

January 13, 1981

LR 3

simply list up for you that we are listing up for Nebraskans women's contributions to the development of the United States and it is important for us to recognize their contribution. I am pleased to have a part in LR 3 and I urge your adoption of it.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, just a simple question for Senator Beutler. I think I know the answer. You are not advocating any holiday or paid holiday with vacation or anything of that nature, are you?

SENATOR BEUTLER: None whatsoever. I am against energy holidays even.

SENATOR NICHOL: Okay, thank you.

SPEAKER MARVEL: Senator Beutler, do you wish to close on the resolution?

SENATOR BEUTLER: No closing, Mr. Speaker.

SPEAKER MARVEL: The motion before the House is the adoption of LR 3. All those in favor vote aye, opposed vote no. The Clerk will record the vote.

CLERK: 38 ayes, 0 nays on adoption of LR 3, Mr. President.

SPEAKER MARVEL: The motion is carried and the resolution is adopted. We now are ready for item #6, introduction of new bills.

CLERK: Yes, sir.

SPEAKER MARVEL: Do you have any new bills?

CLERK: (Read LB 114-121 by title for the first time as found on pages 128-129 of the Legislative Journal.)

SPEAKER MARVEL: While we are waiting for additional bills to come in, I think we will start on item #7 and begin to take a discussion on the rules. Meanwhile, we still encourage all of you to get the bills in so they can be referred.

CLERK: Mr. President, when we last considered adoption of permanent rules Senator Wesely.... We were considering the adoption of Rule 5, Section 5, dealing with limitation of bill introduction. Senator Wesely had a proposed amendment to that section which read, "strike the 10 bill limitation

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LB 4, 10, 14, 18, 26, 41,
45, 51, 66, 68, 121

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Dean Herman, Church of the Nazarene, Curtis, Nebraska.

REVEREND DEAN HERNAM: Prayer offered.

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

CLERK: A quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal then stands correct as printed. Are there any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle to whom we referred LB 41 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 45 General File; LB 18 General File with amendments; LB 121 General File with amendments. (Signed) Senator Kahle, Chairman. LB 4 indefinitely postponed by the Government Committee; LB 10 indefinitely postponed; LB 26 indefinitely postponed; LB 66 indefinitely postponed. (Signed) Senator Kahle.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 14 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 51 General File with amendments. (Signed) Senator Kremer.

Your committee on Business and Labor whose Chairman is Senator Maresh to whom we referred LB 68 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed. (Signed) Senator Maresh.

Mr. President, your committee on Judiciary gives notice of public hearing in Room 1113 for February 23, 24, 25, March 2, 3, 4, 9, 10, 11 and 16. (Signed) Senator Nichol.

Mr. President, two reports: A report of the activities of the Nebraska Commission on Rural Health Manpower will be inserted in the Journal; and I have a report from the Nebraska

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LB 18, 121

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 121.

CLERK: Mr. President, LB 121 offered by Senator Vickers. (Read title). The bill was read on January 13. It was referred to the Government Committee. The bill was advanced to General File. There are Government, Military and Veterans Affairs Committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. President and members, according to the records that I have, do you have committee amendments?

CLERK: Yes, sir.

SENATOR KAHLE: I don't find any here. What do you have?

CLERK: It says: "On page 4, line 4, strike the word "district" and insert "public body", and in line 23 after the period insert "upon the granting of such easement it shall be the duty of the Secretary of the Board of Educational Lands and Funds to transmit a certified a copy of the easement for filing in the office of the Register of Deeds in the county or counties where the easement is located".

SENATOR KAHLE: Okay, I found it now.

CLERK: Did you?

SENATOR KAHLE: Yes.

CLERK: Okay.

SENATOR KAHLE: The committee amendments as stated are on page 400 of the Journal and the amendment would strike "districts" and insert "public body" on page 4, line 4. This is a technical amendment needed because the rest of the bill refers to public bodies not districts. So it for language uniformity. The other part of the amendment would insert at the bill a sentence that makes it the Board of Educational Lands and Funds duty to file a copy of the easement in the office of the Register of Deeds in the county where the easement is located. The statutes currently place this requirement on the board when they sell property, so this amendment is to keep the board's duties uniform. I think this is self-explanatory and it does...is necessary to make the language read correctly, and so I move for the adoption of the committee amendments.

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LB 121

SPEAKER MARVEL: Senator Marsh, do you wish to speak to the committee amendments? Senator Vickers, do you wish to speak to the committee amendments?

SENATOR VICKERS: Yes, I do, Mr. President. Mr. President and members, as Senator Kahle pointed out the committee amendments are more technical in nature and the second portion of the committee amendments, if you will look in Section 1 of LB 121, you will notice under subsection 5 the same language that the committee amendment would insert under Section 2, which would make it the procedure followed by the board identical. This is a purely technical amendment and certainly has my blessing.

SPEAKER MARVEL: Senator Kahle, do you have anything else to say on the amendments?

SENATOR KAHLE: None.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 121. All those in favor vote aye, opposed no. Record the vote.

CLERK: 36 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now we are ready for the bill. Senator Vickers.

SENATOR VICKERS: Mr. President and members, LB 121 addresses a procedure that would seem to me at least to be rather unreasonable that we have in the statutes at the present time. At the present time, whenever a public body, and I will use as an instance a public power district, wants to put any...wants to get any easement on a piece of school land, they have to go through the condemnation process even though it might be an easement of convenience, say set a few poles in order to get a stock well or something of that nature. The condemnation procedure, of course, is a rather expensive procedure, a legal procedure that is a protection, I will admit, to the landowner if the landowner doesn't really want the easement to be granted. But as it works in public lands, the public body can go to the owner of the public land and approach them in a reasonable fashion and see if they can't agree to an amount and simply be granted an easement and not have to go through the condemnation process. What LB 121 does is insert under

Section 2 a procedure whereby that same procedure could be followed with the Board of Educational Lands and Funds. If the Board of Educational Lands and Funds has no problem with the easement being asked, if the price of the easement can be agreed upon between the two public bodies, then the condemnation process would not have to be followed. The purpose behind this, or the philosophy behind this is that since both the entity asking for the easement and the entity owning the property are owned by the public, that it is a rather silly procedure it would seem to me to force the two public bodies to go through the expensive legal condemnation process if an agreement can be reached by the two public bodies on the amounts for the easement without it. This does not take away the ability of the Public Board of Educational Lands and Funds to insist on the condemnation process or neither does it take away the right of the body asking for the easement. If they can't agree under Section 2, if an agreement isn't reached, a mutual agreement, then the condemnation process under Section 1 falls back into play. I think I should also point out for those of you that might be concerned that this does nothing to the lessee's right for reimbursement, the lessee being the person, the farmer, the rancher, that holds the lease on that Board of Educational Lands and Funds Land. Their rights are still protected just as they have been in the past for damages to anything done on their crops or their property. This only deals with the two public bodies, and I would urge the body's adoption.

SPEAKER MARVEL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, Senator Clark is going to fall off his chair this morning because I support Senator Vickers on this. It's not too often we can do this, but Senator Vickers has got a very good bill here. He did an excellent job of explaining the bill. I, many times, in laying out power lines have had to acquire easements. Trying to address the school grounds has really been a tough problem because most of the time you wound up in condemnation and it spent a lot of dollars both ways. It's really a nonproductive way of going across school property. By granting this easement it is a much lesser way, it protects everybody, and I think it is a very excellent bill and I certainly do support it.

SPEAKER MARVEL: Senator Kahle.

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LB 14, 121

SENATOR KAHLE: Mr. Speaker and members, just a little bit of information on that. We did hold the hearing and there was no objection from the Department of School Lands and Funds. I did receive correspondence from Dr. Ann Campbell from the Department of Education and they concur and it has been a difficult and costly proposition to condemn land that belongs to the School Lands or controlled by the School Lands and Funds people. This should simplify that process. Thank you.

SPEAKER MARVEL: The motion is to advance LB 121 to E & R for Review. All those in favor vote aye, opposed vote no. Record.

CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. We are now ready for LB 51.

CLERK: How about 14?

SPEAKER MARVEL: Oh, I am sorry. Excuse me, Senator Clark. LB 14.

CLERK: Mr. President LB 14 was signed by Senator Robert Clark and Senator Hefner and Senator Rumery. (Read title). The bill was read on January 8 and was referred to the Public Works Committee. It was advanced to General File. There are no amendments pending, Mr. President.

SENATOR CLARK: Thank you, Mr. Clerk. I will excuse the President for skipping over the bill.

SPEAKER MARVEL: Senator Clark.

SENATOR CLARK: Mr. President and members, what this bill does is to allow the Department of Roads and the public power districts to get together and finance a road that has been impacted by generating facilities. It's the same type of a bill that we had on LB 15 that allowed the power districts to contribute to school districts. This allows the power districts to contribute to a road that they are going to need and they'd probably pay for the whole road, but they cannot at the present time do that in statute, and that is what this does. That's all the bill does. It is strictly permissive. There is nothing mandatory about it.

February 10, 1981

LB 14, 18, 20, 24, 41,
51, 64, 65, 121, 165A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Senator Rumery.

SENATOR RUMERY: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Chambers would like to be excused all day; Senator Burrows until he arrives; Senator Carsten and Dworak all day.

PRESIDENT: Has everyone registered your presence? Has everyone registered your presence? Record the attendance, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as printed. Proceed with any messages, reports or announcements.

CLERK: Your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 41 and recommend that same be placed on Select File; LB 18 Select File; LB 121 Select File; LB 14 Select File; LB 51 Select File with amendments; LB 64 Select File with amendments; LB 65 Select File; and LB 24 Select File. (Signed) Senator Kilgarin, Chairperson.

PRESIDENT: We are ready then for Select File. Senator Nichol, will you handle E & R? We only have E & R amendments on 178 so we will just go right down through the list beginning with LB 20.

SENATOR NICHOL: Okay, are you ready to start. Mr. President, I move that LB 20 be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 20 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 20 is advanced to E & R for engrossment. LB 165.

SENATOR NICHOL: Mr. President, I move...

PRESIDENT: LB 165A. Just hold up a minute. All right, we will

February 11, 1981

LB 14, 51, 64, 121

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 121 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced.

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 14 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 51.

CLERK: There are E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 51....

CLERK: E & R amendments be adopted, Senator.

SPEAKER MARVEL: The E & R amendments.

SENATOR NICHOL: The E & R amendments be adopted first, yes.

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

SENATOR NICHOL: Mr. Chairman, I move LB 51 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. LB 51 as amended is advanced.

CLERK: There are E & R, Senator.

SENATOR NICHOL: Mr. Chairman, I move the E & R amendments on LB 64 be approved.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. No it isn't. All right, the E & R amendments are adopted.

SENATOR NICHOL: Okay. Now, Mr. Chairman, I move LB 64 be advanced to E & R for Engrossment.

February 12, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Monsignor Charles J. Keenan of the Blessed Sacrament Parish, Lincoln, Nebraska.

MONSIGNOR KEENAN: Prayer offered.

SPEAKER MARVEL: Roll call. Will you please record your presence. Have you all recorded your presence? Record the vote.

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

SPEAKER MARVEL: Do you have some items to read into the record?

CLERK: Yes, sir, I do. Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 336 and recommend that same be placed on Select File with amendments; 336A Select File; 33 Select File; 96 Select File; 31 Select File, 214 Select File, 120 Select File and 85 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 512-513 of the Legislative Journal.)

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom is referred LB 195 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 272 General File with amendments; 273 General File with amendments and 355 General File with amendments, (Signed) Senator DeCamp, Chair. (See pages 512-514 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 14 and find the same correctly engrossed; 18, 41, 51, 64, 65 and 121 all correctly engrossed.

And finally, Mr. President, I have a lobby registration report covering the week of February 6 through February 11, 1981. (See page 515 of the Journal.)

SPEAKER MARVEL: Okay, we will go to item #4, introduction of new bills.

CLERK: Mr. President, Senator Nichol moves to suspend Rule 5, Section 5 so as to permit the introduction of Request 889 by himself.

SPEAKER MARVEL: Senator Nichol.

February 20, 1981

LB 65, 121

CLERK: 44 ayes, 0 nays on the motion to return, Mr. President.

PRESIDENT: Motion carried and LB 65 is returned to Select File for the purposes of the specific amendment. Do we have the amendment? We just as well proceed with it right now. We have done this in the past and it is far more expeditious if we do it right now.

SENATOR NICHOL: That is fine with me. I just thought it had to lay over a day.

PRESIDENT: No, it does not have to lay over a day.

SENATOR NICHOL: I move for the...

PRESIDENT: A motion to adopt the amendment, the corrective amendment. Any discussion? All those in favor of adopting the corrective amendment vote aye, opposed nay. Record the vote.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of Senator Nichol's amendment.

PRESIDENT: Motion carries and the amendment is adopted. Senator Kilgarin or Senator Nichol can do it.

SENATOR NICHOL: Mr. Chairman, I move for the advancement of LB 65 to Final Reading.

PRESIDENT: The motion by Senator Nichol is to advance LB 65 to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 65 is readvanced to E & R for engrossment. Now we are ready for the final bill on Final Reading, LB 121.

CLERK: LB 121 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 121 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 602, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 121 passes and that will conclude Final Reading today. Do you have some matters to read in? You may proceed.

CLERK: Mr. President, your committee on Education gives notice of hearing for Monday, March 16. (Signed) Senator Koch, Chair.

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

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SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

February 24, 1981

LB 14, 24, 31, 33, 41,
45, 46, 64, 81, 82,
85, 96, 120, 121,
130, 14, 158, 213

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCZKOWSKI: Prayer offered.

SPEAKER MARVEL: Will you please record your presence?
Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Underneath the North balcony, it is my privilege to present visitors to Nebraska sponsored by Partners of the Americas and the sponsors are Mrs. Ben Schulze and Gilbert Erickson and the visitors are coordinated with Dr. Fortes and his wife Maranna and the technical title is the Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil. Would you folks please stand so we can welcome you to the Unicameral. Okay, there is some items on the Clerk's desk and we will start with those.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk regarding signing of LBs 14, 18, 41, 45, 46, 64, 81, 82, 121, 130 and 140. (See page 639 of the Legislative Journal.)

Your Enrolling Clerk respectfully reports that she has on February 23 at 2:37 p.m. presented to the Governor the following bills: 31, 33, 85, 96 and 120.

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

Your committee on Appropriations whose chairman is Senator Warner to whom is referred LB 158 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendment, (Signed) Senator Warner, Chair.

Mr. President, I have a report from the State Employment and Training Council. It will be on file in my office.

Mr. President, Senator Cullan asks unanimous consent to add his name to LB 213 as coinstructor.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.