

January 13, 1982

LB 127A, 287, 401,  
498, 820-824

hear your votes, so would you please cooperate with him and with us. Proceed.

CLERK: (Read the roll call vote as found on pages 269 and 270 of the Legislative Journal). 22 ayes, 20 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion fails. Senator Landis. The Clerk has got some items to read in and then we will go to LB 410.

CLERK: Mr. President, new bills. LB 820 offered by the Urban Affairs Committee. (Read title as found on page 270 of the Legislative Journal). LB 821 offered by the Urban Affairs Committee. (Read title). LB 822 offered by Senator Fowler. (Read title). LB 823 offered by Senator Chronister. (Read title). LB 824 offered by Senators Haberman, Nichol and Labeledz. (Read title). See pages 270 and 271 of the Journal).

Mr. President, I have a series of notice of hearing reports. The first is offered by the Urban Affairs Committee for January 20 and January 27, signed by Senator Landis. One for the Miscellaneous Subjects for January 28, 29, February 4, 5 and 11, signed by Senator Hefner. A third from the Ag and Environment Committee for January 28 and 29, signed by Senator Schmit. One for the Revenue Committee for Monday, January 18. That is offered by Senator Carsten as Chairman. (See pages 271 and 272 of the Journal).

Mr. President, new A bill, LB 127A offered by Senator Sieck. (Read title). (See page 272 of the Journal).

Mr. President, the Speaker gives notice of priority bill scheduling for general floor debate.

Mr. President, Senator Koch would like to print amendments to LB 498 in the Legislative Journal. (See page 273 of the Journal).

Mr. President, your committee on Nebraska Retirement Systems to whom was reported LB 287 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File with amendments. That is signed by Senator Fowler as Chairman. (See pages 273 through 275 of the Legislative Journal).

Mr. President, Senator DeCamp would like to print amendments.....that's all I have, Mr. President.

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

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.

SENATOR SIECK: This bill I will also withdraw because we do not need that.

PRESIDENT: Okay. We will have to have that lay over then, wouldn't it? Senator Sieck, the Clerk made a suggestion that it would be easier just to move to kill the A bill at this point. Otherwise you will lay it over until tomorrow. You might as well take care of it this morning and be done with it. So you move to indefinitely postpone the A bill? Any further discussion? Senator Haberman, I suppose you wouldn't want to argue that. You might ruin your position. Alright, and further discussion on Senator Sieck's motion to indefinitely LB 127A? Alright, the motion then is to indefinitely postpone 127A. All those in favor vote aye, opposed nay. The motion before the House is to kill the A bill, to indefinitely postpone the A bill. Senator Warner, for what purpose do you arise?

SENATOR WARNER: You can't kill the A bill. You've got to appropriate the cash funds. All you want to do is strike the general fund appropriation in the A bill unless you don't want it to work.

PRESIDENT: Alright, Senator Sieck.

SENATOR SIECK: Yes, I felt that that first number was set up in the bill itself, to set up that fund, repository fund. If this is a fact that we have to have an A bill to set up this fund, then we need the A bill.

PRESIDENT: Senator Warner.

SENATOR WARNER: You have to have the A... They could collect the money, Senator Sieck, but they wouldn't be able to spend it without the A bill, the cash funds. So what the Clerk should do is, I don't have the A bill right here in front of me but strike that portion for the '82-'83 funding of the general fund of thirty-six thousand or twenty-six thousand, whatever it is, against the rest of it.

PRESIDENT: We're in the middle of a vote.

SENATOR WARNER: I'm sorry.

PRESIDENT: If you don't want to kill the bill somebody better change your mind because right now the bill is killed so I'll just warn you. So, alright, record the vote.

January 29, 1982

LB 127A

CLERK: 11 ayes, 18 nays to indefinitely postpone, Mr. President.

PRESIDENT: Motion fails. We're now back where we were. Now, what do you want to do with the A bill? Senator Sieck.

SENATOR SIECK: Yes, can, Mr. President, may I lay this bill over a day so that we can get this corrected so everybody knows what we are doing?

PRESIDENT: Sure, it can be laid over. Does anybody object to laying it over? To make sure that everybody knows what the amendment is, on it. Senator Haberman, do you object?

SENATOR HABERMAN: Yes, because a few minutes ago I wanted to lay it over until Senator Labedz and Higgins and some of the other senators got here and you'd think that I had created a Class III misdemeanor.

PRESIDENT: (Inaudible. Both talking at once.)

SENATOR HABERMAN: Mr. President, we had a vote up there that Senator Sieck and I had agreed to do something and then you let Senator Warner speak not even to what we were talking about and change the vote. So sure I am going to object.

- PRESIDENT: Alright, you have achieved your purpose. Senator Labedz is here so that is wonderful. He delayed it until you got here, Senator Labedz. Alright, if you insist on going ahead then, Senator Sieck, get the amendment up here and let's take care of it. We've got three minutes to take care of this, otherwise time is going to take care of it, so go ahead.

CLERK: Mr. President, Senator Sieck would move to. . . is it, I guess, "strike 36,000..." Senator, there is several figures in the bill. Is it "\$36,880 from the general fund? Is that the one you want to strike? Okay.

PRESIDENT: Senator Warner, is that correct? Alright, Senator Warner shakes his head affirmatively. That will do the job, alright.

CLERK: That is in line 2 of the bill, Mr. President.

PRESIDENT: Alright, Senator Sieck. (Gavel.) Let's try to get this done. We only have a few minutes so pay attention to Senator Sieck so you know what you are voting on. Go ahead, Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, what we're voting on is to strike the general fund appropriation in the bill that is in your bill book, \$36,883 and leaves the rest to set up that repository fund.

PRESIDENT: Senator Warner, do you have anything to add? Alright, any further discussion? Hearing none, the question is the adoption of the Sieck.... Senator Haberman.

SENATOR HABERMAN: Section 2 of the A bill should be struck also as it says, "the funds become available, the general fund should be reimbursed the amount appropriated therefore in this act. Reimbursement shall be completed no later than three years." Well if we just amended the bill that no general funds can be used, we've got to take Section 2 out.

PRESIDENT: Well I would suggest to you that if that is a question you can take it up on Select File. We're getting so technical here we may foul the whole thing up if you don't carefully watch that. Why don't you check it out and see if you need to do that and do it on Select File.

SENATOR HABERMAN: May I ask a question?

PRESIDENT: Yes, you may.

SENATOR HABERMAN: Senator Warner said we could not kill an A bill. Is that correct?

PRESIDENT: Senator Warner, would you respond to Senator Haberman on that.

SENATOR WARNER: Mr. President, Senator Haberman, I was rising on a point of order to point out that if the A bill was killed then there would have been no way for the cash funds which are also required to fund the bill to be expended by the agency. So if you wanted to kill the A bill the effect of that would be that the whole bill would not be operable and I understood the conversation that you and others had earlier, you wanted no general fund expenditure and you needed to strike only the authorization for the general fund expenditure but the Legislature would have to have the authorization for the cash funds to be able to operate.

SENATOR HABERMAN: Mr. President and members of the Legislature, the bill says that as funds are accumulated they can be used for this. So, therefore, it can be operated

without the A bill. The bill says that, Senator Warner, and so if the bill gives it the authority to go ahead and operate as the funds come in, we don't need this A bill. We really don't. With this A bill everything is in conflict with everything else now. One part says as the fund comes in it can be used. Here on the other hand we're authorizing \$93,000 to be used as the funds become available, then, therefore, the general fund should be reimbursed. Well that sure reads to me that the general fund is going to get involved in this so I would say, let's kill the A bill. The amendment was adopted. Let it carry on by itself.

PRESIDENT: Okay, any further discussion? Senator Warner, do you have anything further? Senator Sieck, anything further?

SENATOR SIECK: Just to quote Senator Haberman. He is reading it from the amendment instead of from the A bill in the...

PRESIDENT: Okay, the motion then is the adoption of the Sieck amendment to LB 127. All those in favor vote aye, opposed nay. Let's try to do this without having to have a Call of the House. It would be nice if we wouldn't have to. Have you all voted? Have you all voted? Well, Senator Sieck, I guess we'll have to have a... Record the vote.

CLERK: 27 ayes, 2 nays, Mr. President, on adoption of the Sieck amendment.

PRESIDENT: The motion carries. The amendment is adopted. Now do you wish to move the motion to advance the A bill? Any further discussion. All those in favor of advancing the A bill vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on advancement of LB 127A.

PRESIDENT: Motion carries, 127A is advanced to E & R initial. Do you want to read some things in and then we'll be on Select File?

CLERK: Mr. President, Senator Barrett would like to have a meeting of the Business and Labor Committee underneath the North balcony at eleven o'clock today, Business and Labor underneath the North balcony for an exec session at eleven o'clock.

Your committee on Business and Labor whose Chairman is

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.



February 9, 1982

LR 214

LB 127A, 636, 724, 778, 823, 834

SENATOR NICHOL: One minute left. Senator DeCamp.

SENATOR DeCAMP: I wasn't going to talk but it just occurs to me that you are all maybe going the opposite way on this. All the resolution says, if you read it, is exactly, precisely the opposite of what Ernie wants. The resolution says, look, we realize there are some touch economic times and we have already indicated support for this particular road, and if it gets into trouble, it is the intent...and that is all it says, the intent of the Legislature to try to continue it on. Well, that seems to me to make sense for those, I don't know, 40 or 50 that wanted the doggone road, and I guess they think it is a necessary road. I think Ernie is the one that is the winner. Everytime you vote against him you are voting against him without reading the resolution because the resolution is the last thing he ever wants. He wants a record that shows everybody opposed the state doing what they said they wanted, which was the road. So I suppose if you were smart, you would just pass the dumb resolution and he would be the only loser, it just occurs to me.

SENATOR NICHOL: Senator Chambers, did you wish to close? Senator Chambers, did you wish us to vote on your motion to reconsider, or do you wish to with....okay, he will withdraw. Is there any objection to Senator Chambers withdrawing his motion? Senator Haberman. The motion is withdrawn. Mr. Clerk, do you have some things to read in?

CLERK: Yes, sir. Mr. President, Senator Sieck would like to print amendments to 127A; Senator Vard Johnson to 724. (See page 606 of the Legislative Journal).

Mr. President, your committee on Miscellaneous Subjects gives notice of cancellation and resetting of a public hearing.

Senator Vickers would like to print amendments to LB 778 in the Journal. (See page 607 of the Journal).

Your committee on Urban Affairs whose Chairman is Senator Landis, reports 636 advanced to General File with committee amendments attached; 823 advanced to General File with committee amendments attached. Those are signed by Senator Landis. (See page 607 of the Journal).

Your committee on Public Health whose Chairman is Senator Cullan, reports LB 834 advanced to General File. (See page 607 of the Journal).

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

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.

April 7, 1982

LB 127, 127A, 605, 755,  
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

April 13, 1982

LB 816, 816A, 127, 127A

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.