. Re: LB 72 and LB 355.)

Mr. President, LR 56. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LBs 329 and 333 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 329 and LB 333. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: You will note that we have seated up here beside the Chair, former Chair and former Lieutenant Governor Frank Marsh, now Treasurer Marsh. We figured it might be a pretty tough day beginning this week and so we thought we would double up on you. He will handle the gavel and I will just tell you when he is going to strike the gavel down. No, Treasurer Marsh has brought with him some special guests which we could like to introduce to the Legislature at this time. They include Mr. Rodolfo Cerdas, member of the National Legislative Assembly, Costa Rica. He is a Professor of Political Science, an attorney, at the University of Costa Rica. He is accompanied by his escort-interpreter Paul Leach

Underneath the north balcony. Good morning. On Student Action Day as proclaimed by the Governor, students representing the University of Nebraska, the ASUN Organization, Rick Mockler, Dan Wittigin, Becky Stingley, Cheryl Holting and Dee Simpson Kirkland. They are in or under the north balcony or will be shortly. We welcome all of these guests to the Unicameral.

Okay, Mr. Clerk. Okay, we are ready for the agenda and if there are no objections, Senator Koch asks to pass over LR 56, and hearing no objections so ordered. We now go to. . . excuse me, Senator Koch. Senator Koch, there is an objection to passing over LR 56.

SENATOR KOCH: From whom?

SPEAKER MARVEL: From Senator Hefner.

SENATOR KOCH: Would he please state his objection.

SPEAKER MARVEL: Senator Hefner, do you want the mike? Okay.

SENATOR HEFNER: Yes, Mr. President. Mr. President and colleagues I object to passing this over because I think we should take it up this morning. I attended a Northeast Nebraska County Officials convention in Norfolk last Friday and the assessors there were very disturbed that an. . . that a resolution such as this was introduced. So I think we ought to take it up this morning and debate all of the points to it.

SPEAKER MARVEL: Senator Koch, do you want to move your motion?

SENATOR KOCH: I request that this resolution be laid over for a couple of days in view of the fact that there is some information being compiled as to who is wrong and who is right and who may not be right. I think the best interest of all people that this should be laid over until such time as we have additional facts.

SPEAKER MARVEL: You so move?

SENATOR KOCH: I so move.

SPEAKER MARVEL: Okay, the motion is that we pass over LR 56 to, do you have a definite time or just pass over?

SENATOR KOCH: Possibly July 4th.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I would suggest to you that Senator Koch is correct. There is much information relative to the use of the Marhsall Swift Manual that has been in the press that is not all absolutely correct. There is additional information that does need to be publicized and made available to the body as well as the people of the state before we pass such a resolution. I have been made aware of a meeting that was held this last. . .this week and much of the information that was discussed and brought out at that meeting has not been made available and I think it should. I would agree with Senator Koch that for this morning that it might be best that we do pass over until the complete story can be told. Thank you Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, the reason that I am objecting to passing it over is because I think we ought to take this up right now. I would like to submit this question to the body. Why was this resolution introduced if we didn't have all of the facts? Time and time again we introduce bills and we introduce resolutions and then after we think them over then we want to withdraw them or we want to lay them over. I say to you this morning that if we lay this over, this resolution will never come before this body. Like I told you before I was up in Norfolk last Friday and the assessors up there from northeast Nebraska were real concerned that such a resolution was introduced without more research. They told me up there that 19 or perhaps 20 out of 3 have gone on with the new manual and they didn't see why one county assessor should be honored when the rest of them were not. So I guess if I would, I would like to move that we indefinitely postpone this resolution.

SPEAKER MARVEL: Senator Hefner, we will have to take the lay over motion up first. Okay, the motion, let me pose the motion and I will call upon you and I would remind you that the agenda is rather full today. I have been told by the Nebraska. . .by certain magazines that my muscle is becoming less and less in the body. I guess I will have to talk to somebody connected with the magazines. . . and see what their formula is. We will be discussing on the motion to lay over the resolution. The resolution is LR 56. That is. . .if you will check your agenda it is on page, the Journal page 1424-1425. So the motion is to lay over. It takes a simple majority. Senator Wesely

you wish recognition?

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, I co-signed the resolution. I think that Senator Hefner is right in expressing concern about the resolution but I think that Senator Koch is right in his motion to lay it over. It seems to me that although people may be concerned about the resolution the mere fact that it was introduced doesn't make it a resolution that was passed by this body. We can introduce all kinds of bills and resolutions but until they are actually passed by this legislature they really have no effect whatsoever and really are not legitimate at all. We can introduce all kinds of bills and we have where further research after introduction finds that perhaps there were some misconceptions and some more information is needed. That is a common practice. This resolution is an example of that situation where a resolution was introduced, more information came to light, the issue became more publicized and now we realize that there is probably more that meets the eye with a resolution. So I think it is proper to lay it over until we get a clearer picture of the situation. The fact that people are concerned about it really should have no bearing on the matter because they really shouldn't be concerned, it is merely a resolution that has been introduced it is not a resolution that has been passed. I think that before we take any action passing it or postponing it I think we should know more about the issue so I think taking the time and laying it over is a wise thing to do.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, I think that the resolution is timed improperly, if that is any consolation for those who want to lay it over. I understand that they have had meetings all over the state with the assessors and well over half of the counties have completed their job on schedule so I think it is out of place, while I think Carole Broman is a good assessor and I think that you are slapping the other assessors that did the job in the face if you even think about passing this resolution in any form. So, maybe it should be laid over indefinitely, be a better idea.

SPEAKER MARVEL: Senator Koch, do you want to close on the motion?

SENATOR KOCH: Mr. Speaker, members of the body, I have additional information here I will get to each member. Until that information is given to each of the members for their digestion and

thought process, I don't think that it is wise for us to take it now and I was only kidding when I said July 4th. If the Speaker is willing we will take this up Monday morning. I was requested by Jack Mills, if you also want to know, to lay it over until a little later time. He represents the County Officials and Assessors.

SPEAKER MARVEL: He closed Senator. Senator Hefner, Senator Koch closed on the motion.

SENATOR HEFNER. A point of order.

SPEAKER MARVEL: State your point.

SENATOR HEFNER: Mr. President, if he'll consent to take it up Monday morning, then I will withdraw my objection.

SPEAKER MARVEL: Are you specifying to a date or just lay it over at the moment? If it is laid over to a certain date then we have to start the machinery.

SENATOR HEFNER: I was concerned when he said that we wouldn't be taking it up until July 4th. That this would be to late a date so if he is willing to take it up, I wouldn't say a certain date, but if he is willing to take it up next week then I would withdraw my objection.

SPEAKER MARVEL: Senator Koch, will you withdraw your motion with the understanding that it will be taken up next week?

SENATOR KOCH: Mr. Speaker, I request that LR 56 be laid over until Monday, April 27th to be deliberated at that time by this body.

SPEAKER MARVEL: The Chair, Senator Koch, the Chair tries desperately to keep from laying over to a specific date and unless you have serious objections we could lay it over until the first of the week. Is that all right? Is that okay?

SENATOR KOCH: I requested that of you previously, at your convenience you schedule it.

SPEAKER MARVEL: Sir?

SENATOR KOCH: I said at your convenience you could schedule it, a moment ago. If you think it is appropriate some time next week, fine.