

January 12, 1981

LB 104-113

RECESS

SPEAKER MARVEL: The Legislature is called to order. Will you please record your presence. Clerk, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk has some business on his desk. He will read whatever the correspondence is, or whatever the....

CLERK: Mr. President, Senator Von Minden would like to have his name added as co-introducer to LB 32 and 35.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, the Retirement Committee would like to announce that Senator Goodrich has been selected as Vice Chairman.

Mr. President, I have in my possession reports to the Legislature from the Little Blue Natural Resources District and the Lower Platte North NRD regarding payment of attorney fees. Those will be on file in my office. (See pages 119 and 120 of the Legislative Journal.)

Mr. President, new bills. LB 104 (Title read). LB 105 (Title read). LB 106 (Title read). LB 107 (Title read). LB 108 (Title read). LB 109 (Title read). LB 110 (Title read). LB 111 (Title read). LB 112 (Title read). LB 113 (Title read). (See pages 120 through 122 of the Legislative Journal.)

SPEAKER MARVEL: We will now proceed with the discussion on Rules and the Chair will recognize the Chairman of the Rules Committee, Senator Wesely.

SENATOR WESELY: Mr. Speaker, I move to suspend Rule 2, Section 2 of the temporary rules which we adopted this morning so as to proceed with the adoption of the permanent rules this afternoon.

SPEAKER MARVEL: Is there any discussion on the motion? Okay, the motion is the suspension of the Rules and we need 30 votes. All those in favor of the motion to suspend the Rules as per Senator Wesely's request vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 32 ayes, 0 nays on the suspension of Rule 2, Section 2, Mr. President, of the temporary rules.

February 9, 1981

LB 21, 67, 77, 80,
LB 104, 124, 143, 167, 234A,
LB 186, 188A, 206, 221, 236

SPEAKER MARVEL: The Chair is going to make a suggestion. We are going to be facing this kind of procedure from now on and the Chair would like to meet with Senator Chambers. The Chair would like to meet in the Speaker's office with Senator Chambers, Senator Beutler, Senator Kremer and Senator Goodrich immediately upon adjournment and see if we can settle this without taking all this extra time. Now what is before the House? Okay, the Clerk has some items to read in. I would like to meet with Senator Chambers, Beutler, Kremer and Goodrich as soon as we adjourn.

CLERK: Mr. President, your committee on Public Works gives notice of hearing in Room 1517. Your Committee on Education gives notice of public hearing in Room 1517.

Mr. President, a second notice from the committee on Education regarding scheduling of public hearings.

Mr. President, new bills. (Read LB 188A; LB 234 A. See page 478 of the Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Maresh regarding LB 518 from the 1977 legislative session.

Senator Burrows would like to have amendments printed in the Legislative Journal. (See page 479 regarding amendments to LB 167.)

I have notice of hearing from the Public Works Committee.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit to whom is referred LB 80 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 104 General File with amendments; 236 General File with amendments, (Signed) Senator Schmit. (See page 480 of the Journal.)

Your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle to whom is referred LB 221 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 21 General File with amendments; 186 General File with amendments, (Signed) Senator Kahle. (See page 481 of the Journal.)

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner to whom is referred LB 124 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 206 General File; 67 General File with amendments; 77 General File with amendments.

February 17, 1981

LB 80, 104

E & R Initial. The next bill is LB 80, Mr. Clerk.

CLERK: Mr. President, LB 80 offered by the Ag and Environment Committee and signed by the members. (Read title.) The bill was first read on January 9 and referred to Ag and Environment for public hearing. The bill was advanced to General File. I have no amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, it is a very simple bill. Ten years ago when the Legislature first adopted the Ag Products and Industrial Utilization Act, we named the committee for that act because we did not know just what direction the research would take us. I think it is apparent to all of us now that the research has led very directly toward the development of alcohol fuels as an alternate source of energy. I think that it is fair to say that Nebraska has provided a leadership in this area and that many other states in the nation have followed the leadership of the 1971 Nebraska Legislature in establishing this committee. The reason for the name change is that because many other states have adopted the term "gasohol" as an identification of the blend of 90 percent gasoline and alcohol and have established gasohol committees became apparent to those of us here in Nebraska that perhaps for purposes of public identification it would be better served if we renamed the Ag Products and Industrial Utilization Committee the Nebraska Gasohol Committee. I concur with that, and while I do not believe that we should close the door on research into new varieties of other crops and new ways to use those existing crops, I think that it does serve us well at this time to rename the committee the Gasohol Committee, and I ask for your endorsement.

PRESIDENT: Any further discussion on LB 80? If not, I guess, Senator Schmit, the opening is your closing and the question is the advance of LB 80 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. LB 80 is advanced to E & R Initial. The next bill is LB 104.

CLERK: Mr. President, LB 104 was offered by the Ag and

Environment Committee and signed by its members. (Read title.) The bill was first read on January 12. It was referred to the Ag and Environment Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: This is another bill that follows along on the same line as does LB 80. It provides an original language that when the sale of gasohol would reach 20 million gallons annually that we would review the exemption that is presently afforded the blended fuel. It has been a point of some controversy, I suppose, that whether or not various such blends should be entitled to a subsidy. It has been rather well established in other states, I think, that subsidies have been accepted, but with this language in the bill it has become very difficult for Nebraska to encourage investment in the construction of alcohol plants, because the people who would invest money take a look at that and say, well, as soon as you sell 20 million gallons we are going to have to face the risk of losing the subsidy. Very frankly, we now I believe last year sold 35 million gallons of alcohol fuels and we expect to sell many more in the near future. But I would like to say that the removal of this language does not preclude, of course, the Legislature from reviewing that exemption every year as I think it should be. I think it is inevitable that some day the alcohol blended fuels or perhaps even alcohol fuels without a blend must stand on their own, and I think it is the responsibility of the Legislature to review that annually and we really do not need the language as is stated in the legislation today so I would ask that the bill be advanced. There may be some questions... there may be some discussion...(microphone not on).

PRESIDENT: Any further discussion on the committee amendments? Senator Kahle, on the committee amendments.

SENATOR KAHLE: Mr. President, a question of Senator Schmit. I don't think I quite understand, the 20 million gallon limit, is that still in this bill?

SENATOR SCHMIT: No, Senator, it is not in the bill.

SENATOR KAHLE: So that, you mentioned there were 35 million gallons that have been sold of gasohol in the state over what period of time?

SENATOR SCHMIT: Last year.

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LB 104

SENATOR KAHLE: So we are still...we are over the 20 million a long ways then?

SENATOR SCHMIT: Yes, we are.

SENATOR KAHLE: Are we still forgiven the tax on the whole amount?

SENATOR SCHMIT: Yes.

SENATOR KAHLE: What are you doing with this then?

SENATOR SCHMIT: The original legislation, because we had no idea in 1971, in fact, we were told that there would never be any sales, we said that if and when the sales of gasohol or the alcohol blended fuels would reach 20 million gallons annually, the Legislature would review the legislation that provided for the exemption. We reached the 35 million gallons last year, so we are in excess of the 20 million gallons. I discussed it with several members of the Legislature and it is apparent that the matter of whether or not the state wants to continue the exemption for alcohol blended fuels is one which will need to be discussed annually regardless of whether it is mentioned in the legislation or not. But when you have this kind of wording in the law, the people who would invest money in the construction of an alcohol plant look at it as a red flag and say, well, we really don't know if we should build in Nebraska because every 20 million gallons that is sold we will have to review the legislation. I think that, as I have said earlier, there is going to be a time when alcohol fuels will stand on their own feet, but at the present time I would be....I think we need this to remove this language.

SENATOR KAHLE: What you are saying then is that there is no limit to how much you can sell now with the tax off of it?

SENATOR SCHMIT: That's right.

SENATOR KAHLE: Okay, now I understand it. Thank you.

SENATOR SCHMIT: Thank you.

PRESIDENT: Any further discussion on the committee amendment to LB 104? If not, Senator Schmit, does that conclude your remarks on that? The question then is the adoption of the committee amendment on LB 104. All those in favor vote aye, opposed nay. Record the vote.

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LB 104, 236

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT: The motion carried and the committee amendment is adopted. Senator Schmit, anything further on the bill itself? Nothing further. Any further discussion on the advance of LB 104? Therefore, all those in favor of advancing LB 104 to E & P Initial vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 1 nay, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries. LB 104 is advanced to E & R Initial. We are ready for LB 236, Mr. Clerk.

CLERK: Mr. President, LB 236 was introduced by Senator Bill Nichol. (Read title.) The bill was referred to Ag and Environment. It was advanced to General File. There are committee amendments pending, Mr. President, by Senator Schmit's Ag and Environment Committee.

PRESIDENT: All right, the Chair recognizes Senator Schmit for the motion on the amendment to adopt the emergency clause. Senator Schmit.

SENATOR SCHMIT: Mr. President, I move that the emergency clause be adopted.

PRESIDENT: All right, motion to adopt the amendment to adopt the emergency clause. Any discussion? All those in favor of adopting the Ag amendment to adopt the emergency clause on LB 236 vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays on adoption of the committee amendment, Mr. President.

PRESIDENT: The motion carries. The committee amendment is adopted. Senator Nichol, you may discuss the bill.

SENATOR NICHOL: Mr. President and members of the Legislature, this bill, LB 236, was brought to us by the Nebraska Brand Committee. For those of you who are new to the Legislature, every few years like every five or six years the Nebraska Brand Committee brings to us a bill similar to this to increase the fees for brands and brand inspections. This is a self-supporting industry, if you want to call it that, paid for by stockmen in renewing their license to have brands for their cattle,

February 19, 1981

LB 24, 34, 80, 104, 165,
167, 221, 236, 260

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Kalmer Knudson, St. Paul United Church of Christ here in Lincoln.

REVEREND KALMER KNUDSON: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Kremer would like to be excused until he arrives.

PRESIDENT: Senator Landis, Senator Koch, Senator Wiitala, would you all show your presence so we can have a quorum. Thank you. 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 correct as published. Any messages, reports and announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 34 and recommend that same be placed on Select File with amendments; 260 Select File with amendments; 80 Select File; 104 Select File with amendments; 236 Select File with amendments; 221 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of continuation of public hearing.

And finally, Mr. President, I have a report from the Nebraska Power Review Board. That will be on file in my office.

Mr. President, Senator Warner would like to print amendments to LB 167, 165 and LB 24, print amendments in the Legislative Journal.

PRESIDENT: We are ready then for Final Reading, agenda item #4. All legislators will be at their desks. All other personnel will leave the floor of the Legislature. The Sergeant at Arms will see to it that all others are off of the floor. The Legislature will be on Final Reading.

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LB 34, 80, 104, 260

SPEAKER MARVEL: The motion is the adoption of the Wesely amendment to the bill. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 27 ayes, 2 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The Wesely amendment is adopted. And now what do we do with the bill?

CLERK: Mr. President, the motion is to advance the bill.

SPEAKER MARVEL: All those in favor of advancing the LB 34 as amended say aye, opposed no. Motion is carried. The bill is advanced. The next bill is LB 260.

CLERK: There are E & R amendments to 260, Mr. President.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 260.

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

CLERK: Mr. President, I have no amendments to LB 80. I am sorry, we didn't advance it.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 260 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried and the bill is advanced. LB 80.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 80 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. LB 104.

CLERK: There are E & R amendments.

SENATOR KILGARIN: I move the E & R amendments to LB 104.

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

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LB 236, 221, 21, 104

SENATOR KILGARIN: I move LB 104 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. LB 104 is advanced. LB 236.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 236.

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 LB 236 be advanced 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 LB 221.

SENATOR KILGARIN: I move LB 221 be advanced 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. LB 21.

SENATOR KILGARIN: I move the E & R amendments to LB 21.

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

CLERK: Mr. President, I have an amendment by Senator Lamb. The amendment reads as follows: (Read Lamb amendment found on page 631, Legislative Journal.) That is offered by Senator Lamb.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members, this amendment was brought to me by a judge in my district and I think he has a good point, the point being that the determination as to whether or not the county attorney is a full time county attorney should be made by the county board prior to the time that the county attorney files for office. In other words, all the candidates for county attorneys should know whether or not the county board is going to elect to have a full time county attorney before their filing date. Otherwise, they would not know what their situation would be. It would probably cause some misunderstanding. I move the amendment be adopted.

LR 23
LB 21, 38, 67, 77, 80,
104, 109, 144, 186, 205,
206, 206A, 221, 236, 260,
204A.

February 25, 1981

SENATOR LABEDZ: Will it be on the agenda tomorrow morning?

SPEAKER MARVEL: It will either be on the agenda tomorrow or the next day.

SENATOR LABEDZ: Thank you.

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

CLERK: Yes, sir, I do. Mr. President, Senator Warner would like to print amendments to LB 144 in the Journal. (See pages 659 and 660 of the Legislative Journal.) New resolution, LR 23 by Senator Maresh and Senator Beutler. (Read LR 23 as found on page 660 of the Legislative Journal.) Mr. President that will be laid over. New bill, LB 204A, offered by Senator Wagner. (Read title to LB 204A for the first time.) Your committee on Public Works gives notice of public hearing. Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 21 and find the same correctly engrossed, 38, 67, 77, 80, 104, 109, 126, 206, 206A, 221, 236, and 260 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Okay, we revert to General File, LB 205.

CLERK: Mr. President, LB 205 was considered by the body yesterday. There was a motion to adopt the committee amendments which prevailed. There was some discussion and I now have a motion to indefinitely postpone the bill as offered by Senator Chambers.

SPEAKER MARVEL: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the first thing I have to do is apologize to Senator Pirsch because yesterday I said this bill emerged from committee without a single dissenting vote, but she did vote against it. It is kind of interesting that she being from Omaha and I being from Omaha, she being notoriously law and order, I being notoriously whatever the contrary is, both agree that this bill is not a very good thing. So what I am asking that you do is consider what the purpose and role of an arson investigator is. The bill states it's to study the cause, origin and circumstances of fires. Nothing in this bill enhances that responsibility or that function. We don't want to create quasi law enforcement people when their job is not law enforcement. They have the team concept in Omaha right

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LB 104

the Legislative Journal.) 45 ayes, 0 nays, 1 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Okay, we will return to LB 104.

CLERK: Mr. President, Senator Beutler has a motion to return LB 104 to Select File for a specific amendment. The amendment would read as follows: (Read the Beutler amendment as found on page 715 of the Legislative Journal.) That is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the 104 just to shake your memory a little provides for a five cents per gallon tax advantage for certain taxes that contain a blend of alcohol. Okay, so we are talking about tax advantages for gasohol, and down on line 15 on page 2 it says that, "except that commencing July 1, 1982, such five cent per gallon reduction shall apply only to such a blend that contains agricultural ethyl alcohol produced in the State of Nebraska by an alcohol plant in operation or under construction prior to July 1, 1982". I think that that kind of a provision making a distinction between products produced in Nebraska and products produced elsewhere is an unconstitutional provision, and so I am suggesting that that language be stricken so that the five percent (sic) reduction would apply to gasohol generally, and I believe that generally this will be to the greater advantage of the agricultural community because it will encourage the production of ethyl alcohol regardless of where it is being produced, and as far as the price of grain is concerned it is going to do good to the price of grain whether it is produced here in Nebraska or whether it is produced elsewhere. So I am suggesting that it be broadened, that that application only to Nebraska be eliminated, that it be broadened to include all ethyl alcohol and that will make it, in my opinion, constitutional, and I think Senator Schmit is in agreement with this. Thank you.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, if you recall the history of the bill, I believe it was a year or so ago that we struck language that would have required that alcohol be produced in Nebraska

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LB 104

in order to benefit from a tax advantage. We did think this language at that time might encourage the construction of alcohol plants within the state. Since that time Archer Daniels Midland has sued the State of Minnesota in court and has won over similar language. I agree with Senator Beutler that the language probably would be held unconstitutional and unenforceable, and although it no doubt would have been stricken in another session prior to the time of its effectiveness, I have no objection to his removing it at this time and I support the amendment.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: First, I guess, I would have a question for either Senator Schmit or Senator Beutler. I understand the constitutional issue that you raise but it also seems to me that at least to some extent indirectly that the retention of that language has some effect of limiting the amount of refund that might occur. The reason I raise the question, there are numerous states that are already expressing concern or at least recognition of the fact that it is commendable as the reduction in tax is and perhaps is necessary as it is. Somebody has to end up paying for the road that the vehicle that burns the gasohol drives on, and if we expand this to all and any alcohol, it seems to me that restriction gave some kind of a limit on it or at least there was a direct benefit to Nebraska. But it seems to me that this really opens the door now that wherever it is produced it is going to...and in whatever volume as the bill is written I assume there is a substantial reduction somewhere along the line of receipts that those of us who don't burn gasohol will have to pick up where we increase all the taxes some place to make up the difference. And I guess my question is one of comment from one of you to express to me whether there is any possibility of all these things accumulating being put together that we end up with another problem three or four years down the road. Maybe Senator Schmit would probably prefer to respond.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Senator Warner, I agree with you that there may well be a problem, but I would suggest the problem will probably occur a long while before three or four years if the price of gasoline continues to escalate at the rate it has since the oil deregulation has taken place. I would guess there will be a lot of vehicles that will be parked and we are going to be looking for

revenue under every rock that we can find. I think, and I concur with you entirely that someone has to build the roads, but I disagree vigorously that we should not do everything we can to develop an alternate source of energy because I don't think there is any doubt in anyone's mind that unless we develop alternate sources of energy and one of those has now been world recognized as ethanol alcohol that we will become totally captive of the OPEC nations and the major oil companies, and, therefore, I think that we need to as serious as the problem is relative to the highway construction funds, I think we need to do all we can to encourage the development of alternate fuels or else we are not going to have the traffic on the road that we need in future years.

SENATOR WARNER: One other question then, is there a dollar figure on the price of gasoline that we could talk about, that once reached that we no longer need a subsidy for gasohol? In the old days I can recall when gas was 35...40 cents we talked in terms that gas was too cheap, and now we are approaching dollar and a half and gas is still too cheap, I assume that once it reaches a dollar ninety-two a gallon or something like that, I understand the price of gasohol...once it reaches that point then I assume we need no tax incentive because then there is no difference in the price of gas and the price of gasohol. Is that a reasonable assumption?

SENATOR SCHMIT: Well, it would be, Senator Warner, if we had an alcohol available. The facts are that given the present situation that exists in development of alternate energy sources and the fact that the development of alternate energy has now for all practical purposes been thrown into the laps of those energy companies which are now dominant and have this nation virtually in a stranglehold, I think we are going to have to do something to encourage the alcohol fuel. Yes, I believe that a dollar ninety-two, you can operate without it, but very frankly the development of that alternate source of fuel is not going to take place given the present set of conditions.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, I suppose that we will have to come to this, but I think we are a year premature. I would like to see the incentive stay on to develop Nebraska companies and try to get to that point in 1982, as I read the bill, when we will face that sort of a crisis. I don't know what is going on in

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Nebraska now. I know there are several companies, one in particular that is producing alcohol, and I understand that Archer Daniels Midland is holding up their plant that they were talking about in the Iowa area close to us. Maybe this is not true, but I still feel that we are premature and I would like to have seen this held off until next year to see if we are going to have enough alcohol produced in Nebraska to serve our needs. If we are, I certainly think we ought to use it first. That's all I have to say about it.

SPEAKER MARVEL: The motion is to return the bill for a specific amendment. All those in favor of that motion... Senator Beutler, do you have any other comments to make in closing? Okay, all those in favor of returning the bill vote aye, opposed vote no. The motion is to return the bill for a specific amendment. Record.

CLERK: 26 ayes, 2 nays on the motion to return, Mr. President.

SPEAKER MARVEL: Senator Beutler, do you want to make a motion to adopt the amendment now?

SENATOR BUETLER: Mr. Speaker, I would so move.

SPEAKER MARVEL: The motion is the adoption of the amendment as explained by Senator Beutler. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 2 nays, Mr. President, on the motion to adopt the amendment.

SPEAKER MARVEL: Okay, now the motion is to rerefer the bill.

CLERK: Readvance the bill, yes, sir.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no....say aye. Opposed no. The motion is carried, the bill is rereferred. Now we revert to item #6.

LB 21, 24, 38, 44, 54, 65, 67,
77, 80, 104, 109, 110, 154,
186, 214, 221, 236, 260, 264,
275, 288, 459

March 3, 1981

File with amendments; 264 to General File, (Signed)
Senator Cullan, Chair.

Mr. President, your committee on Judiciary reports LB 44
to General File with amendments.

Mr. President, new resolution offered by Senator Fowler,
LR 27. (Read.) That will be laid over pursuant to our
rules, Mr. President.

Mr. President, your committee on Enrollment and Review
respectfully reports we have carefully examined and en-
grossed LB 24 and find the same correctly engrossed, 38,
54, 104, 154 and 275 and 288 all correctly engrossed,
(Signed) Senator Kilgarin, Chair.

Mr. President, your Enrolling Clerk reports that she has
presented to the Governor for his approval LBs 110, 214,
65, 21, 67, 77, 80, 109, 186, 221, 236 and 260.

SPEAKER MARVEL: The next bill on Select File is LB 459.

CLERK: Mr. President, there are E & R amendments to LB 459.

SPEAKER MARVEL: Senator Kilgarin, E & R amendments to 459.

SENATOR KILGARIN: Mr. Speaker, I move the E & R amendments
to LB 459.

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

CLERK: Mr. President, I now have a motion from Senator
Fowler. (Read Fowler amendment as found on page 733 of
the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, this bill changes the
contribution rates with regards to certain aspects of
retirement. In working with the legislative fiscal staff
we felt that rather than have the bill take effect on what-
ever day, ninety days after the session which may be in the
middle of a pay period, that we would try and pick a date
for it to take effect so as to ease implementation. So
this is for October 1. This really is an amendment to
help with the mechanical aspects of adjusting the payroll
to reflect the new contribution rates for the retirement
plan. I would move for its adoption.

SPEAKER MARVEL: All those in favor of the Fowler amendment

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LB 272, 409, 104

with, the question is, shall the bill pass? All those in favor vote aye, opposed no. While you are voting, I will tell you this is Senator Vard Johnson's birthday, and with his first social security check, he is now passing out the rolls.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: (Record vote read. See pages 853 and 854, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 409.

CLERK: (Read LB 409 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 854 and 855, Legislative Journal.) 36 (sic) ayes, 7 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will read 104.

CLERK: (Reading of LB 104 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill....pardon. The motion is to return the bill for specific amendment. Senator Beutler. The Clerk will read the amendment.

CLERK: Mr. President, Senator Beutler moves to return LB 104 to Select File for specific amendment. (Read Beutler amendment as found on page 855, Legislative Journal.)

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, when this bill was on Final Reading before, Senator Schmit agreed to an amendment that we passed 26 to 2. The amendment eliminated certain language that appeared twice in the bill but the problem was that the amendment only took out the language in one place. So what this amendment does is to take out the language in the second place on

March 11, 1981

LB 104, 154

the amendment that you have already approved and my apologies to you and Senator Schmit for not having caught it in both places when we did this the first time around. Specifically the amendment has to do with the language on page 3 of the bill, lines 13 through 18, having to do with the July 1st, 1983 cutoff date. So this is the very same thing that the last amendment did only I am picking up language that was omitted the first time around. Again, my apologies. Thank you.

SENATOR CLARK: Senator Wesely, speaking to the amendment.

SENATOR WESELY: Yes, Mr. President, I would just like to indicate the value of Final Reading in this instance. Having caught this problem and having put forth the amendment at this time indicates some of the finer qualities of this process.

SENATOR CLARK: Is there any discussion on the Beutler amendment? The question before the House is the return of the bill for specific amendment. Senator Beutler.

SENATOR BEUTLER: I can't let that pass, Mr. Speaker. The error was caught sometime ago. It was not caught at this moment on Final Reading. The mistake that was made was that my assistant didn't put the amendment on the floor.

SENATOR CLARK: All those in favor of returning the bill vote aye, opposed no. Record the vote.

CLERK: 42 ayes, 0 nays on the motion to return the bill, Mr. President.

SENATOR CLARK: The bill is returned. Senator Beutler, do you want to put the amendment on?

SENATOR BEUTLER: I move the amendment, Mr. Speaker.

SENATOR CLARK: All those in favor of the amendment vote aye, opposed no. Have you all voted? Record the vote.

CLERK: 41 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

SENATOR CLARK: The amendment is adopted. Senator Beutler. Advancement of LB 104. All those in favor say aye, opposed. The bill is readvanced. The Clerk will read LB 154.

CLERK: (Reading of LB 154 on Final Reading.)

March 12, 1981

LB 51, 104, 150, 151, 154, 179, 190,
195, 204, 204A, 205, 220, 272, 409,
403.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)...Tom Huxtable who is the Minister of the Eastridge Presbyterian Church.

REV. TOM HUXTABLE: Prayer offered.

SPEAKER MARVEL: Will you all record your presence, please.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives. Mr. President, Senator Burrows would like to be excused until he arrives. Senator Wagner and Senator Labeledz until they arrive.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: A record attendance, please. A record vote on attendance, please.

SPEAKER MARVEL: Record the vote.

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

SPEAKER MARVEL: Do you have any other items on your desk?

CLERK: Yes, sir, I do. Mr. President, I have several matters to read in. Mr. President, LBs 51, 150, 195, 272, 409, and 154 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 51, LB 150, LB 195, LB 272, LB 409, LB 154.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports LB 104 is correctly engrossed and LB 205 correctly engrossed. (Signed) Senator Kilgarin as Chair. (See page 874 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and recommend that same be placed on Select File with amendments; 220 Select File, 151 Select File with amendments; 179 Select File with amendments; 204 Select File with amendments; 204A Select File. (Signed) Senator Kilgarin, Chair. (See page 873 of the Legislative Journal.)

Your Committee on Banking reports LB 403 to General File

March 24, 1981

LB 72, 73, 50, 104

SPEAKER MARVEL: The motion is carried. The bill is amended. Now all those in favor of readvancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 2 nays on the motion to readvance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is re-advanced. Okay, the Clerk will now read on Final Reading, LB 73.

CLERK: (Read LB 73 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. Record the vote.

CLERK: (Read record vote as found on pages 1096-1097 of the Legislative Journal.) 30 ayes, 9 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 104.

CLERK: (Read LB 104 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 no. Record the vote.

CLERK: (Read record vote as found on page 1097 of the Legislative Journal.) 36 ayes, 1 nay, 9 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: LB 104 is declared passed. The Clerk will read LB 205.

CLERK: Mr. President, I have a series of motions to return LB 205.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, since Senator Newell is out in California bellying up to the owner of Falstaff I am willing to wait on my motion until he crawls back.

SENATOR CLARK: I think we will pass over it anyway. We had three motions to return the bill. We will read LB 50.

March 25, 1981

LR 46
LB 39, 39A, 50, 72, 73,
104, 167, 171, 194, 197,
197A, 252, 425, 475, 500

SPEAKER MARVEL PRESIDING

SENATOR BEYER: (Prayer offered.)

SPEAKER MARVEL: I have a note here that indicates that today is the 35th birthday of Senator Howard Peterson and this occurred on the weekend, March 22, and there will be rolls served in his honor and we wish Senator Peterson the best for the year to come. Have you all recorded your presence? Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 252 to General File with amendments. (Signed) Senator Kremer.

Your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 39 and recommend that same be placed on Select File with amendments; 39A Select File; 167 Select File with amendments; 197 Select File with amendments; 197A Select File. All signed by Senator Kilgarin as Chair.

Your committee on Enrollment and Review respectfully reports we have carefully examined LB 72 and find the same correctly reengrossed. (Signed) Senator Kilgarin.

Senator Wagner would like to be excused for the day.

And, Mr. President, LB 73, 194, 50, 171, 194, 425, 475, and 500 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 73, LB 104, LB 50, LB 171, LB 194, LB 425, LB 475, LB 500. Item #4, resolution.

CLERK: LR 46 is offered by (read LR 46.)

SPEAKER MARVEL: Senator Lamb, this is your resolution.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this is a resolution which honors Senator Nichol's mother who recently passed away. The fine lady has been a long time credit to the State of Nebraska. I urge the adoption of this resolution.

March 25, 1981

LR 47
LB 190, 298, 50, 73, 104,
171, 194, 425, 475, 500

amendment to LB 190 as explained by Senator DeCamp.
All those in favor of that motion vote aye, opposed vote
no. Record the vote.

CLERK: 31 ayes, 0 nays on the adoption of Senator DeCamp's
amendment.

SPEAKER MARVEL: The motion is carried, the amendment is
adopted.

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

SPEAKER MARVEL: Senator DeCamp. The motion is to advance the
bill to E & R for Engrossment. All those in favor of the motion
to advance vote aye, opposed vote no. Have you all voted?
Record the vote.

CLERK: 35 ayes, 1 nay on the motion to advance the bill, Mr.
President.

SPEAKER MARVEL: The motion is carried the bill is advanced.
Before we proceed, underneath the North balcony it is my
privilege to introduce Miss Cindy Pace who is a teacher from
Millard and her friend from Ralston who is here under the
auspices of Senator Koch. Cindy, will you stand up so we can
welcome you to the Unicameral?

CLERK: Mr. President, I have a few matters to read in.
Revenue Committee is going to meet in executive session
upon adjournment today in Room 1520.

Your Enrolling Clerk respectfully reports that she has
presented to the Governor LB 73, 104, 50, 171, 194, 425, 475,
500.

I have a Reference Report referring LBs 551 through 555.

A new resolution by (Read LB 47. See pages 1126 and 1127,
Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 298 was introduced by Senator Vard Johnson.
(Read title.) The bill was first read on January 19. It was
referred to the Urban Affairs Committee for public hearing.
The bill was advanced to General File. There are committee
amendments pending by the Urban Affairs Committee, Mr. Presi-
dent.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature,
the committee amendments narrow the impact of the bill and
indicate that, first, the City of Lincoln is exempt and,