

LB 51, 63, 74, 94, 106, 113A, 150, 154,
190, 195, 225, 261, 272, 281, 284A, 351,
409, 418, 421, 426, 466, 229

March 12, 1981

Mr. President, some items to read in, LB 113A by Senator DeCamp. (Read LB 113A for the first time by title.) LB 284A by Senator DeCamp. (Read LB 284A for the first time by title.)

Your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 51, 150, 195, 272, 409 and 154.

Your Committee on Education reports 63 indefinitely postponed. (Signed) Senator Koch.

Your Committee on Public Works reports 229 to General File and 94 General File with amendments. (Signed) Senator Kremer.)

Your Committee on Banking reports 421 to General File with amendments. (Signed) Senator DeCamp.

Your Committee on Public Health reports 261 and 466 to General File with amendments.

Mr. President, Senator Nichol would like to print amendments to LB 74 in the Journal. Banking, Commerce and Insurance Committee sets hearing. Senator Koch would like to print amendments to LB 190. Senator Kilgarin asks unanimous consent to be excused tomorrow. I have notice of priority bill designation of the Speaker. Your Committee on Banking, Commerce and Insurance reports 426 to General File with Amendments. (See pages 882 through 896 of the Legislative Journal.)

Mr. President, Senator Schmit would like to have the Ag and Environment Committee tomorrow morning at eight o'clock in Room 1520, Ag and Environment Committee tomorrow morning.

Mr. President, your Committee on Government, Military and Veterans Affairs reports 281 to General File with amendments; LB 351 General File; LB 418 to General File; LB 106 as indefinitely postponed; and LB 225 as indefinitely postponed. Those are all signed by Senator Kahle as Chairman.

Mr. President, the Business and Labor Committee will have an Exec Session at 1:00 p.m. today in Room 1019; Business and Labor at 1:00 p.m. today.

Mr. President, Senator Vard Johnson asks to be excused tomorrow.

March 27, 1981

LB 113, 113A

SENATOR COPE: Mr. President and members, a question of Senator DeCamp.

SPEAKER MARVEL: Senator DeCamp, do you yield?

SENATOR DeCAMP: Why not.

SENATOR COPE: I just want to be real quick. At the present time these companies do not have to file financial statements.

SENATOR DeCAMP: That is right.

SENATOR COPE: And this would, the amendment would force them to file and they would be public although you say that the companies can't use it. Right?

SENATOR DeCAMP: They have to file it but you can't use it in peddling the stuff.

SENATOR COPE: Will it be reasonably hard to police?

SENATOR DeCAMP: Not really, because

SENATOR COPE: But it is open to anyone to go in and look at it.

SENATOR DeCAMP: It is such a fiercely competitive field that Agent A knows what Agent B from the other company is doing constantly and if Agent B uses it the Director of Insurance will find out about it twenty minutes later.

SENATOR COPE: That is the reason I do not think it is necessary.

SENATOR DeCAMP: I think you might be right.

SENATOR COPE: So I would oppose it until we take that part out. The rest is all right.

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

CLERK: 25 ayes, 2 nays on the motion to advance LB 113, Mr. President.

SPEAKER MARVEL: 327. 113A first and then 327, Senator Landis.

March 27, 1981

LB 113A, 327

CLERK: Mr. President, Senator DeCamp offered 113A.
(Read.)

SPEAKER MARVEL: Do you make a motion to advance the bill,
Senator DeCamp, 113A?

SENATOR DeCAMP: Oh, yes.

SPEAKER MARVEL: The motion is to advance 113A to E & R
for review. All those in favor vote aye, opposed vote
no. This is the A bill. Have you all voted? Record.

CLERK: 25 ayes, 2 nays on the motion to advance 113A,
Mr. President.

SPEAKER MARVEL: Okay, the motion is carried. The bill
is advanced. We now go to LB 327.

CLERK: Mr. President, LB 327 is offered by Senator Landis.
(Read.) The bill was read on January 19, referred to Bank-
ing, Commerce and Insurance. It was advanced to General
File. There are committee amendments pending.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature,
since this is Senator Landis' bill and he is on the committee
I will let him handle the committee amendments.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature,
the committee amendments are those offered by the insurance
industry. LB 327 comes out of a drafting error made last
year in LB 940 and you might recall that LB 940 was gutted
just at the time of Final Reading and the banking industry
and the retailing industry did that move in order that we
would decline the federal bankruptcy exemptions. Pursuant
to an agreement, however, they also raised the homestead
exemption for bankruptcies and the personal property exemp-
tion for bankruptcies and at the same time we attempted to
close a loophole in Nebraska law which allows an individual
going through bankruptcy to take with them and to keep as
their own, all of the proceeds, loan values, cash values
of their life insurance policies and annuities. We attempted
to simply write a statute that said you can only keep \$5,000
of the loan value of your insurance when you went through
bankruptcy and that all the other additional amounts of loan
value you had to surrender for the purpose of the bankruptcy.
However, because of the lateness of the hour and the ill-
drafted version that was passed we inadvertently applied

April 1, 1981

LB 113A, 179, 292, 292A,
317, 327, 479.

amendments; 113A, Select File; 327, Select File; 317, Select File; 292, Select File with amendments; 292A, Select File; 479, Select File. All signed by Senator Kilgarin as Chair, Mr. President. (See pages 1235 through 1238 of the Legislative Journal.)

SPEAKER MARVEL: The next order of business is Final Reading, item #4. All legislators will please take your seats so we can proceed with Final Reading. All unauthorized personnel please leave the floor. The first bill on Final Reading is LB 179E. Senator Koch, your light is on, did you wish to be recognized? Okay. LB 179E.

CLERK: Mr. President, I have a motion on the desk. Senator Hoagland moves to return LB 179 to Select File for a specific amendment, and there are copies that have been distributed, Mr. President.

SENATOR HOAGLAND: Mr. Speaker and colleagues, we had intended to have this printed in the Journal but we adjourned abruptly enough yesterday so it was not done, and I apologize for that. I would ask you to turn to page 19 of the bill. This is an amendment which is of a technical nature basically, in my opinion, and I apologize for holding up final passage of a bill as long as this to get this change made or to seek this change made but I think it is important enough to do it. If you turn to page 19 and review Section 12 of the bill, there is an inference there in that section that if there is a lawsuit filed against a public employee or public official and that lawsuit is successful, why then the public official or public employee has to pay the entire damages out of his own pocket if the jury in that lawsuit or the court in that lawsuit finds that his action was not reasonable or that his action was not in good faith. Now, what the amendment would provide is that the political subdivision that he is working for will pay the judgment against him as long as he operated...let me get the language here, within the scope of his office or employment. The amendment goes on to provide that there is nothing that should be construed to prevent the discipline of an employee or an official who does not act reasonably and in good faith in the performance of his duties. Now the reason I think this is important is because if this particular provision stays in the law, in my opinion it is going to scare the living daylights out of a lot of public officials and a lot of public employees and they are not going to execute their statutory functions as they should. Now let me try and give you two examples of why I think this could have a detrimental

April 6, 1981

LB 478, 113, 113A, 317

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion carried. The bill is advanced. Okay, LB 113.

SENATOR KILGARIN: I move the E & R amendments to LB 113.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The amendments are adopted. Do you want to advance the bill? 113.

SENATOR KILGARIN: I move LB 113 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.

CLERK: Yes, sir, the A bill.

SPEAKER MARVEL: The A bill. Okay 113A.

SENATOR KILGARIN: I move LB 113A 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. Let's see, 327 we pass over at the request of Senator Landis for one day and we go to 317.

SENATOR KILGARIN: I move LB 317...I move the E & R amendments to LB 317.

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

CLERK: Mr. President, Senator Koch moves to amend the bill by striking Section 8.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, the other day we were talking about 317 and I advised you then that I would probably strike this portion of the bill. There is no need for it to be in this bill. It's redundant since the same language is in LB 204 authored by Senator Wagner. So what I am saying, rather than to have this language in 317, since it is in 204, and it applies to mileage for parents transporting children who are eligible for that mileage, this is the appropriate place for it because that is an omnibus bill dealing with the mileage and the amount to be charged. So I am asking that we strike this section in 317. The amount of money that is in 317A then would accrue...or is already in 204A, which has to do...it's

April 8, 1981

LB 113, 113A, 125, 174,
LB 179, 291, 328A, 331,
LB 257, 379, 392, 400,
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you

May 12, 1981

LB 113E

Senator Dworak's District, K through 7th Grade, from Christian Liberty Academy, Columbus, Nebraska, Barbara Hall, teacher. In the south balcony. And it is my privilege to introduce the Sudan Wheat Trade Team. The Nebraska Wheat Committee is presently hosting two wheat procurement officials from the Democratic Republic of Sudan. The officials are Mr. Ali E. Hassan, Director of Supply, Ministry of Commerce and Supply, and Mr. Ahmed E. Ahmed, Assistant Inspector of Wheat and Floor Division Ministry of Cooperation Commerce and Supply, and the Team Manager is Mr. Hassan Abdel-Ghaffar, Marketing Specialist, of the U.S. Wheat Associates, Inc., Cairo, Egypt, and the officials are responsible for the procurement of 11 to 14 million bushels of wheat annually, all hard, red winter from the United States. While in Nebraska, Mr. Hassan and Mr. Ahmed are learning of the characteristics and capabilities of Nebraska's hard, red winter wheat crop and how it can meet their country's needs. The wheat they buy is mainly used for French type breads and with a population of 16.4 million Sudan's wheat imports are likely to continue upward. The gentlemen are underneath the north balcony and we welcome you to the Unicameral. Okay, in the balcony to the rear it is my privilege to introduce Mr. and Mrs. Lee from Seoul, Korea, who are visiting in Lincoln at this time. Will you raise your hands so we may see where you are? Right there, okay. Will all legislators please return to your seats and record your presence so that we can proceed with Final Reading. The first bill that we read is 113E. Okay, is everybody in your seat? Have you recorded your presence so we may proceed with the Final Reading? We cannot proceed until everybody is in their seats. Read on Final Reading, LB 113E.

ASSISTANT CLERK: (Read LB 113E on Final Reading.)

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

ASSISTANT CLERK: (Read the record vote as found on page 1963 of the Legislative Journal.) The vote is 42 ayes, 3 nays, 3 excused and not voting, and 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with the emergency clause attached. Before we proceed, I might indicate to the visitors who may wonder why the strange way of reading the bills, the Constitution of the State of Nebraska indicates that all bills finally

May 13, 1981

LB 113, 113A, 529

PRESIDENT LUEDTKE PRESIDING

FATHER MAURICE CURRENT: (Prayer offered.)

PRESIDENT: Roll call. Would everyone please register your presence, if you are here? If you are not, don't do it. Senator Beutler, would you give us your presence? Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections to the Journal, Mr. President.

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

CLERK: Mr. President, one item, LB 113 and 113A 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 113 and LB 113A. Anything else, Mr. Clerk.

CLERK: I have nothing further.

PRESIDENT: We are ready then for agenda item #4, motions, to return to Select File, to bring back these bills, starting with LB 529. Since neither Senator Chronister or Senator Chambers are here and the Speaker is temporarily absent, I am going to go to the next...Senator Chronister is here. All right. Just in time, Senator Chronister, we were about to leave agenda item #4 standing so we will go to agenda item #4 and LB 529.

CLERK: Mr. President, Senator Chronister would move to return LB 529 to Select File for specific amendment. The amendment is on page 1962 of the Journal.

PRESIDENT: The Chair recognizes Senator Chronister.

SENATOR CHRONISTER: Thank you, Mr. Chairman. Mr. Chairman and colleagues, as soon as I catch my breath, this morning I am moving to return 529 in order to on page 3 of the committee amendments to strike beginning on line 24 the new language and reinstate the original language. Now our reason for doing this is to go back and check what is LB 529. The bill was the work of the Nebraska Grain and

May 18, 1981

LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Salverda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 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, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at