

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 6, 1981

LB 8, 10, 109, 143,  
188, 234, 336A.

March 9. Your Committee on Constitutional Revision gives notice for February 26 and 27 of hearing. (See page 460 of the Journal.)

New bill, LB 336A, by Senator Koch. (Read title for the first time as found on page 460 of the Journal.)

Mr. President, I have a report of Registered Lobbyists for January 30 through February 5. (See pages 460 and 461 of the Legislative Journal.)

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 188 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 234 to General File. (Signed) Senator Maresh.

Your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 10 reports the same back to the Legislature with the recommendation it be advanced to General File; LB 8 to General File with amendments; and LB 109 to General File with amendments. (Signed) Senator Beutler as Vice Chair. (See pages 461 and 462 of the Legislative Journal.)

SENATOR CLARK: We will now take up LB 143. The Clerk will read.

CLERK: Mr. President, LB 143 was introduced by Senator Chambers. (Read title). The bill was read on January 14. It was referred to the Public Works Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Beutler, do you want to take the committee amendments?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we are now dealing with Senator Chambers' proposal to raise the Interstate speed limit from 55 to 65 miles per hour. Basically, that is the only thing that Senator Chambers' bill did in its original form. The committee...the majority of the committee saw fit to propose three amendments. The first amendment would reduce the increase from 65 to 60. In other words, the proposal then with the committee amendment would be increase the speed limit from 55 to 60 miles an hour instead of 65 as proposed by Senator Chambers. In conjunction with that suggestion, the committee adopted a second amendment which would eliminate the

Senator Beutler, and thinking that I could show people the light, I thought I would go for what I thought the limit should be. I am acknowledging that I cannot get the 65 so I am accepting what the Public Works Committee did offer and I ask you again to support the amendment. And by the way, it is the last move I will make on this bill. If it is 60 I will not make any move to raise it to 65 this session.

SPEAKER MARVEL: The motion is the Chambers' motion on LB 143. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 29 ayes, 13 nays, Mr. President, on adoption of Senator Chambers amendment.

SPEAKER MARVEL: Okay, the motion is carried and the amendment is adopted. Senator Chambers, do you want to move the bill?

SENATOR CHAMBERS: Reluctantly, Mr. Speaker, I move that this bill be advanced at 60 miles per hour rather than 65.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. We are advancing the bill. The motion is the advancement of the bill. Record the vote.

CLERK: 27 ayes, 16 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced. Are you ready for LB 109?

CLERK: Yes, sir. Mr. President, LB 109 was offered by Senator Don Wagner. (Title read.) The bill was first read on January 12. It was referred to the Public Works Committee. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Kremer, the committee amendments.

SENATOR KREMER: Mr. Chairman, I will have to go back in a little background to bring the members of the body up to date on what the committee has done on this amendment.

SPEAKER MARVEL: He is discussing the committee amendments.

SENATOR KREMER: The committee amendments, Mr. Chairman.

SENATOR WAGNER: Mr. Speaker, members.

SPEAKER MARVEL: Yes, sir.

SENATOR WAGNER: I kind of wondered if we can lay this bill over until Tuesday, if you would please?

SPEAKER MARVEL: Until when?

SENATOR WAGNER: Until Tuesday. That is when we meet back again.

SPEAKER MARVEL: I'm sorry but you can make a motion to do it but the Chair is getting in a position where if we keep holding up legislation all you have to do is take a look at the agenda and what we are doing now.

SENATOR WAGNER: All right, Mr. Speaker, for your benefit I will just withdraw that and we will go ahead with the bill.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: May I repeat, I think it is necessary we go back in history a little ways to bring you up to date as to what we are trying to do with the committee amendment. In 1957 the Legislature passed a bill that divided the Department of Roads and Irrigation. At that time there was a Department of Roads and Irrigation. At that time language was put into the statute that went on to say that the Director of the Department of Water Resources should be an engineer. We went on like that until 1969 I believe when a bill was passed that changed the word "should" to "shall", that the Director of Water Resources shall be a professional engineer and it has been that way ever since. However, at this point things have changed and it seems to be more important that the director should be a good administrator. It is fine and the committee amendment does not say he couldn't be an engineer, he could, but it doesn't say he shall. It does give the Governor that makes the appointment a little more latitude in making this very important appointment at this time. It causes a deep interest. We have thirty bills that deal with water besides the administration of rules and regulations related to surface water administration. It is very, very difficult to hire a qualified engineer with a salary that we are able to pay plus hire someone that has the qualifications of being a good administrator. So maybe the time has come when we should consider this person ought to be a good administrator and that he can hire an engineer and the combinations of the two salaries can give us what we want. I would point out, however, that sometimes there may be a disadvantage for the director not to be an engineer, especially when he meets with peer people from other states who are engineers and decisions have to be made relative to the allo-

cation of water between states and I would admit that perhaps the director from the State of Nebraska if he were not an engineer would be somewhat of a disadvantage. He would necessarily have to take an engineer with him. He would have to turn to his engineer and say, what do you think. It would put him, I think at a disadvantage. So I want you to consider that but I am throwing this out for your consideration and I would appreciate your response. We have looked at this long and hard and an appointment has to be made. I think that will be my testimony at this point so I am moving the committee amendment be adopted.

SPEAKER MARVEL: The motion is the adoption of the... Senator Marsh, do you wish to be recognized?

SENATOR MARSH: Mr. Speaker and members of the Legislature, I request a division of the amendment. I am opposed to Section 1. I am not opposed to 2 and 3 and I would like to have my vote recorded separately on the committee amendment so I request a division. They are numbered 1, 2 and 3 and it is all right with me if you take 1 separately and then put 2 and 3 together.

SPEAKER MARVEL: Okay, if the Legislature will turn to the... Okay, we are on page 462. Senator Marsh, the discussion up here results in the fact that 1 and 2 should go together and 3 is separate because 3 is the emergency clause.

SENATOR MARSH: That is perfectly satisfactory for me.

SPEAKER MARVEL: Okay, the amendments are on page 462 so the first motion is the adoption of committee amendments 1 and 2 as found on page 462. Senator Marsh, do you have those?

SENATOR MARSH: Yes, sir.

SPEAKER MARVEL: Okay, all those in favor of the adoption of committee amendments 1 and 2 vote aye, opposed vote no. This is to committee amendments concerning LB 109. We are voting on the adoption of the committee amendments and the first vote is the adoption of committee amendments 1 and 2 as found on page 462 of the Journal. Senator Kremer.

SENATOR KREMER: Mr. Chairman, was the question called for? I think we need some discussion here because it is pretty important issues we are facing here and there has been no discussion. I invited discussion.

SPEAKER MARVEL: I thought you had discussed the committee amendments.

SENATOR KREMER: I did but I invited discussion and I think we should have it. I don't want to go too fast. I did make

the motion to advance but I would hope there would be some discussion.

SPEAKER MARVEL: Okay, clear the board. Okay, the discussion is the adoption of committee amendments 1 and 2 to LB 109. Senator Kremer, the Chair recognizes you.

SENATOR KREMER: Well I only called a point of order because I was hopeful there would be some discussion because I know the various members of the body have been concerned about what we are doing and I do not want to railroad this thing through and I think it deserves a little time and some discussion. That is the reason I thought perhaps there was a motion to cease debate but there was not and I want to discuss it. Now if there is no discussion, fine. We will vote on it but again I am giving the members of the body the opportunity to discuss the committee amendment.

SPEAKER MARVEL: Senator Lowell Johnson.

SENATOR L. JOHNSON: Mr. President and members of the body, I cannot in good conscience or respect for my profession accept this provision of the committee amendment to eliminate the present provision that the Director of Water Resources shall be a professional engineer. In this current era when we are confronted with some major and far-reaching decisions affecting water, we need the best training and experience and those trained in the knowledge that we can get. I think we want a Director of Water Resources who can work among his professional peers in local, regional and national meetings where our most important natural resource, water, is on the line because most of the responsibilities of the director are engineer responsibilities relating to public safety and our public welfare. The director must be very well qualified to make engineering decisions relating to safety of dams, appropriation rights, stream flows and interstate water resources compacts. I join in the feeling of the Nebraska Society of Professional Engineers that this amendment would not be in the public interest. When we need skilled legal talent we do not call on paralegal people for support. When we need medical services we do not rely on paramedicals. No less should we rely on a nonprofessional in this very extremely critical position. Thank you.

SPEAKER MARVEL: We are still speaking to amendments 1 and 2 on page 462 in connection with LB 109. Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I am very pleased that Senator Kremer did not allow this bill to proceed without some discussion. I

recognize the problem which the Governor has brought to the attention of the Public Works Committee and the difficulty in recruiting an individual with the engineering background and then be able to afford to pay that individual a salary commensurate with his education and his work experience. The Director of the Department of Water Resources is probably one of the most important administrative positions in the State of Nebraska and if you look at the large number of water bills which are before the Public Works Committee today, you can see and just a large number of them that the responsibilities of the Director of the Department of Water Resources are going to increase substantially in the future. And I guess I know that there are some department heads in the State of Nebraska that we pay as much as, it is my understanding, it is as much as \$60,000 a year annual salary to some of these individuals and some of these individuals in my opinion have considerably less impact upon the lives and the well-being of the people of the State of Nebraska today and many years in the future. And so I guess I would be very, very concerned about lessening the requirements for background and education and experience that this position would require. But those of you who are not familiar with the requirements, the requirement is that the individual be a professional engineer. There is a significant difference, a tremendous difference between a regular engineering degree such as I hold and an individual who is a professional engineer. A professional engineer must have five years of work experience after he has completed his engineering studies before he can even begin to sit for the exams to obtain his professional engineering license. It is a very, very important degree, a sign of not only his education but the fact that he has worked in the field and has the experience. Senator Kremer asked me about this the other day and my instincts of course, as being an engineer myself was that we should keep this requirement. So I asked him what the former Director of the Department of Water Resources said. Senator Kremer informed me a few minutes ago that former Director Neuberger said that there were many instances where it was beneficial that he was, in fact, an engineer. So, I guess based upon the requirements of this position and upon the comments that the former director made that were conveyed to me through Senator Kremer, I would have to oppose the committee amendments and those sections of the bill that change this requirement. Again, I want you to realize how very important a position this is today and how much more responsibility this individual is going to have in the future and if we have to spend additional monies and raise this salary to attract the kind of individual that can adequately meet the needs of the State of Nebraska, then let's raise the salary and let's do that.

Let us not save money on salaries of a position like this in exchange for an individual that is less qualified and less capable of handling this important position.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, may I refer a question? Would Senator Cullan answer a question, please? It says, as defined he shall be a professional engineer as defined in Section 81-840. What kind of an engineer is that, Senator Cullan.

SENATOR CULLAN: A professional engineer, Senator Haberman, I'm not sure I am familiar with that particular section but....

SENATOR HABERMAN: Thank you very much. I rise...first of all, I rise to thank Senator Kremer for letting us have a chance to debate this and I would like to support the amendment because what kind of an engineer are we going to have? Are we going to have a chemical engineer, an industrial engineer or a civil engineer, electrical engineer? There is all different kinds of engineers that we can hire and a lot of these engineers just because they have an engineer degree doesn't say they are going to know anything about water. So, I feel the fact that he is an engineer shouldn't be a qualification that he should have the job. Now if you want to make it specific to somebody that has an engineer's degree in water, fine. But it says, the Director of Water Resources shall be qualified by training and experience to manage and supervise the department. He shall have five years experience and a position of responsibility in work related to water resources. He can go out and hire an engineer as a consultant if he needs one and this was put in here for a reason. Maybe the reason was raised that there isn't the proper kind of an engineer available. So, until it is specific, I would have to rise to support the committee amendment as obviously the majority of the members of the committee who heard the debate on the bill, the pros and cons, felt that it was a good amendment or it wouldn't be before us. Thank you, Mr. President.

SPEAKER MARVEL: Senator Wagner, do you wish to speak to amendments 1 and 2?

SENATOR WAGNER: Mr. Speaker and members, I think my little bill is becoming something else now and I probably have some mixed emotions about what we should do with the bill. Senator Peterson and Senator Cullan are both engineers. They seem to have some very great concerns and maybe even Senator Kremer over there...I kind of wonder maybe if you would like, maybe put it back to the committee or something like that. You may want to consider a public hearing. I



guess I would have a question of Senator Peterson and Senator Cullan, I mean Senator Johnson down here. Would either one respond?

SENATOR JOHNSON: Yes, I will try to respond.

SENATOR WAGNER: I guess in all sincerity do you feel, Senator Cullan, that maybe a public hearing would be the thing for this amendment? Do you feel like you have had enough input into it?

SENATOR JOHNSON: I presume it is possible that if you referred it back to the committee for that purpose it could be amended properly to provide for the experience factor that Senator Haberman was talking about, not just an engineer, but one who has capability in the field.

SENATOR WAGNER: Senator Cullan, do you have any comments?

SENATOR CULLAN: Senator Wagner, I think you have a very excellent suggestion. I think the long-range future of this decision is an important one and obviously one which has just come up at the last minute and if there is a public hearing I would ask Senator Johnson and myself both to go and to make a presentation on what the requirements of what a professional engineer is and maybe a little background for the committee. I think that is a good suggestion.

SENATOR WAGNER: Well I kind of hate to see the bill go back to committee but on the other hand with this amendment tacked on it, why...I know the amendment is not on it but it is being discussed, Senator Dworak. Well those are basically my comments at this time.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: I am not in a position to know whether it should go back to committee. Right now my strong feeling is that we are making a mistake without having had further discussion on this. The professional engineers of the state are more knowledgeable than I and I have heard from several of them. If it is not satisfactory to simply delete Section one and two from this bill and send the remainder of LB 109, I would certainly bow to the wishes of the introducer of the bill.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise rather reluctantly to oppose the committee amendment. I think

Senator Cullan pointed out some of the reasons a while ago very eloquently. I would simply remind the body that from my perspective the position of the Director of the Department of Water Resources is probably one of the most important administrative positions in state government and particularly when you look into the future and the concern that many people of this state have as far as water resources are concerned. When you look into the statutes and realize the tremendous responsibilities that we have given the Director of Water Resources and I would suggest that we will probably continue to add to those responsibilities, I agree to the point that the Director does need to be a good administrator and that possibly might not mean have an engineer's degree to be a good administrator. The two might not go hand in hand necessarily but I really believe that there are people out there that would be capable to meet both of those requirements and I think the issue should be, let's get the best person possible for not only administration but also for the technical abilities that this individual might have. I guess I would ask, Mr. President, I would like to ask Senator Kremer a question if I may, please.

SPEAKER MARVEL: Senator Kremer, do you yield?

SENATOR KREMER: I yield.

SENATOR VICKERS: Yes, Senator Kremer, was there any discussion of this at a public hearing or anything of this nature within the Public Works Committee?

SENATOR KREMER: No, sir. We gave some thought to introducing it as a bill but the committee has reached its limit and the only alternative we had was to attach it to a bill that opened up the chapter related to this particular issue. And may I say this, Senator? This issue did not come to the surface until Mr. Neuberger resigned and all at once here was an appointment to be made. Well, is it possible to find someone that would meet both those qualifications, a good administrator and a good engineer, and this is why I slowed this thing up. I did not want it to slide through. I want everyone to have a chance to debate it, to look at it so no one can say well you slid this through on another bill. No one knew what was taking place. We did not have a hearing and if the introducer of the bill wants to make a motion to take this back to committee so we can have a hearing, I will support his motion.

SENATOR VICKERS: Thank you, Senator Kremer. Knowing you as I do I certainly know that you would not attempt to slide anything past this body and I also know that you feel this position is of utmost importance. I would urge caution to this body, however, before adopting this amendment. I am

a little bit concerned that perhaps the people that deal with the Director of the Department of Water Resources, the most, the Natural Resources District people, the surface irrigation districts and so forth have not had perhaps an opportunity, at least I have not been in contact with any of them and perhaps it would be a good thing to get some information from those people. At this point in time I, as I indicated earlier, reluctantly oppose the committee amendments in this area.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I think we are tampering with something here in the statute that we shouldn't be. We've got a Governor elected by the people of the State of Nebraska who can make the decision as to who should serve in this important position. Now I have every confidence in this Governor being able to make that decision without spelling out in statute exactly how and who he shall appoint and that is what we are doing. We are not looking for an engineer in this position. We are looking for an administrator. Senator Vickers said just exactly that, that the most important criteria is that we have a man skilled in administrative practices. That is what we need, is an administrator. Now that administrator, if he is a good administrator and I have every confidence he will be a good administrator, can hire all the technical assistants he needs, whether he needs an engineer or whatever he needs, he can pull those resources out and where he can have the expertise to help him administer his department. It just does not make any more sense to say that this administrator must be an engineer than it is to say in order to be a legislator you have to be a lawyer. The principle is the same. You have to make a lot of decisions in this body that deal intricately with the law and you have staff and you have resources on which you draw upon to get the knowledge to make the appropriate decision. I see nothing different in this particular area. We could preclude the most able person from serving in this capacity by putting in this kind of restrictive wording. So, to say in law and statute that this person should be an engineer, this person should be this or that or must be this is absolutely the wrong direction. There is nothing wrong with this bill as it came to the floor of the Legislature. There is nothing wrong with the committee amendments. There is no reason to send this back for a public hearing. That is a stall. That is a delay tactic. The bill is simple. It is straightforward. It is ready to be passed or not passed. There is nothing wrong with the committee amendments. So I think to delay this thing any farther in an area that it is critical, we need to address

the water issues. We need to get a replacement to the person we are losing. Why stall around? Why procrastinate? Why tie the hands of the Governor? It is a wrong approach and so I urge that we adopt the committee amendments, pass the bill and be about our business.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Speaker, I rise to oppose the amendment. It seems to me that one of the things we forget is that this particular person not only is going to have a very important job but he is also going to have to deal with other engineers in other states with relation to water. I would hate to think that our head man would have to go to a meeting and take along another engineer with him in order to be in the same position as other engineers from other states.

SPEAKER MARVEL: Senator Kremer. Is Senator Kremer there? Senator Kremer, do you wish to speak again on the amendments? Your light is still on.

SENATOR KREMER: I will wait for the closing, Mr. Chairman.

SPEAKER MARVEL: Senator Marsh, do you wish to speak again?

SENATOR MARSH: Yes, thank you, Mr. Speaker. I urge you to vote against the adoption of Sections 1 and 2. If those two sections are adopted, I would then make the motion to send the bill back to committee since that section has not been heard in public hearing. I would rather than having to take that action would urge you to simply vote down Sections 1 and 2 of the committee amendment, then vote for Section 3 and send the bill on its way.

SPEAKER MARVEL: Senator Cullan, do you want to speak again?

SENATOR JOHNSON : I concur in the remarks of Senator Marsh that we vote against parts 1 and 2 and send it on.

SPEAKER MARVEL: Senator Cullan, do you wish to speak? Senator Haberman, your light is on. The question has been called for. Do I see five hands? The motion before the House is, shall debate cease? All those in favor vote aye, opposed no. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to cease debate.

SPEAKER MARVEL: Okay, debate has ceased. Senator Kremer, do you wish to close on committee amendments 1 and 2?

SENATOR KREMER: Yes, sir. Mr. Chairman, I would like to make several points that have not been made. If you would notice carefully the committee amendment, it stipulates that he shall have five years experience in water issues which makes it perhaps equivalent to being an engineer in certain respects at least. Be it as they say that the Governor shall not appoint someone that does not have an engineer's degree, we can, even with this amendment. There is no problem. We could talk about a lot of other qualifications the person ought to have in that important position in these times. About being a lawyer, there are many, many legal aspects of decisions that have to be made that are legal in nature and I will add another one to it. When we run out of water someone is going to get shot and maybe he ought to be a doctor. I think it is very important the Department be headed with someone that has administrative ability. That is number one. It is fine if he does have a degree in engineering but that department like many other departments have been staffed up today so it is a much different type of operation than it used to be years ago because of what is happening to this resource in the State of Nebraska. I feel it will give the Governor more latitude in appointing someone to this position and then in turn of course, the department can be staffed up with engineers. They have them now and probably it is more important to think of the administrator rather than the engineer aspect of it. I move for the adoption of the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as 1 and 2. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Kremer.

SENATOR KREMER: Well, Mr. Chairman, I think the decision needs to be made. I am going to ask for a roll call vote, probably should have a Call of the House. It is getting close to lunch time anyway.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 25 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: Okay, the House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. The motion is the adoption of the committee amendments 1 and 2 on page 462 of the Journal. Senator Kremer.

SENATOR KREMER: Mr. Chairman, when we get them all back in here I would be willing to wait just a moment and see if we can get some call-in votes, if not, then proceed with the roll call vote if that is okay.

SPEAKER MARVEL: Senator Beutler, would you record your presence please? Senator Cullan, Senator Dworak, Senator Maresh, Senator Lamb. The Clerk is authorized to take call-in votes. We are voting on the adoption of the committee amendments 1 and 2 on page 462 of the Journal.

CLERK: Senator Vard Johnson voting yes, Senator Goodrich voting no, Senator Fowler voting no.

SPEAKER MARVEL: Have you all voted? All legislators are to be in their seats. Ray, will you come down here so we can give you some names to call. Senator Fitzgerald, Senator Newell. Senator Newell and Senator Fitzgerald. Here is Senator Newell, we need Senator Fitzgerald. There he is. The Clerk is still authorized to take call-in votes. The motion is the adoption of two committee amendments, 1 and 2, page 462 of the Journal.

CLERK: Senator Fitzgerald voting no, Senator Higgins changing from yes to no, Senator Fenger voting no.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I move we have a roll call vote and get it over with.

SPEAKER MARVEL: Call the roll.

CLERK: (Read roll call vote as found on pages 520-521 of the Legislative Journal.) 21 ayes, 18 nays, Mr. President, on adoption of committee amendments 1 and 2.

SPEAKER MARVEL: Senator Kremer, do you want to move the adoption of the emergency clause to the bill?

SENATOR KREMER: I move we do not adopt the emergency clause. It is not necessary now.

SPEAKER MARVEL: You didn't make a motion.

SENATOR KREMER: Mr. Chairman, I would like to leave that with the introducer of the bill if he needs it on LB 109 as it now is. I will yield to Senator Wagner on the emergency clause.

SENATOR WAGNER: Mr. Speaker, members, it is really immaterial to me whether you put the emergency clause on it or not because it...

February 12, 1981

LB 109, 167, 206A

SPEAKER MARVEL: Does the Clerk have some business to read in?

CLERK: Yes, sir. Mr. President, new bill, LB 206A by Senator Chambers. (Read title. See page 521 of the Journal.)

Mr. President, Senator Carsten would like to print amendments to LB 167 in the Journal. (See page 521.)

Mr. President, your committee on Banking gives notice of hearing for March 2 and 3.

Mr. President, Administrative Rules gives notice of hearing, (Signed) by Senator Johnson as Chair. That is all that I have, Mr. President.

SPEAKER MARVEL: Senator Wagner, for what purpose do you arise?

SENATOR WAGNER: Can we go ahead and move the bill?

SPEAKER MARVEL: We have about three motions we are going to have to dis..... Pardon?

SENATOR KREMER: Mr. Chairman.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: I repeat my motion to reject the emergency clause. It is not needed now since the other amendment is not on.

SPEAKER MARVEL: Senator Wagner, do you wish to speak on the motion?

SENATOR WAGNER: No.

SPEAKER MARVEL: Senator Marsh, do you wish to speak on the motion? Senator Kremer's motion is to...okay, the motion before the House is the rejection of amendment #3 to LB 109 and amendment #3 is the emergency clause. Senator Kremer, do you want to make any other statements?

SENATOR KREMER: No closing.

SPEAKER MARVEL: All those in favor of rejection of the committee amendment 3 vote aye, opposed vote no. This removes the emergency clause. Have you all voted? The motion is the rejection of amendment #3, the emergency clause. Record.

CLERK: 26 ayes, 7 nays, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is rejected. Senator Wagner, do you wish to be recognized?

SENATOR WAGNER: Mr. Speaker, can I speak on the bill or do you want to lay this over now until Tuesday?

SPEAKER MARVEL: Do you wish to advance the bill?

SENATOR WAGNER: I would like to advance the bill.

SPEAKER MARVEL: Okay, the motion is the advancement of LB 109. The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker, the original bill dealt with giving discretionary authority to require any party or parties requesting a hearing pay a proportional share of the cost of the transcript. The reasoning behind this change is, prior to August 1980 the department's rules and regulations contained language that allowed them to make such an assessment, however, when a dispute arose over this matter the Attorney General's office advised them that their rules were not in such a statutory power as to allow them to enforce such rules. The alternative given to them by the Attorney General was to ask the body to amend Section 46-209 to allow for the discretionary power which had previously existed uncontested in their rules. The department feels that the state general fund should not have to bear the burden of the cost of a transcript at a hearing held at the request of someone other than the department. By allowing this revision of the statute to allow the discretionary power the department estimates that a savings to the department's general fund would be approximately \$2,000. A hearing costs roughly \$250, however, the costs can vary for an example, the Little Blue NRD Transbasin Diversion hearing at the request of a party other than the department ran well over \$16,000 and this is basically the reason for doing it. It gives the department discretionary powers if they so request and people will pay a part of the cost of transcripts. Thank you.

SPEAKER MARVEL: The motion is the advancement of the bill to E & H for review. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: Okay, the motion is carried. The bill is advanced.

CLERK: Mr. President, very quickly if I may, Senator Vickers



February 17, 1981

LR 16  
LB 24, 109, 110, 114, 143, 188,  
188A, 207, 207A, 234, 234A, 246,  
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labeledz and Chronister until....

PRESIDENT: Record the presence.

CLERK: 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 correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 23, 1981

LB 178, 109, 34

SPEAKER MARVEL: Senator Carsten, do you wish the floor?

SENATOR CARSTEN: Mr. President and members of the Legislature, I guess my only comment is the support of the Beutler amendment. What started out to be what we thought was a relatively simple and easy bill had some complications and through the amendment route and the cooperation of the Department of Revenue, it appears that it is now in much better form than it was in its original draft. So I support the amendments and would urge the body to do likewise. Thank you, Mr. President.

SPEAKER MARVEL: Is there any further discussion on LB 178? Senator Beutler, do you want to close on your amendment? No close. All those in favor of the Beutler amendment to LB 178 vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays on the adoption of Senator Beutler'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 Carsten, do you want to advance the bill?

SENATOR CARSTEN: I move the bill be advanced to E & R engrossing.

SPEAKER MARVEL: All those in favor of the advancement of the bill vote aye, opposed vote no. Say aye, opposed no. Motion is carried. LB 109. Senator Wagner, are you ready with that bill?

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

SENATOR WAGNER: Mr. Speaker.

SPEAKER MARVEL: Do you move advancement of the bill?

SENATOR WAGNER: I move the advancement of the bill.

SPEAKER MARVEL: All those in favor say aye, opposed say no. The motion is carried. The bill is advanced. LB 34.

CLERK: Mr. President, there are E & R amendments to LB 34.

SPEAKER MARVEL: Senator Kilgarin.

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

March 2, 1981

LB 80, 109, 186

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 80 on Final Reading. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 711 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 109.

ASSISTANT CLERK: (Commenced reading LB 109.)

SPEAKER MARVEL: 104, sorry.

ASSISTANT CLERK: (Read LB 104 on Final Reading.)

SPEAKER MARVEL: There is a motion on the desk. The Clerk will read the motion. Okay, there is an amendment on the desk. We will lay the bill over until the motion is received and we will proceed on Final Reading with LB 109.

ASSISTANT CLERK: (Read LB 109 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 711 and 712 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 186.

ASSISTANT CLERK: (Read LB 186 on Final Reading.)

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

ASSISTANT CLERK: (Read the record vote as found on page 712 of the Legislative Journal.) The vote is 44 ayes, 4 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 221.

March 3, 1981

LB 21, 65, 67, 77, 80, 109,  
110, 159, 186, 214, 221,  
236, 260, 274A, 290, 459A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend William Pfeffer from the Panama Presbyterian, also at the Wesleyan University here in Lincoln.

REVEREND PFEFFER: Prayer offered.

PRESIDENT: Roll call.

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

PRESIDENT: Have you all registered your presence? Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Are there any messages, reports or announcements?

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Newell and one to Senator Schmit regarding the Nebraska Corn Resources Act. (See pages 718-721 of the Legislative Journal.)

Mr. President, your committee on Appropriations whose chairman is Senator Warner refers LB 159 as indefinitely postponed, (Signed) Senator Warner.

Mr. President, LB 290 which was referred to Public Works reports the same to General File with amendments, (Signed) Senator Kremer as Chair. (See pages 721-722 of the Journal.)

Mr. President, LB 274A offered by Senator DeCamp. (Title read.) New A bill, LB 459A by Senator Fowler. (Title read.) (See page 722 of the Journal.)

Mr. President, your committee on Public Health and Welfare gives notice of cancellation and resetting of public hearing.

Mr. President, I have legislative bills 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 110, LB 214, LB 65, LB 21, LB 67, LB 77, LB 80, LB 109, LB 186, LB 221, LB 236 and LB 260. Anything further, Mr. Clerk?

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