

January 13, 1981

LB 122 - 133

RECESS

SPEAKER MARVEL PRESIDING

CLERK: Mr. President, Senators Sieck, Clark, Nichol would like to be excused until they arrive.

SPEAKER MARVEL: Clerk, record the vote.

CLERK: Quorum present, Mr. President.

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

CLERK: Mr. President, I do. I have a Reference Report from the Executive Board referring LBs 81 through 113. (Signed) Senator Lamb, Chairman. (See page 133, Legislative Journal.)

Mr. President, new bills: LB 122, title read; LB 123, title read; LB 124, title read; LB 125, title read; LB 126, title read; LB 127, title read; LB 128, title read; LB 129, title read; LB 130, title read; LB 131, title read; LB 132, title read; LB 133, title read. (See pages 134 to 136, Legislative Journal.)

SPEAKER MARVEL: I would like to alert you to the schedule for tomorrow. At eight thirty will the chairmen please make a note that we would like to meet in Room 1520 to discuss two or three items, one of them is the calendar; another has to do with the ending date as far as the introduction of bills is concerned. At nine o'clock the Legislature will convene, and at ten o'clock the Governor will come over and give us his State of the State message. So at eight thirty the chairmen at a caucus in Room 1520, nine o'clock we will convene and the Governor will be in at ten o'clock. Are we ready, Mr. Clerk? Senator Wesely. Senator Wesely, are you prepared to bring the Legislature up-to-date as to where we are at the moment and where we need to go in the immediate future?

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, we have now taken care of three issues dealing with the Rules that were of some controversy and we are now left with the rest of the Rules of the blue book. We have dealt with Rule 7, Section 1; Rule 3, Section 11; and Rule 5, Section 5. We are now to the rest of the rules in the blue book and that is what is now open for discussion. We have a number of rule changes that have been proposed that are on the desk of the Clerk which we will go through in the order in which they have been

January 7, 1982

LR 203
LB 32, 127, 359, 693

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence, please. Senator Dworak, would you like to record your presence. Thank you. Senator Beutler, would you record your presence please. Pat, we have a quorum. Record.

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

SPEAKER MARVEL: Do you have items to read in?

CLERK: Mr. President, just a few brief items. I have a new bill, LB 693 (Read title). (See page 151, Journal.)

Mr. President, Committee on Urban Affairs gives notice of hearing in Room 2230 for consideration of amendments to LB 359.

Mr. President, I have reports to the Legislature from two Natural Resource Districts regarding payment of attorney fees.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle to whom we referred LB 127 reports same back to the Legislature as advanced to General File and that is signed by Senator Kahle as Chairman.

Mr. President, I have a new resolution, LR 203 offered by Senator Landis and Senator Chambers. (Read. See pages 152 and 153, Legislative Journal.) Mr. President, under our rules that will be laid over. No, sir, I do not. That is all that I have.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise? We have a distinguished guest in the Chamber underneath the North balcony. It is my privilege to say "hello" to Senator Ed Zorinsky. Ed, we are glad to see you. Okay, LB 32.

CLERK: Mr. President, LB 32 introduced by Senator Tom Vickers and Senator Von Minden. (Read title). The bill was introduced on January 8 of last year. At that time it was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. Mr. President, there are committee amendments pending by the Judiciary Committee.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

January 20, 1982

597, 714, 788
LB 375, 127, 127A, 347

SENATOR CLARK: The motion before the House is the advancement of 375 to E & R. All those in favor vote aye, opposed vote nay. I would like to announce to the Legislature while we are waiting for the vote, there are sixteen students from the Nebraska School for the Deaf. Their Senators are Senator Stoney, Wiitala, V. Johnson, Kilgarin, Newell, H. Peterson, Apking, Chronister, Cope, Warner, Fowler, Carsten, Johnson and Burrows. Welcome to the Legislature. Record the vote. Voting aye.

CLERK: Senator Clark voting yes. 29 ayes, 4 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. I imagine in the intervening time, the Clerk has a lot of things to read in.

CLERK: Mr. President, your committee on Urban Affairs gives notice of public hearing for Wednesday, January 27.

Your committee on Business and Labor gives notice of hearing for Wednesday, January 27 and February 10.

And your committee on Public Works gives notice of hearing for Thursday, January 28. Those are all signed by their respective chairmen.

Senator Nichol would like to print amendments to LB 347; Senator Sieck to LB 127 and 127A. (See pages 381-384 of the Legislative Journal.)

Mr. President, your committee on Judiciary whose chairman is Senator Nichol reports LB 597 advance to General File with the committee amendments attached. (See page 384 of the Legislative Journal.)

Mr. President, I have a reference report referring LB 881-966.

Mr. President, Senator Koch would like to add his name to LB 788 and Senator Fenger to LB 714 as cointroducers. (See page 387 of the Legislative Journal.)

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, your committee...oh, I have another hearing notice from Constitutional Revision and Recreation setting hearing for February 4, 5, 11, 18 and 19.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed

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LB 435, 127

number of provisions that makes it somewhat difficult to follow and for that I am apologetic but I thought it was better to bring one bill than fifteen and that is why the bill is there.

PRESIDENT: Any further discussion then on the advance of LB 435? I guess that is the opening and the closing, Senator Landis. We are ready to move the bill on. All those in favor then of advancing LB 435 vote aye, opposed nay. Have you all voted? We're voting on the advancement of LB 435. Well, Senator Landis, I guess...Senator Landis, I guess we'll have to have a Call of the House so that... no, we're alright. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: Motion carries. LB 435 is advanced to E & R initial. Senator Higgins is not here so we will lay over... LB 314 will be laid over. We are ready then for LB 127, Mr. Clerk.

CLERK: Mr. President, LB 127 introduced by Senator Sieck. (Read title.) The bill was read on January 13 last year, referred to the Government, Military and Veterans Affairs Committee for hearing, Mr. President. The bill was advanced to General File. Senator, would you like to take up your amendment or do you want to go ahead and just explain the bill? What would your preference be?

PRESIDENT: Senator Sieck, do you want to explain the bill first and then take up your amendment or which way?

SENATOR SIECK: The amendments will be a part of the bill so I should really explain the bill and then go into the amendments so they will know what I am doing.

PRESIDENT: There are no committee amendments, is that right? Alright, so, Senator Sieck, proceed to explain the bill and then we will take up your amendment. Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, this bill was brought out of committee the first of the year and the purpose of LB 127 is to create a state survey records repository and to make various technical amendments to existing statutes dealing with county surveyors. This bill, if enacted, would give county boards authority to set rates given the county surveyor on a daily basis and remove all ceiling rates given the county surveyor. This is done to allow the county board to work out a reasonable agreement with the county surveyor without being hindered by obsolete

limits in the statute, gives the county surveyor authority to enter upon land to make a necessary survey. This is to ensure that all necessary surveys could be done in the case where there is an unreasonable objection by a landowner. Various other obsolete statutes are stricken with modern surveying language inserted where it is necessary. The main impact of this bill is that it would mandate that a state survey record repository be established by the state surveyor. The purpose of this repository is to microfilm, index and file the survey records of all surveys completed after this bill is law. This legislation would require that all surveys upon completion would be sent to the record repository. A copy of these recorded records must then be provided to the county where the survey was conducted free of charge. Once this repository gets going it will be self-supported by funds it generates by fees. These fees will include a collection fee which cannot exceed \$5 for every survey filed with the repository by a surveyor. Other fees would include a fee which cannot exceed \$10 for every search of the repository fees requested as well as the cost of reproducing material upon request. When a surveyor is doing a survey upon an individual's request it can be assumed that the person requesting the survey would pay the \$5 filing fee. In the case where the survey is requested by the county the \$5 filing fee would then be picked up by the county itself. A very limited number of surveyors fear that such a record repository would eventually do away with the office of the county surveyor throughout the state. I want you to understand that in no way is this the intent of the bill. Instead this bill would ensure a more efficient and better equipped county surveyor's office on the county level. Eventually all surveys that have been done prior to the enactment of this legislation will be entered into the record repository. It must be kept in mind that this will be a slow evolutionary process over a period of several years but this will be accomplished on the basic pay as you go basis which this state is so proud of endorsing. And with all things considered I feel that this bill would be very useful to this state. This is the introduction of my bill and now I would like to take up the amendments.

PRESIDENT: Alright, Senator Sieck, do you want to read the amendment.

CLERK: Mr. President, the amendment is found on page 382 of the Journal.

PRESIDENT: Senator Sieck, you may address yourself to your amendment.

SENATOR SIECK: There are four sections to the amendment. The first section, it was discovered that these amendments were needed to this bill after I met with the legislative committee of the Nebraska Association of Professional Surveyors. I was reading the wrong script. These amendments to LB 127 are a result of the hearing held on the bill last year an interim study of LR 83. The first amendment exempts certain surveys in the requirement of being filed by the survey depository. The amendment reads, " Surveys which are within the corporate limits of a city with a population in excess of fifteen thousand and do not reference, recover, retrace or reestablish the original government corners or lines or do not create a new subdivision are not required to be filed in the survey record repository." This has been done to make this bill more compatible to the surveyors who do survey for construction and development. Such surveys wouldn't be needed in the repository because we do have the line items in there, the corners that are necessary to establish the subdivisions in the first place and this could be pretty expensive to the private surveyors. Now the next amendment is a technical amendment to clarify some intent in the bill. And the next section is, this amendment required that the repository must send a copy of the record survey back to the county at no cost and this must be done within thirty days from when the repository receives the survey. And the last section, this amendment sets up the survey record repository fund so that the A bill that goes with LB 127 is to set up using this fund as established by this. So all that amendment does is set up the repository fund. With this I move the amendments.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: I have a motion. Do we take that up now, Pat?

PRESIDENT: We are dealing with the Sieck amendment now. Yours was a separate amendment I believe.

SENATOR HABERMAN: I would like to suggest that the body not accept the amendment. The amendment drastically changes the bill, makes a lot of changes in the bill. Your sheet shows that nobody appeared in opposition before but we now have Nebraska realtors and the Nebraska land abstractors who are opposed to the bill. They have not had an opportunity and will not have an opportunity to speak to this if we adopt these amendments. So I would like to ask this body to not adopt the committee amendments or Senator Sieck's amendment at this time. It was printed in the Journal and the vast majority of the people, all of the surveyors out there in Nebraska, all...how many of them

are there? Hundreds and hundreds of them Senator Sieck, have not had an opportunity to have their input on this amendment and I think it should be because it affects them, it affects every community so at this time I would ask you not to accept Senator Sieck's amendment. Thank you very much.

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to ask Senator Sieck a question.

PRESIDENT: Senator Sieck, would you respond?

SENATOR SIECK: Yes, I will respond.

SENATOR RUMERY: Senator, you talk about establishing a fund here, particularly in the A bill. Where does the money come from?

SENATOR SIECK: This fund will be coming from the fee that is established by the repository fund. It will be a fund collected when a repository is made and it will also be a fund for a fee when someone wants to research the repository and that fee is \$10 and then this will be collected to make up the repository fund.

SENATOR RUMERY: Do you anticipate then that it will all be cash or revolving funds and no general funds?

SENATOR SIECK: Yes, I will. There is a \$10,000 fiscal note of general fund money to start the program off. I know that in your book it says \$36,000 but I have an amendment up there to the A bill which would only require \$10,000.

SENATOR RUMERY: Thank you.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President, my remarks are going to not be so much pro or con as far as the total bill is concerned but I would like to go over it with you, the procedure that we have gone through to arrive at what we have come up with or what Senator Sieck has come up with. The bill of course was introduced last year and the committee decided to have an interim study on the issue which we did have. We had a study here in Lincoln and one in North Platte. The committee members that were present all voted to have the hearing. Then this spring when we met again in Executive Session to attempt to clean up our slate of bills that were left over and that we hadn't acted on, we decided to bring the bill to the

floor on a five to 2 vote. As far as the amendments are concerned as I read them I think they are germane to the bill and they certainly include everything that was discussed at the hearing. I don't see anything there that was not discussed at the hearing. So I do think the amendments are only an extension of the bill. I hope we realize that there are amendments before us every day that make many more changes than Senator Sieck is trying to do with this bill. We thought, I think the committee, those of us that voted for to bring the bill out, thought it was an issue that needed to be brought before this body and with that that is all I will have to say at this time. Maybe later I'll have some more to say about it. Thank you.

PRESIDENT: The Chair recognizes Senator Sieck. No, this is not his close, no. You're on next.

SENATOR SIECK: Mr. President and members of the body, in response to Senator Haberman's saying that there was no public hearing on this, this bill was brought before the committee. This amendment was brought before the committee and was discussed at the time the hearing was held. Also these amendments were in the Journal for at least two weeks. So many, many people had an opportunity to review these and if they have some things that they didn't feel it was proper they sure have a chance to visit with their individual senators and express their opinion. And I'm sure that everything is done, what has been done is on the up and up so to speak and I feel that these amendments are proper and it is needed because in the discussion at the hearing there was opposition from the surveyors, the private surveyors that the cost would be prohibitive on their part and we felt that we could accomplish our purpose without getting these small subdivisions to require a repository. So this is the reason that the amendments are here and I feel that everything that we have done is proper and in its proper perspective. Thank you.

PRESIDENT: I think probably we're almost at the time unless, Senator Haberman, you can make it in a couple of minutes here. I'll recognize you. You're the only one on, the light is on and then we're going to cut this off.

SENATOR HABERMAN: Thank you, Mr. President, a question of Senator Sieck.

PRESIDENT: Senator Sieck.

SENATOR SIECK: Yes, Senator Haberman.

SENATOR HABERMAN: Senator Rumery asked you about fees

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LB 127

and costs and you told him it can be \$10.

SENATOR SIECK: Right.

SENATOR HABERMAN: Are you sure it won't be \$15?

SENATOR SIECK: The bill says \$10.

SENATOR HABERMAN: How much is it going to cost to have the search made in the repository when you want to get a copy of the survey?

SENATOR SIECK: The search is \$10 and then if they want a copy of it, then there will be an additional cost of a dollar for the copy, whatever it costs to make a copy but the search itself will be \$10.

SENATOR HABERMAN: Due to the lateness of the time, Mr. President, I'll drop the issue for now.

PRESIDENT: Okay, I would like to introduce on behalf of Senator Hefner some nine constituents from Coleridge. They are under the North balcony. Would those visitors to the Unicameral stand and be recognized. Senator Hefner, there they are. Welcome to the Legislature. The Chair would like to recognize Speaker Marvel for a statement at this time. Speaker Marvel has an announcement.

SPEAKER MARVEL: In a serious attempt to try to break the dike so we can get more than two or three bills off every day I would like to propose to you that we will at ten-thirty proceed with a different list. This list will basically have no amendments and if there is any problems you can come up and talk to me or talk to the Clerk. If you've got a pencil and paper I'll read the numbers of the bills that we're going to proceed with and the first one is 264, 492, 403, 229, 563, 564, 565, 566, 309, 418, 490, 542, 423, 192, 231 and 304. These bills are all on Select File.

SENATOR PIRSCH: Point question, Mr. Speaker. When will we come to the bills on Select File that do have amendments?

SENATOR CLARK PRESIDING

SENATOR CLARK: We will do that right after we get done with these.

SPEAKER MARVEL: Right after this other list is taken care of.

SENATOR PIRSCH: If we have time, but otherwise will we continue having Select File at ten-thirty if we do not get through them today on the agenda tomorrow?

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LB 127, 270, 359, 378,
423, 465, 572, 610

SENATOR KILGARIN: I move we advance LB 423.

SENATOR CLARK: The motion is to advance LB 423. All those in favor say aye, opposed. The bill is advanced. LB 192.

SENATOR KILGARIN: I move the E & R amendment to LB 192.

SENATOR CLARK: There are amendments to 192 so we will hold that bill up. 231.

SENATOR KILGARIN: The introducer requests that we pass over 231.

SENATOR CLARK: Well and 304 has amendments so that will complete them. The Clerk wants to read some things in.

CLERK: Mr. President, I have a hearing notice from the Judiciary Committee for February 22, signed by Senator Nichol. I have a hearing notice by the Appropriations Committee for February 2, 3, 5 signed by Senator Warner.

Senator Clark would like to print amendments to LB 127 in the Journal; Senator Howard Peterson and Hefner to print amendments to LB 610. Senator Warner offers proposed rules change. That will be referred to the Rules Committee for public hearing and, Mr. President, Senator Cullan moves to reconsider the body's action in indefinitely postponing LB 270. That will be laid over. (See pages 450-451 of the Legislative Journal.)

Mr. President, in addition to that I have an E & R reports. Your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 378 and recommend that same be placed on Select File with amendments; LB 359 Select File with amendments and LB 572 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 451-455 of the Legislative Journal.)

SENATOR CLARK: I would like to introduce to the Legislature 75 fourth grade students from the Zeman School in Lincoln, Shirley Marsh's District. Bob Larson, Mrs. Soukup, Mrs. Durst and Mrs. Diava (phonetic) are the teachers. Would you stand and be recognized please. Welcome to the Legislature. We are glad to have you here. We will now take up LB 465.

CLERK: Mr. President, there are E & R amendments on LB 465.

SENATOR CLARK: Senator Kilgarin, E & R amendments on 465.

SENATOR KILGARIN: I move the E & R amendments to LB 465.

PRESIDENT: We're ready then for agenda item #4, General File. I think we're still on 127. Do you want to bring us up to where we are with LB 127, Mr. Clerk?

CLERK: Mr. President, LB 127 was a bill offered by Senator Sieck. (Read title.) The bill was first read on January 13th of last year. At that time it was referred to the Government Committee for public hearing, Mr. President. The Government Committee advanced the bill to General File. The bill was advanced to General File with no committee amendments. When we left the bill yesterday, Mr. President, there was an amendment offered by Senator Sieck that was pending. That amendment is found on page 382 of the Legislative Journal.

PRESIDENT: Alright, speaking to, Senator Sieck, your own amendment. The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, I imagine I should explain this amendment again to refresh your minds. These amendments, LB 127 are the result of the hearing held on the bill last year in the interim study of LR 83. There are four parts to this amendment. The first part exempts certain surveys from the requirements being filed in the survey repository. The amendment reads: "Surveys which are within the corporate limits of a city with a population in excess of fifteen thousand and do not reference, recover, retrace or reestablish the original government corners or lines or do not create a new subdivision are not required to be filed in the survey record repository." This has been done to make this bill compatible to surveyors who do surveys for construction and development. Such surveys wouldn't be needed in a repository. The second part, this amendment is technical amendment to clarify some intent in the bill and the third portion is, this requires that the repository must send a copy of the recorded survey back to the county at no cost and this must be done within thirty days from when the repository receives the survey. The fourth part sets up the Survey Record Repository Fund. The A bill that goes with LB 127 is set up using this fund as established by this amendment. Are there any questions on this? I would be happy to answer them.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to oppose the amendment as I will also oppose the bill. The reason I oppose the amendment is it reduces the amount of money to \$10,000 and I would say that possibly Senator Sieck is doing this because that looks better on the fiscal sheet

than \$36,000 but this is all based on 62,500 surveys a year. Well so the \$10,000 will probably cut it down to two employees and that means that the two employees to get started are going to have to do 265 copies a day, get them mailed, log them in the book and mail them back to the counties. I say that is impossible. How can two employees do 265 in thirty-three hours? That means there is no coffee time, they can't answer the phone, they can't even go to the bathroom and they can't get sick. It isn't going to work if there is that many surveys and if there aren't that many surveys then that throws the whole thing out of kilter. So I say that Senator Sieck's amendment is merely an amendment to make the fiscal notelook better and that it will not work and that you vote against the amendment to the bill. Thank you.

PRESIDENT: The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, I would like to ask Senator Sieck a question or two.

PRESIDENT: Senator Sieck, would you respond to a question?

SENATOR SIECK: Yes.

SENATOR RUMERY: Do I understand, Senator, that the organization of county surveyors asked for this bill?

SENATOR SIECK: This is correct.

SENATOR RUMERY: What is the reason that they gave for needing the bill?

SENATOR SIECK: They feel that they wanted a little more authority for the county surveyor and also they feel there is a need to establish a repository fund so in case something happens to the survey records at the county level that there is a place and a storage record of them and also it would be easier for a lot of surveyors to come into a central repository to gather up information to save considerable costs to individuals outstate.

SENATOR RUMERY: Your amendment will do what to improve the bill?

SENATOR SIECK: The amendment allows those areas within the large metropolitan areas that have a lot of survey work going on and which there is no major established corners establishment already established and the surveyors

have them so that they need not put into the records, those small parcels that are connected with the major subdivision or the major boundary areas to be established in the repository and it is actually to save some expense as far as the private surveyor is concerned within the large cities.

SENATOR RUMERY: Would you say we have been negligent in keeping the proper records?

SENATOR SIECK: I feel that that is very possible. I feel that we need to do this because our locations are disappearing especially in the western part of the state where they used softstones to locate the corners and some of them are already hard to locate. So they have to establish a new corner. Let's establish it and have a record of it so that we know where it is at.

SENATOR RUMERY: Thank you.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President, members, I'd like to have Senator Sieck if he would, go through the process and do the records when a surveyor makes a survey, what happens to it? Does it go to the county first or to the state first? Can you enlighten us on that?

PRESIDENT: Would you respond to that, Senator Sieck?

SENATOR SIECK: It goes to the county first. Then the county sends it to the state and there is a fee charged by the county to the surveyor, whoever establishes that record for establishing a record and then it is sent to the state.

SENATOR KAHLE: So there is really no difference in this bill than what they are doing now except that the record is kept in two places?

SENATOR SIECK: That is right and it establishes a fee. At the present time there is no fee established to record the records. And the county will establish its own set price, whatever fee they want to charge.

SENATOR KAHLE: But the county will be collecting the fee then?

SENATOR SIECK: That is correct.

SENATOR KAHLE: Okay, I think one of the problems that we

have in our minds, especially those of us that have probably worked with county government and also live out in the rural areas, is that we are afraid that we are going to lose that record at the county and of course this bill certainly does not in any way jeopardize that the way it is written and that is the reason I asked the questions. And of course if you don't want the repository only in your own county, why, this bill will probably foul you up or you will think it is not worth the chips. As far as the money is concerned and Senator Haberman was questioning about that, if I understand the bill right and, Senator Sieck, correct me if I am wrong, this is seed money generally to get the program started and that it should be self-supporting. Now Senator Haberman claims that they won't do that much work. I would guess they might because I know that we had people snooping around our area trying to buy natural gas leases and I'm sure they had...we have three or four counties that join right close to where I live. I'm sure they had to make trips into all those county seats to find the records before they could even start a survey to go out and try to find the landowners. So for the county people I don't think it is going to help them very much. If you are living in a county and want to get a survey record you are going to go right where you always did. I guess this whole bill deals with the convenience of those who deal in cross county lines and of course many of our surveyors you know, work in a number of counties, not just one. We can't afford in our county to have a surveyor of our own. It is about like having your own tomcat but anyhow, we have to share and so that is one of the problems we have and it would be much simpler for them of course especially if those counties are not adjacent to each other to have records in more than one place. I really can't see that this bill is going to jeopardize the county's ability to keep the records there. It will take other legislation to do that. If you're afraid of that, why, I don't believe that is a danger in this bill. Thank you.

PRESIDENT: Senator Haberman, do you wish to speak again? I see your light is still on.

SENATOR HABERMAN: Mr. President, members of the Legislature, in the question and answer period that Senator Sieck had set up for this, he said one of the reasons the bill is to give more authority to the state surveyor and then he says we have to deposit these in a repository so we will have a record but Section 10 of his amendment, Senator Sieck, Section 10 of your amendment exempts surveys from being reported to the central repository. So here on one hand we're saying we've got to put them in a

repository because they might be lost and here on the other hand in his amendment, Section 10, says we're going to exempt all this type of surveys. Your county courthouses now have microfilm equipment. They can microfilm the surveys. But I just don't understand how you can stand up here and say we need it because we might lose it in the county and then he exempts it from being reported to the central repository if done in a city with a population over 15,000. This doesn't add up. On one hand we say we need it, on the other hand, we're not going to do it. They say that the State Surveyors Association is in favor of this, the committee or the entire Association? And, number two, the realtors are opposed to it and the abstractors are opposed to it. This isn't a "freebie" bill. We're starting a bureaucracy here. We're starting a whole new government entity that we don't need. They refer to Missouri, I believe. They have been working on theirs for ten years, still aren't through, still don't have it completed. We talked to the Council of Governments and we talked to the two organizations that we belong to nationally. They know of no other states that have this outside of Missouri. So it is no big deal. Senator Kahle says we've got to find these corners. We've got to get this done. Well for your information this is all based on 62,000 surveys a year or one a day per surveyor. At the present time the Board of Educational Lands and Funds are paying \$80,000 to the State Surveyors Office and they are doing twenty surveys a year, twenty of them. That is \$4,000 a piece. So this can't sustain itself on surveys. We're kidding ourselves. They are going to be back here later on asking for general fund money. So I say, no, let's don't adopt the amendment. No, let's don't pass the bill and with that, thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Cope.

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

PRESIDENT: Senator Sieck, will you respond?

SENATOR COPE: Senator Sieck, what about the materials or the surveys that are in the surveyor's office now for the last hundred years or whatever it is? Will we do those or are we starting as of now or just what is the situation?

SENATOR SIECK: No, we're going...this bill sets up a formula for the state surveyor to pick up these surveys that have already been established in the County Surveyors' Office and he will put those on the repository without no

cost to the county and he will do this as funds are available and it may take several years and it may be just a couple of years. It depends on how fast the fund is accumulated.

SENATOR COPE: Now as funds are available, in other words, the surveyors or the public I should say, they are actually then paying for the updating and sending these surveys to the state repository. Is that correct?

SENATOR SIECK: The county will pay for their own in their own county but what the state does, they charge a fee for all new surveys that come in but the old surveys that are there, the state surveyor will pick those up as funds are available and as time is available to accomplish and microfilm these so the county will still retain these surveys, that we will have a complete record in the State of Nebraska in a repository here for all the surveys that have been done from time immortal.

SENATOR COPE: In other words, the cost of the present surveys in the county assessor's office would be only the mailing them in, is that it, and microfilming? Now who pays for that?

SENATOR SIECK: The state will pay for it but it will be paid from this fund that is accumulated by the fee, yes.

SENATOR COPE: Thank you.

PRESIDENT: Senator Kahle.

SENATOR KAHLE: I think I can, Mr. President and members, help a little bit and I can't speak for all counties. I don't know but the county that I worked in, we decided, and many of the stones are lost or the marks on the mile lines and we took it upon ourselves in our county that that was county expense. When the mile line markers were obliterated or could not be found or established and by the way, only a licensed registered surveyor can establish those, we paid for it from county funds. If you wanted a quarter mile or half mile survey for yourself or some other piece of property surveyed out of that mile, that was the expense of the citizen and that is the way we did it. Now I'm not sure all counties do it the same but I'm sure that if you took it to court I believe the county would have to provide markers at every mile line so there is a survey available. If you have to go back two or three miles to find a stone or marker it would be terribly expensive for the citizen and we decided that that was not necessary so we

made a very strong effort to get our survey records up to snuff and hopefully that has been done. I can't guarantee it. It is a process that has to be ongoing. You can't just give it a shot in the arm and say it is all done and it is perfect. You never will get it perfect. It will be a matter of working at it and if I understand the bill right it would not change the cost to the county or to the citizen in that county an appreciable amount unless you wanted the records for some other purpose, why they would be the same as they are right now. There would be a cost in the first registration of the survey.

PRESIDENT: Senator Haberman, did you wish to speak again?

SENATOR HABERMAN: I have a letter here from a surveyor in Omaha. "I am a registered professional surveyor and I have been a county surveyor for fifteen years and I am writing to indicate my opposition to LB 127." Due to what reason? Due to the cost. Due to what reason? Duplicating services. We're going to file these in the county and we're also going to file them in the repository. We're going to do both. The main problem with this legislation is the funding. Now if they could come up with a way to use no general funds, fine. But once you start using general funds, then what happens? You add a little bit more, little bit more, little bit more. The fiscal note shows that they want six new employees at a cost of \$93,000 just for the employees and they keep saying, "if" this will only happen "if" they receive the funds. Well, Mr. Brown, the state surveyor, openly admitted that the 62,400 surveys to support this program was too high. He said the figure was based on a formula, one survey per surveyor per day, that he had nothing else to base it on. Also when he was questioned further on this matter he cited the example of Bill Dorner in Omaha who does approximately fifteen hundred surveys. He conceded that under this bill only a hundred would be filed and considered as surveys under this new bill. So right there we are losing fifteen hundred of the 62,000 that it is going to take to finance the program. So you are being snowballed on the financing of this program. If we have 62,000 surveys per year what happens if the if doesn't happen? Then they are going to go back here and they are going to ask for state funds and we don't need any more bureaucracies or bureaucrats. We don't need six more employees. The counties are doing a good job. You're going to end up, you're not even going to have county surveys if you pass this bill. It is all going to go down to big brother down in Lincoln. The state is going to do it for you and at what cost? Here we are putting general funds into creating a duplication of surveys and we have people that you read in the paper that are hungry. They are out of work. The budget is short. We haven't got any money and we are

creating another duplication in government. So I say on no other basis beings as this is not self-supporting, say no to the amendment and say no to the bill. We've got no business starting another general fund agency and they say, oh, this is just until it gets started. Just give us a little time to get started. Missouri has been on it ten years and it is still doing it. So I say just on the financial end of it, say no. Next year if they can come back, and if they can show that they can and prove that they can get the money, might be a different story but they can't do it this year. If there is 62,500 surveys, one survey per day per surveyor, now in the last three weeks when the wind chill is seventy below zero, how many surveys are being made? And with sixteen feet of snow on the ground how many surveys are being made? None. So how can you average one survey per surveyor per year? Forget that. Forget the duplication. Just think of the dollars it is going to cost. The fiscal sheet says \$93,000 once it gets started but how much is it going to cost in tax funds to get it started? Thank you, Mr. President. I would ask you to vote no on the amendment, vote no on the bill.

PRESIDENT: The Chair recognizes Senator DeCamp. Senator Sieck, I guess you may close. Senator DeCamp, you did not wish to speak? Alright, Senator Sieck, you may close on your motion to amend.

SENATOR SIECK: Yes, Mr. President, members of the body, Senator Haberman is real concerned about the fiscal impact of the bill. I want you to know that the budget of the state surveyor from the state treasurer is a hundred and fifty-four thousand dollars. That is the budget of the state surveyor. Last year he received from the Educational Lands and Funds ninety-one thousand dollars which was reimbursed through the state treasurer. The actual cost to the State of Nebraska was thirty-five thousand dollars. To me if this bill passes, we could be paying for that state surveyor instead of the State of Nebraska so really it would be saving money. In order to set this up he said it was ten thousand dollars. That is in the A bill. We're not talking about that in the amendment and when we come to that I will explain that. So I don't think we need to say anything about this. And as far as the state surveyor getting full control, that is far from it. It is actually giving the county surveyors more power and more authority, to go upon land where they are being refused to be let on so really I think the county surveyors are getting more power instead of the state surveyor. The state surveyor doesn't have no authority whatsoever in this bill or these amendments, so I urge you to support the amendments.

January 29, 1982

LB 127

PRESIDENT: The question is the adoption of the Sieck amendment to LB 127. Senator Haberman, for what purpose do you arise?

SENATOR HABERMAN: A point of order please.

PRESIDENT: State your point.

SENATOR HABERMAN: I believe the rules said that a senator can ask a bill to be passed over and ask that the passover be voted on and the reason I am bringing this up is that Senator Labedz is opposed to this bill. I am sure that Senator Higgins is and the other group of Omaha senators who can't get here yet.

PRESIDENT: Well they will have their chance on Select File.

SENATOR HABERMAN: But the rules say I think that I can ask for a passover and a vote on a passover this morning. Is that not right, Mr. President?

PRESIDENT: Well I think you have to make a motion and we've got a motion before the House. I think you have to put a motion up here to that effect under that rule. That is the way I understand it which would mean we would have to vote on the motion before us which is an amendment and the bill is still up for you to have passed over. I think you can do that. Okay, so we're still voting on the Sieck amendment and you can get your motion up then on that. All in favor then of the motion to adopt the Sieck amendment, all in favor vote aye, opposed nay. Have you all voted? We're voting on the Sieck amendment to LB 127. Nine are excused, Senator Sieck, which will mean you need...do you want to have a Call of the House then? Alright, let's record what is on the board and let's have...the motion then is, shall the House go under Call. All those in favor vote aye, opposed nay. Motion is, shall the House go under Call. Have you all voted? Record the vote.

CLERK: 15 ayes, 0 nays, Mr. President, to go under Call.

PRESIDENT: The House is under Call. The Sergeant at Arms will bring in, there were nine I believe that were excused. Is that what you said? Nine are excused. All members of the Legislature will show your presence. Senator Sieck, did you want call in votes first? You may call in your votes while we are proceeding to get members at their desks. We're voting, for those of you just arriving, we are voting on Senator Sieck's amendment to LB 127. The House is under Call and Senator Sieck has agreed to take

call in votes. Would all of you who are in the Chamber please register your presence so we can tell who is here and who is not. Senator Newell, Senator Haberman, would both of you put your...Rex. While we are waiting for the two members of the Legislature to arrive, the Chair takes pleasure in introducing up here in the North balcony some twenty-five students from Lexington Junior High School in Senator Barrett's district and counselor, Jim White and we join with Senator Barrett in welcoming you to your Unicameral. Welcome. I think Senator Marsh is on the telephone back here and I think we will all be here. Now do you want to proceed with a roll call vote or what do you want, Senator Sieck? Senator Sieck? The only one who is not here is Senator Marsh who is back here in the telephone booth so...do you want to proceed with a roll call vote? Okay. A roll call vote on the Sieck amendment to LB 127.

CLERK: (Read roll call vote as found on pages 469-470 of the Legislative Journal.)

PRESIDENT: Let's verify the vote.

CLERK: (Read verification of vote.) 25 ayes, 14 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion carries. The Sieck amendment is adopted. Any further amendments, Mr. Clerk?

CLERK: Mr. President, Senator Haberman would first of all ask unanimous consent to pass over the bill.

PRESIDENT: Alright, Senator Haberman is asking for unanimous consent. Are there any objections to Senator Haberman's asking to have this bill passed over? Do you want it passed over? Do you object? Alright, Senator Sieck objects.

CLERK: Then, Mr. President, in that instance Senator Haberman moves to pass over LB 127.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I'm asking that we pass over this as I know Senator Labeledz wants to have some input on this bill. She and some people in Omaha are opposed to the bill. I'm sure Senator Higgins feels the same way. These people are not here. They can't get here. We have nine that are gone and I would like to hold it over for the full body to address the bill. As you can see the vote was close even on just the amendment and I see no harm in holding it over. I would like to ask

Senator Sieck to be a gentleman about this and ask to hold it over also. But many of these people can't get here. It is not their fault. I think they should have some input on the bill. Thank you, Mr. President.

PRESIDENT: Speaking to the motion to pass over this bill, Senator DeCamp, do you.....?

SENATOR DeCAMP: Mr. President, members of the Legislature, a question of Senator Sieck.

PRESIDENT: Senator Sieck, will you respond?

SENATOR SIECK: Yes.

SENATOR DeCAMP: Senator Sieck, as I read the bill and particularly with your amendment, it is your projection and guesstimate of those people apparently who are involved in it that the fees from the situations themselves will pay the vast bulk of the expenses of this system. Is that right?

SENATOR SIECK: That is correct.

SENATOR DeCAMP: As I understand Senator Haberman, his concern really gets down to that it is a tap in to the general fund and kind of open ended. He doesn't know how far it is going to go. Since the vast bulk of the fees are going to be paid and the only question is the open endedness, would you be receptive to an idea so that he would have some assurance or so that we would all as a Legislature, have some assurance that the whole system could be covered by fees, in the area of lodging taxes in the past, continuing education for insurance, just almost any of these things where the state acts as the doing something but it is really for a particular industry. As long as we keep the fees paid by the industry or involved in that themselves, I find the bill seemed to function a lot better and there is more responsibility and it would appear to me that there is a simple amendment that could be put on that would clarify it so that over a period of time if they had to collect a little more fee they could reimburse the general fund for any. Would you have any objection to that?

SENATOR SIECK: No objection.

SENATOR DeCAMP: Okay, Senator Sieck has no objection to the very thing that Senator Haberman is concerned about and I happen to know the bill drafter is drafting that particular amendment and just handed it to me right now and if Senator Haberman wanted to offer it that would

seem to settle this whole thing. It would make sure there were no general funds and would make sure it was a self-financing system. Does that make any sense to you, Senator Haberman, since that was your concern?

PRESIDENT: Senator Haberman, do you wish to respond?

SENATOR HABERMAN: What you are proposing is to attach an amendment that this will be self-supporting?

SENATOR DeCAMP: Yes, Senator Haberman. It is exactly your concern that you said your reason was, what you said here you wanted to do and I think if you offered the amendment and he accepted it we would have this issue settled.

SENATOR HABERMAN: So what happens to the bill?

SENATOR DeCAMP: Well then, I suppose you would advance it after that.

SENATOR HABERMAN: But if the funds don't come in, then they don't start their depository.

SENATOR DeCAMP: The way this amendment is drafted, you couldn't use any general funds. It has to be a self-financing system.

SENATOR HABERMAN: Okay.

SENATOR DeCAMP: Do you want to do it?

SENATOR HABERMAN: I'll accept the amendment.

SENATOR DeCAMP: Well then, if you withdrew your motion we could put the amendment on and go about other things.

SENATOR HABERMAN: Let's try my motion first and then we will try the amendment.

SENATOR DeCAMP: Whatever, I'm just trying to get her settled.

PRESIDENT: Alright, before we go on to the next speaker, before these people leave I would like to introduce on behalf of Senator Marsh some eleven outstanding students from across our State of Nebraska who serve on the 4-H Awareness Team. They are escorted by some fourteen adults including their parents and Olivia Collins, Extension Administrator at the University. Welcome to your Unicameral. Senator Vickers.

SENATOR VICKERS: Mr. President and members, I think Senator Haberman's suggestion to pass over this bill for the reason that certain people are not here and the reason that perhaps some people don't understand what is going on with this bill is one of the dumbest things I have ever heard. If we did that we could pass over practically every bill in this whole Legislature. If there is anybody in here that is going to say that they understand every bill that goes through or that there is always forty-nine people on this floor, then I want you to stand up and say so right now. If we are going to accept this type of a mechanism we might as well forget about doing anything for the rest of this sixty day session. Now this bill is on General File for crying out loud. If Senator Haberman is not happy with it and Senator Sieck has the votes to move it over to Select File, Senator Haberman can certainly attempt amendments to it on Select File and so can Senator DeCamp or anybody else that are interested in it. So I certainly object to the mechanisms that Senator Haberman is using in this instance to slow up a bill.

PRESIDENT: Senator Kahle and then Senator Haberman. Yes, Senator Haberman.

SENATOR HABERMAN: Mr. President, beings these people get upset over this, I'll withdraw that amendment and I have an amendment up there that Senator Sieck has agreed to that we'll vote on that.

PRESIDENT: Alright. We do have a couple more, what, about three amendments?

CLERK: Senator, does that mean you want to withdraw the others that you have?

SENATOR HABERMAN: If this amendment passes that Senator Sieck agreed to, I will withdraw the other two amendments...

PRESIDENT: But they are ahead of them though.

CLERK: But I have an amendment from Senator Clark that would be ahead of the one that you are going to offer, you see. We would have to take that up first, Senator.

SENATOR HABERMAN: Senator Clark's amendment?

CLERK: Yes.

SENATOR HABERMAN: Where is he so we can ask him if he will withdraw it?

PRESIDENT: Who has the amendments? Maybe we can get them to temporarily withdraw them to take this one up.

CLERK: Mr. President, Senator Clark had an amendment that would be before us.

PRESIDENT: Could we find Senator Clark and see if he will withdraw his amendment, at least until such time as we can take them up? The Legislature will be at ease until we can find Senator Clark. Who else now has an amendment? Senator Haberman is the only other one, so you could withdraw yours temporarily until...alright. We will stand at ease until Senator Clark let's us know what he wants to do.

EASE

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Yes, let's just go ahead. I mean they were objecting for me to lay it over because people weren't present so let's just go ahead. I can't help that Senator Clark isn't here.

PRESIDENT: Well we can't go ahead on anything because we don't have anything before us right now except the bill and we...can't find Senator Clark? Alright, and you will withdraw your other amendments at this time so we will take up the one that you were addressing yourself to as having been agreed to. Senator Haberman, go ahead.

SENATOR HABERMAN: I've got no argument. The amendment says that they can do all this. There will be no general funds used. So I ask that the body support the amendment.

PRESIDENT: Senator Sieck, do you want to speak to this agreed to amendment? Senator Sieck.

SENATOR SIECK: Yes, I agreed to this amendment but we do have a bottleneck. We have a ten thousand dollar amendment up there on the A bill but I do feel that we can start this thing without any money. I think we can do it.

PRESIDENT: We can get to that when we get to the A bill and you can do what you want to with the A bill. Alright, then any further discussion on the...Senator Kahle, did you want to discuss this agreed to amendment?

SENATOR KAHLE: Mr. President, just a point of personal privilege really and my point is that we are arguing about who was here and who wasn't here. There are a great number

of people here that have made the trip from Omaha.
End of my point.

PRESIDENT: Okay, and Senator Cope, did you wish to discuss this amendment? No, alright, so we're ready then to take up...any closing on this amendment, Senator Haberman? Alright, the motion then is the adoption of the Haberman amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the Haberman amendment.

PRESIDENT: The motion carries, the Haberman amendment is adopted. The other Haberman amendments now are withdrawn. Senator Haberman, is that correct?

SENATOR HABERMAN: That is correct, Mr. President.

PRESIDENT: We now have the Clark amendment.

CLERK: Yes, sir. Mr. President, Senator Clark would move to amend the bill and the amendment is on page 450 of the Legislative Journal.

PRESIDENT: Senator Clark.

SENATOR CLARK: Mr. President and members, I put this amendment in just for the county of Banner. However, it affects all small counties. What it says is that they can appoint or employ a surveyor in the small counties. You can realize a county like Banner that has a town of seventy-five people and that is all they have, or a total population of about twelve hundred only use a survey very very recently or infrequently I mean. Consequently they don't want to be subjected to 3316 which says that they have to contract the whole thing and all this. What they want to do is say they can contract and employ for a certain length of time, a surveyor, whenever they need him and that is all it says and I'm sure that Senator Sieck is in agreement with the amendment. I move for the adoption of the amendment.

PRESIDENT: Senator Sieck, would you like to address yourself to that amendment?

SENATOR SIECK: Yes, Mr. President, members of the body, I feel that we have this in the present law but I feel that this is clarifying it somewhat for the Banner County assessor, that he can let a contract. I think that is about all it does because they already have that authority

in the statutes and it just kind of clarifies that position so I will accept that amendment.

PRESIDENT: Senator Cope, did you wish to speak to the Clark amendment? Alright, Senator Clark, do you wish to close with that? Alright, we are ready then, all those in favor of adopting the Clark amendment vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the Clark amendment.

PRESIDENT: The motion carries. The Clark amendment is adopted. Any further amendments on the bill, Mr. Clerk?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Sieck, do you wish to...?

SENATOR SIECK: If the body wishes me, Mr. President, to explain the bill again to them I think I should because they will forget from last Friday. I did explain the bill at that time but what it does, it updates the wording in the bill to become consistent with modern surveying terms and languages. It gives the county boards authority to set up the rate given the county surveyor on a daily basis and remove all legal limits presently set on this rate. It mandates that a state survey record repository shall be set up and whenever a survey is done in the state a report shall be sent to the repository who will in turn distribute a copy of this record to the parties that...and it gives the authority for the surveyor to enter upon land to make a survey. Now such survey record repository shall microfilm, index and file the surveying records of all surveys completed after this bill is law; provide a report on the survey to the county in which the survey was done within thirty days of the jobs complete; incorporate county files of past surveyors into the repository; collect a fee for each survey filed in this repository, five dollars for any survey using a reference to an original government survey and two and a half for all other surveys, a ten dollar fee for each search of the repository files; charge a fee for reproduction of material and provide information to any person upon request and payment of appropriate fee. The state surveyor, under the direction of the Educational Lands and Funds shall receive the money from the fee set up by this act and pay it to the state treasurer who shall keep it in a newly established state record repository fund. I move the advancement of the bill.

PRESIDENT: Any further discussion on the advancement of LB 127? All those in favor then of advancing LB 127 vote aye, opposed nay. Well, Senator Sieck, let's just go bring them in and not wait around here forever. So record what is on there, Mr. Clerk. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 17 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The House is under Call. The Sergeant at Arms will bring in all members of the Legislature that are not in the Chamber. All unauthorized personnel leave the floor. All members of the Legislature will register your presence. The House is under Call. Senator Sieck, then I presume you will want to have a roll call vote when we get them all in here. Alright. He will take call in votes too if it will help, expedite, I mean.

SENATOR HABERMAN: Mr. President.

PRESIDENT: Yes, Senator Haberman.

SENATOR HABERMAN: I would like to request a roll call vote.

PRESIDENT: There will be a roll call. When everyone is here there will be a roll call vote, yes. Okay, there is a call in vote here, Senator Clark voting yes.

CLERK: Senator Clark voting yes, Senator Beutler voting yes.

PRESIDENT: Senator Barrett. Here comes Senator Pirsch. She is here. Senator Schmit, Senator Barrett. Senator Schmit, Senator Barrett. Mr. Sergeant at Arms, we only need Senator Barrett and Schmit at this point and then we are all here. Senator Barrett is here. Now we just need Senator Schmit. While we are waiting the Chair would like to introduce a guest of Senator Myron Rumery, Mr. Tom Brown, a constituent from Hershey, Nebraska. Is he under the North balcony? Mr. Brown, would you stand and be recognized. Welcome to the Unicameral. Okay, we're all here. Ready for a roll call vote, Senator Sieck? A roll call vote on the advancement of LB L27. All those in favor vote aye, opposed nay. Go ahead.

CLERK: (Read roll call vote as found on page 471 of the Legislative Journal.) 25 ayes, 12 nays, Mr. President, on the motion to advance the bill.

January 29, 1982

LB 127, 127A

PRESIDENT: The motion carries. LB 127 is advanced to E & R initial. Senator Vickers, the Call is raised. Thank you. We'll go ahead before the ten-thirty time on Select File and take up the A bills, Senator Sieck.

CLERK: Mr. President, Senator Sieck has an amendment to LB 127A and the amendment is on page 383 and 384 of the Journal.

PRESIDENT: Will the Sergeant at Arms please find Senator Sieck. There he is. Senator Sieck, we're ready to go on the A bill. Did you have an amendment, did I understand?

CLERK: Your amendment is on page 383 of the Journal, Senator.

PRESIDENT: Page 383 of the Journal, Senator Sieck. The Chair recognizes Senator Sieck.

SENATOR SIECK: Yes, Mr. President, members of the body, it was discovered that these amendments were needed to this bill after I met with the legislative committee of the Nebraska Association for Professional Surveyors. This amendment would change the original general fund appropriation from a thirty-six thousand figure to a ten thousand dollar figure. Of course now we have to change that so I will have to have another amendment in order to change that back to nothing, to zero. It was felt that the appropriation would be adequate and feasible. Okay, this amendment also requires that any general fund appropriation must be reimbursed within three years after the effective date of this act. This means that the appropriation A bill will act as a loan until this repository is on its feet again. All of this general fund appropriation will be repaid within three years. To be quite frank with you, we don't need this amendment.

PRESIDENT: Do you want to withdraw it?

SENATOR SIECK: Withdraw it.

PRESIDENT: So the amendment is withdrawn. Do you want to go then with just the A bill as it is? Alright, any further discussion? The amendment is withdrawn so we are now...any other amendments, Mr. Clerk, first of all?

CLERK: No, sir, nothing further.

PRESIDENT: Alright, so we are discussing now the A bill. So you may go ahead and discuss the A bill.

February 2, 1982

LB 127, 127A, 314, 431,
LB 364, 605, 616, 685

Here he is. The Clerk will call the roll. Can we have it quiet, please, so the Clerk can hear the response.

CLERK: (Read the roll call vote as found on page 506 of the Legislative Journal.) 8 ayes, 34 nays on the motion to reconsider, Mr. President.

SENATOR CLARK: The motion carried.....or, pardon me, the motion lost. I am sorry, Senator Chambers, trying to help you out there. LB 364 is indefinitely postponed. We are now ready for item #7, 314. The Clerk would like to read in first.

CLERK: Mr. President, first of all I have, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 127 and recommend that same be placed on Select File; E & R amendments to LB 127A, Select File with E & R amendments attached.

Mr. President, your committee on Miscellaneous Subjects whose chairman is Senator Hefner reports LB 605 be advanced to General File; LB 685 advanced to General File and LB 616 advanced to General File with committee amendments attached.

Mr. President, your committee on Miscellaneous Subjects gives notice of confirmation appointment hearings.

Senator Fenger would like to print amendments to LB 431 in the Journal. (See pages 508-509 of the Legislative Journal.)

Mr. President, Senator Koch would like to announce that the Education Committee will meet in executive session immediately following the public hearing of the committee today in Room 1517.

Mr. President, I have a unanimous consent request from Senator Warner and Senator Kremer to switch hearing rooms for Wednesday, February 3 and Friday, February 5.

SENATOR CLARK: No objections? So ordered. We will now take up 314.

CLERK: Mr. President, LB 314 introduced by Senator Higgins. (Read title.) The bill was read on January 19 last year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan.

March 4, 1982

LB 127, 435

Committee. We had in committee this year a bill brought to us by the League of Municipalities and in essence that concept is found in this amendment. The committee decided in Exec Session that having had the public hearing and having agreed with the policy that was presented, that a simple amendment to 435 would merge the issues and we wouldn't have to go through the formality of a second bill. The language essentially allows the appointment of city council members to serve on housing authority boards. We found that in some of the smaller communities out west there was a difficult time coming up with the five members of a housing authority board, that there were city council members able and willing to serve on that board and that they were willing to appoint themselves, or one of their number, to the housing authority boards and in so doing flush out the statutory requirement of five members of the board to govern housing authority. Apparently this is one of the few ways that they can find interested people to staff those boards, and the committee agreed with the League of Municipalities, but rather than passing up the bill sought to amend LB 435 to accomplish the same end, that is why this amendment is here. I move its adoption.

SPEAKER MARVEL: The motion is the Landis amendment to LB 435. Is there any further discussion? All those in favor of the motion vote aye, opposed vote no. Record.

ASSISTANT CLERK: 25 ayes, 0 nays on adoption of the Landis amendment.

SPEAKER MARVEL: The motion now....do you want to move to advance the bill? Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I move LB 435, a joint housing authority measure, to E & R Engrossing as amended.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. The next measure is LB 127.

ASSISTANT CLERK: Mr. President, I do have E & R amendments to LB 127.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 127.

SPEAKER MARVEL: All those in favor of adoption of the E & R amendments say aye. Opposed no. The motion is carried.

March 4, 1982

LB 127, 127A

The amendments are adopted.

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

SPEAKER MARVEL: Senator Kilgarin, do you want to move to advance the bill?

SENATOR KILGARIN: I move we advance LB 127.

SPEAKER MARVEL: All those in favor of advancing the bill say aye. Senator Haberman, for what purpose do you rise? Okay, record vote has been requested. All those in favor of advancing LB 127 vote aye, opposed nay. Have you all voted?

ASSISTANT CLERK: Senator Haberman has requested a record vote. (Read the record vote as found on page 979 of the Legislative Journal.) The vote is 35 ayes, 5 nays on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Okay, now we take up the A bill.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on the A bill.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 127A.

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

ASSISTANT CLERK: Mr. President, Senator Sieck has an amendment that is on page 606 of the Journal but I understand he wishes to withdraw that.

SPEAKER MARVEL: Hearing no objection, so ordered. The motion before the House is the advancement of 127A. All those...record vote has been requested. All those in favor of advancing the bill vote aye, opposed vote no. This is the A bill, yes. Record.

ASSISTANT CLERK: Senator Haberman requests record vote. (Read the record vote as found on page 979 and 980 of the Legislative Journal.) The vote is 26 ayes, 3 nays on the motion to advance the bill.

March 10, 1982

LB 127, 127A, 421, 606, 630,
654, 692, 703, 801, 824, 829

PRESIDENT LUEDTKE PRESIDING

REV. JOHN MINERT: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence now? 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, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 127 and find the same correctly engrossed; 127A, 606, 630, 654, 692, 703, 801 and 829 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 824 as indefinitely postponed. That is signed by Senator Kremer.

PRESIDENT: We'll start with the agenda then on agenda item... we're going to reverse the items #4 and #6 according to Speaker Marvel and we'll start with agenda #6, motions, LB 421, Mr. Clerk.

CLERK: Mr. President, Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. Senator DeCamp offered his motion on March 3. It can be found on page 941 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, people in this body are very concerned about health costs. Any time there is fraud or payment of a claim that is improper that costs everybody, whether it is for a drug abuse situation, whether it's for error through payment that shouldn't have been made, it costs everybody, not the insurance company, we all pay for it. This bill is designed to try to correct that particular problem in Nebraska. There were some reservations by some members, Senator Landis and some of the attorneys that there was some language that wasn't clear enough. Maybe that's the reason the bill failed, maybe the fact that several members were absent that day, whatever. I would

March 17, 1982

LB 729, 127

CLERK: Read LB 778.

SENATOR CLARK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 42 ayes, 0 nays, 3 excused and not voting, 2 present and not voting. Vote appears on pages 1216-17 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 127.

ASSISTANT CLERK: Proceeds to read LB 127.

SENATOR CLARK: Mr. Clerk, we have a motion on the desk.

ASSISTANT CLERK: Mr. President, I have a motion from Senator Kahle. He would move to return LB 127 to Select File for a specific amendment. Read Kahle amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, I really hate to do this but in a discussion on this bill on the floor, it was the intent I'm sure of Senator Sieck and those that were supporting the bill, that the information gained by any surveyor would go to the county first and then to the repository. So, if you will look at your yellow copy it would read, "The surveyor shall be filed in the office, or in the office of the county surveyor in the county for which the land is located." Provided, go clear down to line 16, "such survey meets applicable regulations." I believe that this is the intent of the bill, it no way hurts it as far as a repository is concerned, I believe that it would make all of us feel better. It would signify exactly how the process is supposed to work. So, I urge the adoption of this correctional amendment.

SENATOR CLARK: You have to return the bill.

SENATOR KAHLE: Okay, I ask for the return of the bill for this specific amendment.

March 17, 1982

LB 127

SENATOR CLARK: The question before the House is the return of the bill to E & R. All those in favor vote aye, opposed vote nay. Record the vote.

ASSISTANT CLERK: 29 ayes, 0 nays on the motion to return the bill.

SENATOR CLARK: The bill is returned to Select File for a specific amendment. Senator Kahle.

SENATOR KAHLE: I think I have explained why I think we need this. There are other places in the bill where it mentions survey being recorded in the county, but this is generally when the county surveyor does the surveying. If any other surveyor does the surveying I think the county should know first what is going on. This of course says that it has to be recorded in the county where the survey was made before it goes to the repository. It is the only fair process and I certainly don't want to hold up the bill, but I'm sorry we didn't notice it sooner, but I'd ask for the adoption of the . . . the return amendment.

SENATOR CLARK: Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, I am also sorry that I didn't catch this. Because, I supported this part of the bill that it would go to the county and I surely don't want to do anything but that. I will encourage you to add this amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 35 ayes, 0 nays on the motion to adopt the amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator Kahle.

SENATOR KAHLE: I now move that the bill be put back on Final Reading and . . .

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. The bill is readvanced. We now go to LB 606.

March 17, 1982

LB 127, 383, 421, 672,
626, 629A, 677, 731

CLERK: Mr. President, very quickly, your committee on Enrollment and Review respectfully reports that we have carefully examined and engrossed LB 127 and find the same correctly engrossed; 383 and 421, 626, 672, 677 all correctly engrossed. Those are signed by Senator Kilgarin. (See page 1241 of the Legislative Journal.)

Mr. President, Senators DeCamp and Schmit would move to place LB 731 on General File pursuant to Rule 3, Section 18(b). (See page 1242 of the Legislative Journal.)

SENATOR LAMB: The next bill is LB 629A.

CLERK: (Read LB 629A.)

SENATOR LAMB: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I move advancement of the bill and there is an item in there, I guess, what? \$15,000 is one of the items for Department of Roads. Possibly if we'd have had a little more advertising on some of these bids we'd have had 15 million or 150 million more in the coffers now.

SENATOR LAMB: The motion is to advance the bill. Senator Koch.

SENATOR KOCH: Senator DeCamp, would you redirect that fiscal note?

SENATOR LAMB: Senator DeCamp, would you respond.

SENATOR KOCH: I have been living in (inaudible), it's catching almost. I want to know what's going on here.

SENATOR DeCAMP: Its there for anybody to read, whatever the note is. There is no use of me.....(inaudible.)

SENATOR KOCH: The Department of Roads is the only one affected?

SENATOR DeCAMP: Pardon?

SENATOR KOCH: The Department of Roads is the only one affected in the state?

SENATOR DeCAMP: No, the entire state is affected. That is why I mentioned one item in there if you'd look at.

SENATOR KOCH: I'm talking about state government.

SENATOR DeCAMP: All of state government is affected, Senator Koch, even the schools.

March 23, 1982

LR 242, 245, 246, 247,
251, 252, 254
LB 127, 726, 816, 816A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Vernon F. Jacobs, Holy Cross Lutheran Church in Omaha.

REVEREND JACOBS: Prayer offered.

PRESIDENT: Roll call. 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: Mr. President, two little ones. On page 1356 on line 33, after the word "last" insert "few". On page 1362 instead of "(5)" insert "(6)".

PRESIDENT: I'm glad they are just little ones.

CLERK: They're just little ones.

PRESIDENT: The Journal stands corrected. Are there any other messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 726 and recommend that same be placed on Select File with E & R amendments attached; 816 Select File with E & R amendments; and 816A, E & R amendments attached. Those are all signed by Senator Kilgarin. (See pages 1364 through 1367 of the Legislative Journal.)

Mr. President, LRs 254, 252, 251, 247, 246, 245 and 242 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 254, LR 252, LR 251, LR 247, LR 246, LR 245, and LR 242.

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

PRESIDENT: All right. Senator Burrows, were you starting to vote on Final Reading, or did you wish...I was just....thank you. Okay, I just had to say that. I looked over there and saw Big Red and I thought, I wonder if he is starting to vote on Final Reading, but we are going to get started on Final Reading right now. So if the Sergeant at Arms would secure the Chamber and all members

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LB 127

return to your desks. As soon as everyone is at his or her desk we will commence with Final Reading. If everyone will be at your desk we will start because we do have important agenda following Final Reading, so we better get going. All right, I guess we can start Final Reading, Mr. Clerk.

CLERK: Mr. President, I have a motion on the first bill.

PRESIDENT: Read the motion.

CLERK: Senator Kahle would move to return LB 127 to Select File for a specific amendment. Mr. President, the Kahle amendment would read as follows: (Read the Kahle amendment as found on page 1367 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President, I move for this return. The other day when LB 127 was before us we had some concerns about what it was actually doing, and we worked with the surveyors, we have worked with Senator Sieck, and now as you recall the last time this came up on Final Reading, I was surprised by some language in the bill which went counter to my previous understanding of how the bill works. I was concerned that the counties were being overloaded in this system and that they would possibly be required to pay some fees. Unfortunately, the amendment I drafted here on the floor, in haste, I might add, did not do the trick. So I would ask that the bill be sent back to Select File one more time for a specific amendment. This amendment reinstates the original language concerning the route that the private survey materials will travel, that is, they will go to the repository first. Now this is a little bit different than we discussed it the other day. First, where they will be microfilmed, then the original will be sent on to the county. After talking to county officials, I have concluded that this is probably the best way. The second part of the amendment guarantees that the counties won't have to pay a fee to have their own records put in the repository, and I think this is the way it should be. The paragraph before the last one in the original it's to be sent back to the county. I have some problems with this but I realize now that this is the best way to handle this because some counties, as we have learned before, do not have the best survey records and do not have a full-time surveyor. So in this way it would get to the repository

and the original survey would be sent back to the counties. So with this amendment I feel we have a good bill and that we will be able to get the repository started. Now, we also will have an A bill and I might talk about that while we are talking about bringing it back. There is no money appropriated at all, but we do have an A bill so that as these funds are collected they can be spent to begin the repository and to keep it up. We also have some people that worked with these records and especially county surveyors who are willing to help get this repository started with some donated time. So I think this is a chance that we will have to get this thing started without costing the state probably any money at all, at least it won't cost any this year. So with that, I move for the return of LB 127 for this specific amendment.

PRESIDENT: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, this is a friendly amendment. I do feel that the way the amendment was brought out yesterday it was taken out of context and it did cause some problems with the bill, and I really couldn't have accepted it as it was written. But with this amendment now I think the bill is in fine shape and I will go with it. And as Senator Kahle said, the counties will not now have to pay any fee to put money in the depository, and that is just the county. Okay, with that I will support the amendment.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I was downstairs and heard a little bit of this on the microphone, and Mr. Speaker, I'm sorry I wasn't here for the full debate, but as I understand it... question of Senator Kahle, please.

SENATOR KAHLE: Certainly.

SENATOR HABERMAN: Now, Senator Kahle, you said now that when you bring this back the surveys will go directly to the repository and then back to the counties. Is that correct?

SENATOR KAHLE: That is correct, Senator Haberman.

SENATOR HABERMAN: You said that you had talked to some county officials since the other day and they said this was the way they would like to see this. Can you tell me who they were?

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LB 127

SENATOR KAHLE: Well, my staff called a number of county officials and county surveyors over the state.

SENATOR HABERMAN: Well, did they call county surveyors or did they call county officials?

SENATOR KAHLE: Both.

SENATOR HABERMAN: About how many?

SENATOR KAHLE: We've also talked to Jack Mills about it.

SENATOR HABERMAN: Okay, thank you. Now as you know in the past I haven't been too enthused over this bill. I am still not too overenthused about it, and the other day when we had this amendment, I showed in the testimony said that it went to the county first and then to the respository when, in fact, it didn't. So I am afraid of this. I am afraid if we send these surveys to Lincoln, and that is what we are doing, first, then it can take up to 30 days, I believe the bill says, before they ever get them back, and 30 days is a long time, and whenever you take something away from home and send it to Lincoln, you don't know what is going to happen to it. So I see nothing wrong with the way the bill is now. They file it in the county and then the county sends it to Lincoln. That seems reasonable, rather than sending it to Lincoln and sending it back. I believe something was mentioned about an A bill. The A bill doesn't have anything to do with the funds to start this because they can't use that money. A question of Senator Sieck.

SENATOR SIECK: Yes, Senator Haberman.

SENATOR HABERMAN: Can they use the money in the A bill to run this depository?

SENATOR SIECK: They will use the money after it is received by the....

SENATOR HABERMAN: No, no, no, in the A bill, can they use that money the day after this goes into effect?

SENATOR SIECK: No, they cannot.

SENATOR HABERMAN: They cannot. Okay. So here is what is going to happen. The counties are going to send the surveys to Lincoln. That is where they are going to end because they won't be able to send them back to the counties because they haven't got any money. They won't

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IR 127

be able to touch those surveys because the law says you can't use tax dollars. So by giving them to the counties first, at least we have a record. So I say, let's leave it the way it is. It isn't going to hurt anything to give it to the county first.

PRESIDENT: One minute, Senator Haberman.

SENATOR HABERMAN: Then send it on down to Lincoln. So I would say, just leave it the way it is. That amendment was put on there in good faith. I showed the two Senators where from the record there was an error made. One thing was said and another thing was done, and I feel that it should stay in the county, then send it to Lincoln, rather than going from the county direct to Lincoln where you have to....we know we are going to have to wait 30 days to get it back. And if somebody is in a hurry, 30 days is a long time. So I would suggest just leave the bill on Final Reading where it is and go about passing the rest of these bills. Thank you, Mr. President.

PRESIDENT: The Chair recognizes Senator Clark.

SENATOR CLARK: I would like to ask a question of Senator Kahle.

PRESIDENT: Senator Kahle, will you respond, please?

SENATOR KAHLE: Certainly.

SENATOR CLARK: As I understand it, if you send this to the county first, they have no way to collect the fee, do they?

SENATOR KAHLE: That is the problem right there.

SENATOR CLARK: Yes. But the state would have.

SENATOR KAHLE: Yes.

SENATOR CLARK: And I think that is the big hangup.

SENATOR KAHLE: That is the reason the counties weren't thrilled about doing it the way we changed it the other day.

SENATOR CLARK: I would have to agree with Senator Haberman, we probably ought to go the other way, but they have no way to collect the fee so you have to go the other way.

SENATOR KAHLE: No. And my answer to what Senator Haberman

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LB 127

just asked, the first survey that comes in to be recorded in the repository will have a fee....

SENATOR CLARK: Yes.

SENATOR KAHLE: ...so they will have the money to send the copy back to the county.

SENATOR CLARK: Yes. Okay, thank you.

PRESIDENT: Senator Kahle, you may close then on your.... you may close on your motion to return.

SENATOR KAHLE: I don't want to take a lot of time but I think that most of the questions have been asked. And Senator Clark is right, that was the reason that the counties objected because they would have to pay a fee then for everything that they brought into the repository which would almost kill the repository situation, because I personally don't feel that the counties when they do their own work for their own county should have to pay, and that is the reason that we have added that last part of the amendment. So I think we have a good bill now. I think we will have a repository. I think we will have good records because those counties that do keep good records are certainly going to keep them up and those that don't are going to have a little better chance, at least if the work is done in their county it will be on record at the state and also somewhere in the county. Even if the records aren't kept well, they will still have a copy of it the box somewhere as they do now. So I certainly support this amendment. I think this is a good idea and so I urge you to bring the bill back and add this amendment.

PRESIDENT: All right, the question is the motion to return LB 127 for the Kahle specific amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 2 nays on the motion to return the bill, Mr. President.

PRESIDENT: The motion carries. The bill is returned. Senator Kahle, do you wish to move the adoption of the amendment?

SENATOR KAHLE: I now move that we adopt the amendment - that has been passed out and is before you.

PRESIDENT: Any further discussion on the adoption of the Kahle amendment? Hearing none, the question then is

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LB 127, 208

the adoption of the motion to adopt the Kahle amendment on LB 127. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 35 ayes, 2 nays, Mr. President, on adoption of Senator Kahle's amendment.

PRESIDENT: The motion carries. The Kahle amendment is adopted. Senator Kahle, do you wish to readvance the bill?

SENATOR KAHLE: Mr. President, I move that we readvance LB 127 to Final Reading.

PRESIDENT: Motion to readvance. All those in favor signify by saying aye. Opposed. What did you say? You want a machine vote on the advance? All right, machine vote has been requested. All those in favor of advancing LB 127 to E & R for Engrossment vote aye, opposed nay, and clear the board. Record the vote.

CLERK: 35 ayes, 3 nays, Mr. President.

PRESIDENT: Motion carries. LB 127 is advanced to E & R for Engrossment. I presume 127A is to be held over then to wait for the....so we will proceed on then. That is passed over. We will go then to...on Final Reading. I remind all members to be at your desks, we are on Final Reading, and we will commence then, Mr. Clerk, with LB 208 on Final Reading.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Senators Koch and Beutler would move to return LB 208 to Select File for a specific amendment. The amendment is found on page 1355 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. President, members of the body, last time that we discussed LB 208 there was an amendment offered by Senators Remmers, Vickers and Lamb which virtually destroyed any criteria in which you would determine whether or not a freeholder who petitions to remove their homestead or residence from one system to another system of education would in all practical purposes, when we adopt that amendment, there would be very little likelihood of a freeholding situation because there is no

March 24, 1982

LR 260
LB 127, 672

PRESIDENT: Any further discussion on LR 260? Hearing none, Senator Kremer, I guess the motion then is the adoption of LR 260. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President.

PRESIDENT: Motion carries and LR 260 is adopted.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB...examined and engrossed LB 127 and find the same engrossed, and LB 672 correctly engrossed. (See page 1396 of the Legislative Journal.)

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.

April 1, 1982

LB 875, 892, 893
LB 127, 573, 633, 668, 739, 751,
761, 766, 790, 816, 817, 852, 869

and nail him then and we can go on with the proceedings so that we can proceed with the business.. Would that be okay with you?

SENATOR HIGGINS: I don't know whether I want to vote to stay here or not because I don't know if it is going to do any good, because I don't know what might be on special order tomorrow and the next day.

SENATOR NICHOL: Well, I don't know that we are going to resolve that by debating that and I would really strongly suggest that we stick to the procedure that we are in right now. If you don't get a.....

SENATOR HIGGINS: I wish we would have stuck with the procedure we voted on two weeks ago.

SENATOR NICHOL: Let's get in our seats, please, so we can continue with the roll call vote and we will get going here. You have been very patient and I appreciate it but let's try to hang on there a little bit longer. Maybe we can get this bill passed or on its way. Proceed with the roll call, please. Please go to your seats.

CLERK: (Read the roll call vote as found on pages 1592 and 1593 of the Legislative Journal.) 23 ayes, 15 nays, Mr. President, on adoption of the amendment.

SENATOR NICHOL: The amendment is not adopted. Shall we move on to the next one, Pat? Do you want to read something in first?

CLERK: Very quickly, Mr. President. I have an Attorney General's Opinion addressed to Senator DeCamp, one to Senator Sieck and one addressed to Senator Warner. (See pages 1593 through 1597 regarding LBs 816, 127 and 893 in the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading yesterday, Mr. President. (Regarding LBs 633, 790, 573, 668, 739, 751, 766, 817, 852, 869, 875 and 892.)

Mr. President, the next amendment I have is one offered by Senator Burrows.

SENATOR NICHOL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman and members of the Legislature, this amendment simply strikes the language that

April 6, 1982

LB 127, 242

LR 316, 317

PRESIDENT LUEDKE PRESIDING

PRESIDENT: The prayer will be offered by Rev. Peter Ave-Lallemant of the Lutheran Church of the Atonement in Omaha.

PRAYER: (Rev. Ave-Lallemant.)

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

CLERK: Quorum present, Mr. President.

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

CLERK: One minor one, Mr. President, on page 1661 after line 10, add the heading "Select File".

PRESIDENT: All right, the Journal will stand as corrected. Any messages, reports or announcements?

CLERK: Mr. President, Senator Labedz would like to print amendments to 242 in the Journal.

LR 316 calls for a study, it is offered by Senator Koch, I'm sorry, it is not a study resolution it is a Resolution offered by Senator Koch. (Read LR 316.) That will be laid over, Mr. President. LR 317 offered by Senators Johnson, Landis, Haberman, Kilgarin, Kahle, Chambers, Goll. (Read LR 317). That will be referred to the Board.

PRESIDENT: In order to wake everybody up and get the day started right, the Chair would like to wish Senator Martin Kahle happy birthday, and we are not going to say how old you are, they can guess, Martin. Happy birthday. If the Sergeant at Arms will secure the Chamber we are ready to go onto agenda item number four, Final Reading. So, everyone else will leave the floor and all the members will please return to your desks. We will be ready for Final Reading as soon as you do so. Is everyone ready? Let's commence with Final Reading and get the day started. Okay, are we ready? Everyone? Ready for the first bill on final Reading, Mr. Clerk, LB 127.

ASSISTANT CLERK: (Read LB 127.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 127 pass. All those in favor vote aye, opposed nay. Record the vote.

April 6, 1982

LB 127, 127A, 672

ASSISTANT CLERK: 39 ayes, 6 nays, 4 excused and not voting. Vote appears on page 1672 of the Legislative Journal.

PRESIDENT: LB 127 passes. Before we go on to the next bill the Chair would like to introduce some guests of Senator VonMinden, 31 eighth graders from Wakefield School, Wakefield, Nebraska. Mr. Gobel is the instructor. They are up here in the north balcony. Would Wakefield kind of wave to us so we can see where they are? Good morning and welcome to your Legislature to Wakefield. The next bill on Final Reading Mr. Clerk is LB 127A.

CLERK: (Read LB 127A.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 127A pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 12 nays, 3 excused and not voting. Vote appears on page 1672-73 of the Legislative Journal.

PRESIDENT: LB 127A passes. The next bill on Final Reading is 672.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Mr. President, Senator Beutler would move to return LB 672 to Select File for a specific amendment. That amendment being to strike the enacting clause.

PRESIDENT: Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. President, members of the Legislature, very quickly, this bill, as you may recall, would expand tax increment financing in two different ways. It would add rehabilitation as another type of activity that could be financed by this type of financing and it would extend the number of years for which you could issue these bonds from fifteen to twenty years. I have filed the motion to return to Select File to kill it, basically to pass on to you some additional information before you vote. I will withdraw the motion eventually here and we will vote on it. But I did send off for some materials from the State of Minnesota which is heavy in to tax increment financing and I have passed out to you an article entitled

April 7, 1982

LB 127, 127A, 408, 602A,
605, 753, 755, 756, 816

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Eddy Hallock, Southview Baptist Church here in Lincoln.

REVEREND HALLOCK: Prayer offered.

PRESIDENT: Roll call. Senator Goodrich, would you push the button and then we can get going. 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 stands correct as published. Any messages, reports or announcements?

CLERK: I have an Attorney General's Opinion addressed to Senator DeCamp. (See pages 1755 and 1756 regarding LB 816 in the Legislative Journal.) Senator Labedz would like to print amendments to 602A; Senator Beyer to 408. (See pages 1757 through 1760 of the Journal.)

Mr. President, the bills that were read on Final Reading yesterday are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 127, 127A, 605, 755, and 756. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, motions, commencing with LB 942.

CLERK: Mr. President, I don't have any motions on LB 942 this morning.

PRESIDENT: Senator Warner....no motions, all right, so 942 is out. What about 753?

CLERK: Mr. President, Senator Warner would move to return LB 753 to Select File for a specific amendment. That amendment is found on page 1727 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Warner.

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756, 757

CLERK: Mr. President, I have another motion.

PRESIDENT: Oh, another motion on this bill, all right.
Read the motion.

CLERK: Mr. President, if I may right before that. Your Enrolling Clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 1763 regarding LBs 127, 127A, 605, 755 and 756 in the Legislative Journal.)

I have a supplement to an Attorney General's Opinion addressed to Senator Beutler. That will be inserted in the Journal. (See page 1764 of the Journal.)

Mr. President, Senator Newell would now move to return LB 757 to Select File for a specific amendment, that amendment being to eliminate the State Board of Equalization's authority to set the sales and income tax rates.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: I won't speak long if I could have some silence. Thank you, that's not a bad deal. The proposal that I am offering this Legislature is one of those that you might call a...to use a colloquialism, a "fess up" amendment, and that is simply that it will strike the State Board of Equalization's Authority to set sales and income tax rates. We would have to bring 757 back one more time to set the income tax rate after this amendment is passed but I don't think that is any great problem. I think then we have a philosophically reasonable way of explaining this to the public. We can take this out of all of the politics and so forth and have the Legislature do what 49 other states do and that is set the sales and income tax rates. I think it would be very responsible. It would help the public understand just exactly who creates the problem. It is not only the Legislature, it is also the Executive, but at least places that authority between the Legislature and the Executive Branch and not solely in the Executive Branch. That way we won't have these kinds of election year situations when we have a real fiscal crisis. I would hope this body would accept this amendment. It is the right and philosophically correct thing to do.

PRESIDENT: The Chair recognizes Senator Hefner. Okay. The Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I support the Newell amendment. I think the situation over the last year and the failure

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event anticipating the court does rule unconstitutionality, that that money will go out or if you want to gamble on the decision of the court that it is constitutional and I think therein lies your decision making procedure at the moment. I am sure that each one of us are concerned about our district but in the event that LB 816 does not pass and that the court does rule the unconstitutionality of the present formula, you know you will be back here and in a short time try to write a new distribution formula. And I have never seen nor I think have you that have experienced a special session, to make a decision of such magnitude as this, to do it well and even though you may feel that LB 816 has not been done well, it has passed that question of being constitutional as far as the Attorney General is concerned. I would urge you at this point to advance LB 816 and next year if you are still so dissatisfied and I'm sure there are those that will be, we will make a desperate attempt to write a new one and repeal 816. Thank you, Mr. President.

SENATOR CLARK: The question before the House is the advancement of LB 816. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: Mr. President, Senator Haberman requests a record vote. (Read record vote as found on page 1874 of the Legislative Journal.) 27 ayes, 20 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. 816A.

CLERK: Mr. President, if I may right before that, Public Health and Welfare would like to hold an executive session underneath the North balcony right now. That is Public Health and Welfare underneath the North balcony.

Mr. President, the committee on Public Works offers a report on a gubernatorial appointment confirmation hearing. (See page 1875 of the Legislative Journal.)

Mr. President, a letter from the Governor addressed to the Clerk. (Read message from Governor, Re: LB 127, 127A as found on page 1874 of the Legislative Journal.)

SENATOR CLARK: The Call is raised.

CLERK: Mr. President, with respect to LB 816A there are E & R amendments that need to be adopted, Mr. President.

SENATOR CLARK: Senator Kilgarin, on the E & R amendments.