

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

February 2, 1981

LB 15, 16, 130, 312

PRESIDENT LUEDTKE PRESIDING

DR. PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence?

CLERK: Mr. President, Senator Burrows would like to be excused until he arrives, Senators Hoagland, Goll and Dworak, until they arrive and Senator Wagner until he arrives.

PRESIDENT: 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 will stand as printed. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 15 and recommend that same be placed on Select File and LB 16 Select File, (signed) Senator Kilgarin, Chairman.

Mr. President, your committee on Administrative Rules and Regulations whose chairman is Senator Vard Johnson to whom we referred LB 130 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, (signed) Senator Johnson.

Mr. President, LR 11 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 11.

CLERK: Mr. President, your committee on Administrative Rules and Regulations gives notice of public hearing in Room 1113 for Wednesday, February 18 and your committee on Education gives notice of cancellation and rescheduling of hearing on LB 305, signed by respective chairmen. (See page 386 of the Legislative Journal.)

PRESIDENT: We are ready for agenda item #4, Motions, and the first motion is on LB 312 and Senator Stoney. Will you read the motion, Mr. Clerk.

CLERK: (Read Stoney motion regarding LB 312 found on page 380 of the Legislative Journal.)

legislative district than the Governor has. So I think this is an attempt to put in a piece of poor government generally. I think it is a bad precedent. I think it is a bad bill and I think this bill should stop right here.

SPEAKER MARVEL: Senator Newell, do you want to speak to the bill as a whole?

SENATOR NEWELL: No, thank you.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of LB 30 as amended. All those in favor of advancement of the bill vote aye, opposed no. Have you all voted? The motion is the advancement of the bill. Record.

CLERK: 25 ayes, 5 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 130.

CLERK: Mr. President, LB 130 was offered by the Administrative Rules and Regulations Committee and signed by its members. (Read title.) The bill was first read on January 13 of this year. It was referred to the Administrative Rules for public hearing. There are committee amendments pending by that committee, Mr. President.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: (mike not activated)...of the body, LB 130 is a relatively straightforward bill that was proposed by the Administrative Rules and Regulations Review Committee and following public hearing was advanced to the floor with committee amendments. The bill itself is one that would authorize the Revisor of Regulations who is an official of the Legislature, the Revisor of Regulations to commence a codification system for the Administrative Rules and Regulations to develop an indexing system and ultimately to put the Administrative Rules and Regulations on a computer. I have on my desk, I just asked Chris Quinn who is our revisor, to give me a sample of what our Administrative Rules and Regulations look like so I could show them and I have on my desk three books. One is part of the Public Welfare rules and regulations. Another are banking regulations. A third are agriculture regulations. These are all state regulations and there are some thirty to thirty-five of these books that are the regulations of the various

state agencies that are covered by the Administrative Procedures Act. There is no straightforward simple system of getting into the regulations and that is one reason why the Administrative Rules and Regulations Review Committee decided to establish over a period of time a codification indexing and computerization system. Now the amendments, what the amendments do are these: The committee amendments to this bill specifically say that the computerization system shall not begin until we have completed the codification so that will defer computerization for probably two years. In addition the amendments do deal with something which some of you may feel strongly about and I want to talk about this for a second. Right now the state provides free distribution of the rules to every county law library. There are seventy-six county law libraries in this state and they get these regulations at no cost to the counties, however, most of these county law libraries have no librarian or even a librarian assistant or anybody that comes in and as a result as these rules and regulations are updated, which is almost weekly, the revisions and changes and amendments don't get put into the books and it means that very quickly the system gets out of whack and is not usable. So the Administrative Rules and Regulations Committee decided that we would amend the statute so that we don't just summarily distribute at no cost to the county law libraries the rules and regulations. We will make the distribution to a county law library only after the law library requests it. If it requests it, that would indicate they have got somebody there who at least can tend to the sets and we are then willing to send it out at no cost and if they don't request it, then we are not going to send it out. Now we have no idea what the ultimate savings will be, probably not a lot of money, it costs about \$4,500 a year to send out these sets and the updates but chances are that sum will decline significantly because of we don't think all the county law libraries will want to use the rules and regulations. But the committee amendments essentially defer the computerization process and in addition, alter to some extent the free distribution of the rules and regulations to the county law libraries and I would move the amendments at this time.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 130. All those in favor vote aye, opposed no. Okay, record the vote.

CLERK: 29 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee

February 5, 1981

LB 130, 27

amendments are adopted. Now, Senator Johnson, what would you like to do with the bill?

SENATOR V. JOHNSON: I would like to move the bill, Mr. Speaker. In explaining the amendments, I have virtually explained the bill. The only additional factor of the bill that I didn't explain was that we specifically by the bill would say that the revisor of regulations is not an agency within the meaning of the Administrative Procedures Act so that the revisor of regulations may commence the recodification process without going through a public hearing every time there is a recodification done. Our Attorney General has given us an opinion that without this type of a change the revisor of regulations may literally be compelled to hold public hearings every time she changes some numbering system in the regulations itself and it seemed to us that that was silly and a waste of time, publication costs and the like, but by and large the bill does, as I have indicated earlier, it authorizes the revisor to begin the codification process, the indexing process and ultimately a computerization process for our administrative rules and regulations. It directs administrative agencies to get the codification process in order within the next two years and it makes the revisor of regulations at least not directly subject to the requirements of the Administrative Procedures Act. At this time I would move the advancement of this bill.

SPEAKER MARVEL: The motion is to advance LB 130 as amended to E & R for review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 27.

CLERK: Mr. President, LB 27 was offered by Senator Shirley Marsh. (Read title.) It was first read on January 8, referred to the Miscellaneous Subjects Committee for public hearing. It was advanced to General File. I have no amendments pending, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. Speaker. This is the very shortest bill I have ever offered in the Legislature. It is two lines and one word long simply stating that the white-tailed deer, Odocoileus virginianus, is hereby adopted as the official state mammal. I wish all of you could have

February 9, 1981

LB 15, 16, 20, 27, 30, 37,
45, 82, 93, 108, 130,
140, 165, 165A, 178, 185,
187, 238, 244, 260

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Loren Mullins of the Warren United Methodist Church of Lincoln.

LOREN MULLINS: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence.

CLERK: Mr. President, Senators Vard Johnson, Carsten, Cullan and Dworak would like to be excused.

SPEAKER MARVEL: Okay, record. The machine is acting up and somebody will be here to fix it fairly soon. Meanwhile we will call the roll verbally. The Clerk will call the roll.

CLERK: Called the roll. We do have a quorum, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 20 and recommend that same be placed on Select File; LB 165A Select File; LB 178 Select File with amendments; LB 140 Select File; LB 37 Select File; LB 30 Select File; LB 130 Select File; LB 27 Select File; LB 82 Select File and LB 45 Select File, all signed by Senator Kilgarin, Chairperson.

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan to whom was referred LB 260 instructs me to report the same back to the Legislature with the recommendation if be advanced to General with amendments; LB 93 indefinitely postponed and LB 108 indefinitely postponed.

SPEAKER MARVEL: The Legislature will be at ease for the next ten minutes.

EASE

SPEAKER MARVEL: The Legislature will come to order.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 15 and find the same correctly engrossed, 16 correctly engrossed, 165 correctly engrossed, 185 correctly engrossed, 187 correctly engrossed, 238 correctly engrossed, 244 correctly engrossed,

February 10, 1981

LB 165A, 140, 37, 30, 130

proceed then with, Senator Nichol, LB 165A.

SENATOR NICHOL: Mr. President, I move LB 165A be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 165A to E & R for engrossment. Any discussion? Senator Johnson, did you want to discuss 165A?

SENATOR V. JOHNSON: I don't know why I do if nobody else does. Just move right along.

PRESIDENT: Okay. No one else does, so the motion before the House is the advance of LB 165A to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 165A is advanced to E & R for engrossment. We will pass over LB 178 since we have been advised there are some amendments being prepared, it will be on the floor, so with the Speaker's permission, we will pass over 178 and go to LB 140, Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 140 be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 140 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 140 is advanced to E & R for engrossment. LB 37.

SENATOR NICHOL: Mr. President, I move LB 37 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 37 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 37 is advanced to E & R for engrossment. The next bill is LB 30.

SENATOR NICHOL: Mr. President, I move LB 30 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 30 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 30 is advanced to E & R for engrossment. LB 130, Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 130 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 130 to E & R for engrossment.

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February 10, 1981

LB 130, 27, 82, 45, 214

Any discussion? All those in favor signify by saying aye, opposed nay. LB 130 is advanced to E & R for engrossment. LB 27. Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 27 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 27 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 27 is advanced to E & R for engrossment. LB 82. Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 82 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 82 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 82 is advanced to E & R for engrossment. LB 45, Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 45 be advanced to E & R for engrossing.

PRESIDENT: Motion to advance LB 45 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 45 is advanced to E & R for engrossment. That will conclude Select File with LB 178 being laid over. Mr. Clerk, anything else?

CLERK: No, sir. I have nothing further.

PRESIDENT. We will proceed then to General File. As I understand the Speaker, the first bill on General File will also be passed over because Senator Chambers is not here. Senator Carsten has been excused so LB 167 will also be laid over which leaves us with LB 214. Mr. Clerk.

CLERK: Mr. President, LB 214 was offered by Senator Elroy Hefner. (Title read.) The bill was read on January 15. It was referred to the Banking, Commerce and Insurance Committee. It was advanced to General File. There are committee amendments pending by the Banking Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: I move the adoption of the committee amendments.

PRESIDENT: Motion to adopt the committee amendments. Any discussion? Senator Beutler.

February 11, 1981

LB 20, 27, 29, 30, 37, 45,
82, 125, 130, 140, 150, 165A,
167.

RECESS

SPEAKER MARVEL: Come back to order, please. The Clerk has a couple of items to read in and then we will proceed back with the business as we had it prior to this recess.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and find the same correctly engrossed....165A, excuse me; 20 correctly engrossed; 27 correctly engrossed; 29 correctly engrossed; 30 correctly engrossed; 37 correctly engrossed; 45 correctly engrossed; 82 correctly engrossed; 130 correctly; 140 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 345 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Nichol. (See page 498 of the Legislative Journal.)

Your committee on Banking instructs me to report 125 back to the Legislature with the recommendation it be advanced to General File with amendments; LB 150 to General File with amendments. (Signed) Senator DeCamp, Chair. (See page 499 of the Legislative Journal.)

Mr. President, your committee on Revenue gives notice of exec session. (See page 499 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion to bracket.

SPEAKER MARVEL: Any objections? If not, so ordered. Senator Warner.

SENATOR WARNER: Mr. President, I ask unanimous consent to withdraw the kill motion at this point.

SPEAKER MARVEL: Any objections? So ordered. Now is there.....Senator Wesely. The Chair will move that the bill be passed over which will be either tomorrow or the first of the week. Does anybody object? Okay, if not, the bill is passed over. Underneath the south balcony a guest of Senator Marsh from Thailand. His first name is Sam. Do you want to raise your hand so we can wish you Good Morning? Underneath the south balcony.

February 20, 1981

LB 82, 130, 140, 14

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 82 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 597, Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 82 passes with the emergency clause attached. The next bill on Final Reading is LB 130.

CLERK: LB 130 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 130 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: Record vote read. See pages 597 and 598, Legislative Journal.) 45 ayes, 3 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 130 passes. The next bill on Final Reading is LB 140.

CLERK: Mr. President, LB 140 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 140 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 598, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 140 passes with the emergency clause attached. The next bill on Final Reading is LB 14.

CLERK: Mr. President, LB 14 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 14 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 599, Legislative Journal.) 49 ayes, 0 nays, that accounts for everybody, Mr. President.

PRESIDENT: LB 14 passes, and before we go to the next bill, the Chair would like to introduce some guests of Senator Nichol, seated under the South balcony are Walter and Shirley Schlager and Edwin and Lillian Blehm from Scottsbluff. Would

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

February 20, 1981

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

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

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

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

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

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

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

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

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

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

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

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

I have a report of registered lobbyists for February 12

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

February 24, 1981

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCKOWSKI: Prayer offered.

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

CLERK: Quorum present, Mr. President.

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

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

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

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

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

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

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

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.

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