

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

March 10, 1981

LR 32
LB 132, 206, 206A, 361
190

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 132 to General File with amendments; Mr. President, LB 361 to General File with amendments. Those are both signed by Senator Kremer as Chair.

Mr. President, new resolution, LR 32 by Senator Hefner. (Read. See pages 829 and 830, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Chambers moves that LB 206 and 206A become law notwithstanding the objection of the Governor. That will be laid over as well.

PRESIDENT: We are ready then for agenda item #7, General File. The first bill on General File is LB 190. Mr. Clerk, will you read?

March 11, 1981

LR 12
LB 17, 22A, 168A, 258A,
132, 133, 245, 349

CLERK: Senator Remmers would like to add his name as co-introducer to LB 132.

SPEAKER MARVEL: Any objection? So ordered.

CLERK: Mr. President, Senator Clark and Warner offer amendments to LB 133; Senator Vickers and others would like to print amendments to LB 245.

Business and Labor Committee will hold an exec session Thursday, March 12 at one o'clock in Room 1019.

Banking Committee reports LB 349 to General File.

New A bills, 22A by Senator Landis. (Title read.)
168, a new A bill offered by Senator Carsten. (Title read.)
258A by Senator Hefner. (Title read.)

Banking Committee reports LR 12 back to the Legislature for their consideration.

Senator Warner moves to place LB 133 on General File notwithstanding the action of the Banking, Commerce and Insurance Committee.

Priority bill designation by Senators Goodrich, Labedz, and the Constitutional Revision and Recreation Committee.

Senator Koch would like to print amendments to LB 17 in the Journal, Mr. President.

SPEAKER MARVEL: As we adjourn this morning, I would remind you of the deadline on the 13th of this month as far as priority bills are concerned, and if we can be of assistance to you, why please let us know. Senator Maresh, will you adjourn us until nine o'clock tomorrow morning?

SENATOR MARESH: Mr. Speaker, I move that we adjourn until tomorrow, March 12th, 9:00 a.m.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried and we are adjourned until 9:00 a.m. tomorrow, March 12th.

Edited by:


Mary A. Turner

March 23, 1981

LR 40
LB 132, 138, 205

Attorney General's Opinion addressed to Senator Vard Johnson regarding LB 138, one to Senator Hoagland regarding LB 205, and one to Senator DeCamp regarding LB 132. (See pages 1053 through 1060 of the Legislative Journal.)

PRESIDENT: Before we begin the day, we have a rather pleasant task to take care of. If you will notice on your desks you have some Bread of Life sustenance from... made of Nebraska's wheat and this connotes the fact that Governor Thone has proclaimed this as Bake and Take Days, where the wheat producers of Nebraska have joined with wheat producers in surrounding wheat states to sponsor this Bake and Take Days. And we have the pleasure this morning together with the Nebraska Wheat Committee and their representatives to have with us the 1981 Wheat Queen from Senator Tom Vickers' District, Tammy Hoffman from Indianola. Tammy, would you just stand up? Tammy is presenting to you together with the other members of the Wheat Commission....would Sue Smith and Dan McGuire and Mark Kunkee...I think they are over here somewhere along the south side, would you stand and be recognized? Welcome to the Legislature, and we thank the Wheat Commission and Wheat Queen for bestowing upon us this wonderful wheat product this morning so that it can help the Legislature through the day. And I think that Tammy has something special to present to the Clerk if he will finish his task, and get his hands clean. Do you want to make that presentation? Presentation to Patrick O'Donnell. Pat has got an official presentation and now she is going to present me with the same, I think, so we will proceed with....now dispensing with the....Senator Vickers is smiling on with admiration with what comes out of his District. Okay, we will now proceed then with the business for the morning. Proceed with agenda item #4 on resolutions. Although the machine is not operative at this moment, we will commence with the discussion of the resolutions and hopefully we will have it fixed before we take a vote. So we will commence then, Mr. Clerk, with LR 40. Proceed then with LR 40, Mr. Clerk.

CLERK: Mr. President, LR 40 is a resolution offered by Senators Maresh, Sieck and Warner, found on page 985 of the Journal. (Read LR 40.)

SENATOR MARESH: Mr. President and members of the Legislature, this resolution calls attention to Crete's outstanding record. During this past season they won 23 games and lost only...this is the girl's basketball team, won 23 games and lost only 3. Last year they won 17 and lost only 4. I think this is an outstanding record,

March 30, 1981

LB 17, 132, 351, 446

SENATOR MARSH: May we go to lunch?

SPEAKER MARVEL: The Clerk has some items to read in and then we will go. So if you would like to go, that is fine. Go ahead.

CLERK: Mr. President, Government Committee will meet underneath the North balcony right now. Government Committee, Senator Kahle says right now.

Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and engrossed LB 17 and find the same correctly engrossed, 351 correctly engrossed, 446 correctly engrossed. (Signed) Senator Kilgarin.

Senator Kremer would like to print amendments to LB 132 in the Journal, Mr. President. That is all I have.

SPEAKER MARVEL: Senator Marsh, do you want to recess until 1:26 p.m. 1:36 p.m., I am sorry.

SENATOR MARSH: I move we recess until 1:36 p.m.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are recessed until 1:36 p.m.

Edited by

Arleen McCrory
Arleen McCrory

April 1, 1981

LB 271, 132

Senator DeCamp, do you have another amendment?

SENATOR DeCAMP: No.

SENATOR CLARK: Do you have anything further on the bill, Mr. Clerk?

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

SENATOR CLARK: Senator DeCamp, what do you want to do with the bill?

SENATOR DeCAMP: I would move it be advanced.

SENATOR CLARK: The question before the House is the advancement of 271. Is there any discussion? All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 25 ayes, 1 nay on the motion to advance the bill, Mr. President.

SENATOR CLARK: Motion carried. The bill is advanced.
LB 132.

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LB 132

CLERK: Mr. President, LB 132 was a bill introduced by Senators John DeCamp and Remmers. (Title read.) The bill was first read on January 13. It was referred to the Public Works Committee. The bill was advanced to General File. I have committee amendments pending, Mr. President, by the Public Works Committee.

SENATOR CLARK: The committee amendments, Senator Kremer.

SENATOR KREMER: Here I go. Okay. I will have to start out by saying that we have in LB 132 a bill or an agreement that has been worked on for four or five years. Three entities of public power were involved in this issue in an attempt to reach an agreement that would allow the munys to cooperate and work together for financing of a project. It has been difficult. I think at this point I would like to say that I think we owe it to Senator John DeCamp a vote of thanks for bringing this bill out and successfully getting it to where it is now. Furthermore, our committee did virtually what my Dad used to do when my brothers and I couldn't agree. He would lock us in our room and say you aren't coming out until you reach an agreement and that is about what happened here, and finally, we do have an agreement. I think there is a letter on your desk that backs up what I have just said and I will attempt to explain the simplest way I know how, and it does look complicated, the committee amendments do, but I will explain the simplest way I know how. What the committee amendments will do then, I will not move to adopt the committee amendments but I will provide some other amendments that would come in, I call them Kremer amendments, to the committee amendments and I will ask for their adoption. Now here is what the committee amendments do in their simplest form. It does three different things: Number one, it separates the agencies, that is, the power agencies and other agencies such as sewer or water or garbage agencies. It separates them. We have the power agencies as one group and the other, such as sewer and water, as another. It does that. Number two, it does place the power agencies under the relevant public power district laws. That is important. And number three, it does place the power agency under the jurisdiction of the Power Review Board and the laws that require arbitration of wholesale rates dispute, should there be some. Now those are the committee amendments. Now following are the amendments that I am offering because they came from the entities themselves. There are four of them. They make very clear that LB 132 agencies are political subdivisions, just as was intended in the original bill. Number two, it clarifies where and limits where public notices must be published. They must be published in a newspaper published at the agency's principal place of

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LB 132

business whenever there is an issue before the public. Number three, it reduces an exemption from special assessment. It reduces an assessment from special assessment. The current bill exempts the agency from all special assessments. This amendment I am offering only exempts the agency from special assessment of municipalities participating in the agency. Number four, it adds the emergency clause. Those are the amendments I am offering to the committee amendments and, Mr. Chairman, I move these amendments to the committee amendments.

SENATOR CLARK: Do you have a motion on the desk?

CLERK: Senator Kremer moves to amend the committee amendments, Mr. President, and his amendment is found on page 1187 of the Journal.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I attempted the best I knew how to explain those amendments that you find on this page of the Journal and I have moved for their adoption, it is adoption to the committee amendments, not the committee amendments, but the amendments to the committee amendments.

SENATOR CLARK: It is adoption to the committee amendments. These are the Kremer amendments to the committee amendments. Is there any discussion on them? All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Kremer amendment to the committee amendments, Mr. President.

SENATOR CLARK: The Kremer amendments to the committee amendments are adopted. Now the committee amendments.

SENATOR KREMER: Now, Mr. Chairman, I move the committee amendments as they have been amended and I did explain them both.

SENATOR CLARK: The question before the House is the committee amendments to 132. All those in favor vote aye, all those opposed vote no. Voting aye.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments as amended, Mr. President.

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LB 132

SENATOR CLARK: Motion passed. The amendments are adopted. Senator DeCamp, on the bill.

SENATOR DeCAMP: Mr. President, members of the Legislature, I am hopeful that we will have a minimum of discussion and the bill will advance and I have an obligation to read something in the record. All the various parties have agreed and I will read that and then I will touch on the bill. "LB 132, Municipal Cooperative Financing Act as amended Statement of Legislative Intent. LB 132 is designed to allow those communities who have historically generated or purchased the major portion of their electric power and energy from other sources than public power districts to supply such municipalities customers and to do collectively what they can now do individually. LB 132 is not designed to create a new competitive situation that the Legislature has dealt with in the past and which was eliminated through the restructuring of certain power districts in 1970." Mr. President, members of the Legislature, LB 132 truly does represent a milestone, I think, in legislative accomplishment, achievement, of settling issues. For five solid years, this has been one of the issues that has hugged, tugged and pulled and torn the Legislature apart and torn the power industry apart and made it impossible to go ahead on a number of things that might be developed in the future. LB 132 represents the final solution, so to speak, to the perennial fight of the power industry over the financing of power, and then it goes beyond that, it allows two or more units of government to join together in financing other projects. So you could see this being used in the future for low head hydro dams. You could be seeing it used for development of the use of water as a geothermal water from western Nebraska to heat entire towns. You could see it being used for any number of things. It is a settlement, I don't know what else to say, other than that all the various sides, NPPD, the munys, the rurals, all the ones that were traditionally cutting each other's throats have piece by piece, step by step, been forced, all reluctantly, to settle this issue and this is the settlement. And it is a very complicated, technical thing. I wouldn't dream of trying to explain it very far in terms of the technicalities.

SENATOR CLARK: Senator Remmers.

SENATOR REMMER: Mr. Chairman, members of the Legislature, I will be brief and try not to be too redundant. First, I am not taking any credit for the bill. I did designate it as my priority. It does seem to be quite important to the municipalities in the 1st Legislative District as well as many other places in the state and so I am endorsing the bill and I hope that it will move forward. As I say,

I don't want to be too redundant but I do want to re-emphasize some things that Senator DeCamp has said, that this would allow two or more cities or villages to unite in certain projects dealing with things beyond electricity, water in particular in my area. The towns, villages, have had quite a bit of trouble of getting enough water for the usage in the cities. We are not so concerned about irrigating water as we are about enough water for human usage and for the general business of the city. So it would give them an opportunity to maybe combine for something of that nature. Also there are areas such as garbage disposal, solid waste, things of that type, that could be done cooperatively and working together not only couldn't they accumulate more, larger sums, and we know that most of these projects are quite expensive. Most of them are beyond what one city can do by itself, and by combining they increase their financial structure and also there is some economies of the scale. There would be one bonding. Attorney fees would be for one. There is many areas, and as our society becomes more complex I think that we will find that a number of cities and villages will combine on some of these projects. I think it is a very important step and I want to congratulate Senator DeCamp for getting this thing up to this stage where the various agencies have agreed and I would urge the body to support this legislation.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to also support LB 132 and would point out that there are some parts of 132 that are rather unique, that perhaps that is the reason this bill has got this far this session, when as it has been pointed out by others, this is certainly not a new issue. Parts of the bill as redrafted, as amended by the Public Works Committee, includes some of the things that I have been insistent on in the past and many other members of this body have. Many of the other public power districts in this state have also been insistent that certain requirements be imposed on the agencies or agency to be created under the Municipal Financing Act. Most of those have been incorporated into 132 in the committee amendments. Although they are not specifically referred to by section number, as a matter of fact, most of Chapter 70, Article 10 is included and the biggest majority of Chapter 70, Article 6 is also included by including the language out of those sections. Chapter 70 is the chapter of the statutes dealing with public power districts. In other words, it is the statutes that they operate under. So the entity created by 132 will in fact operate under the same set of rules basically that the public power districts do. As Senator DeCamp indicated,

they are also limited to some extent as to the operations that they can perform. I would remind this body also that the language has even been included in 132 that was in a bill that we passed a little earlier this session that has amended some of the sections of Chapter 70 dealing with the bidding statutes and so forth. I would simply say to Senator DeCamp that I don't intend to ask him any questions relative to the technical aspects of LB 132 out of deference to the fact that since he couldn't answer my question on LB 253, he probably won't be able to on 132 either. But I would commend you, Senator DeCamp, for getting the groups together and I would also mention that I did have a bill this year that some of the municipalities, to put it mildly, didn't care too much for but this, in effect, is doing some of the same things that I was attempting to do, heading some of the same direction. I would also put them on warning that this is not the end of this issue, that since we are headed this direction, I think it would be a good idea to keep going in some instances. I would urge the body's adoption of LB 132.

SENATOR CLARK: Senator Cullan. Senator Cullan, do you want to talk?

SENATOR CULLAN: Mr. President, members of the Legislature, I just had a chance to look over this bill and I don't think there is anything wrong with it.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Keeping in the spirit that Senator Cullan followed on, I think that we have had kind of a rough time here with Senator DeCamp the last few days and I think it might be nice to say something nice about Senator DeCamp on this bill in particular. This bill, this is the third year that it has come up that I know of and the three years I have been down here it has always been a controversial issue. You have heard nothing but testimony in support of the bill. If this bill would have come up in any of the last two years, you would have heard nothing but controversy and fighting and I think that Senator DeCamp was able to put a compromise together that evidently everybody has agreed to. It is a good step in the right direction. The purpose is laudable. It wasn't an easy thing to do and I think we all owe a thanks to Senator DeCamp for the time he put in and the good job he did, and for once, he has all of our praise and best wishes.

SENATOR CLARK: Senator Koch.

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LB 132

SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. The question before the House is to cease debate. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Ceasing debate. Record the vote.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I would like to say something on closing and tell you exactly how it all worked out because it has been about eight months in the process and this is one of the ones I honestly am proud of as opposed to some of the others that I have to...anyway, last summer at the end of the legislative session, there was a meeting or whatever they have in the power industry up in Columbus, Nebraska, and the rurals were there, and the munys and the NPPDs and so on and so forth, and as I went around and listened to the different groups, they were all talking how they were going to fight this and do that, so on and so forth, and I am only telling you this because it has worked on this one and a number of others and it is a simple way to reach a resolution of issues. I went to NPPD and I just asked, I said, "I don't understand the muny power fight that goes on every year. Just tell me what it is you disagree with, under what circumstances you would accept a settlement." And they said, "If so-and-so would fall under Chapter 6 or 10, Article 6." I went to the other side and I said, "What are your absolute demands?" And they said, "We need it and we will do anything except that other thing." Put them all into a bill and start forcing them into the middle and keep pushing them and pushing them until they resolve it and I think we could do that on a lot of these issues. You just keep bringing them together and making them take one step at a time until they get it settled. The Governor said this is one of his main goals this year, to get this legislation passed and this issue settled, and I think with passage of this bill we will get it done. So I urge you to advance the bill.

SENATOR CLARK: The motion before the House is the advancement of 132 to E & R. All those in favor vote aye, opposed vote nay. Someone is in trouble. Record. No, you can't do that. I am voting aye, Mr. Clerk.

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LB 132, 466

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: Motion carried. The bill is advanced. 466.

CLERK: Mr. President, LB 466 was introduced by Senators Cullan and Labedz. Read title. The bill was referred to Public Health for hearing. It was advanced to General File on March 30th of this year. There was a motion to adopt committee amendments. That prevailed. I have nothing further on the bill at this time, Mr. President.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Thank you Mr. Chairman. When we were discussing LB 466 the last time Senator Johnson asked me a question and I would like to give him a clear reason, which I hope will satisfy him, on why and how we selected ten abortions per week. I would like to first address it to Senator Johnson, the bill on line, identifies ten or more abortions per week as the plateau in which Nebraska clinic licensing laws would be made available or made applicable even if performed in the office of a private physician. Senator Johnson has asked how the plateau of ten or more per week was selected. I believe that his was a good question and therefore I think deserves a good answer. The ten abortions per week figure was not arbitrarily selected. The clear purpose of this portion of LB 466 is to bring the large abortion clinics within the regulatory boundaries of the state statutes governing medical clinics. I do have the rules and regulations here on the . . . put out by the Health Department on clinics and that is one of the very reasons we thought it was very essential that they be licensed as a clinic. Number one, when a physician begins to perform more than ten abortions per week, in his or her private office, he or she creates a medical facility that differs dramatically from a private physicians office. This is exemplified by evidence given in Nebraska District Court during trial of the case dealing with LB 38 in 1978 and LB 316 in 1979 wherein there was testimony that following: (A) That Womens Services one of Nebraska only two abortion clinics in which is operated from a private physicians office engaged in virtually not counselling of its abortion patients. (B) That physicians at Womens Services and Ladies Center, Nebraska's other abortion clinic, which also operates out of the private office of a

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LR 50
LB 40, 22A, 158A, 317A,
298, 253, 253A, 271,
132, 466, 174, 351, 125,
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.
While we are in the process of the roll call may I indicate
to you that today is Senator Kahle's birthday. We wish you
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully
reports that we have carefully examined and reviewed LB 40
and recommend the same be placed on Select File. 22A, 158A,
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK:271, 132, 466 all placed on Select File, (signed)
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready
for your signature.

SPEAKER MARVEL: While the Legislature is in session and
capable of transaction business, I am about to sign and
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to
Select File for a specific amendment. That will be printed
in the Journal.

Your Enrolling Clerk respectfully reports that she has on
this day presented to the Governor for his approval the
following bill.

Mr. President, I have a report from the Department of
Administrative Services from the State Building Division.

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LB 132, 158A, 271, 317A

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. Next, 158A.

SENATOR KILGARIN: I move we advance LB 158A to E & R for Engrossment.

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

SENATOR KILGARIN: I move we advance LB 317A to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. 271.

SENATOR KILGARIN: I move we advance LB 271 to E & R for Engrossment.

CLERK: Senator, there are E & R to 271.

SENATOR KILGARIN: I move the E & R amendments to LB 271.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted. 271 now.

SENATOR KILGARIN: I move we advance LB 271 to E & R for Engrossment.

SPEAKER MARVEL: All in favor....a machine vote has been requested. All those in favor of advancement of 271 vote aye, opposed vote no. Have you all voted? The motion is the advancement of 271. Have you all voted? Record.

CLERK: 26 ayes, 2 nays on the motion to advance LB 271, Mr. President.

SPEAKER MARVEL: The motion carried. The bill is advanced. The E & R amendments to 132.

SENATOR KILGARIN: I move the E & R amendments to LB 132.

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

SENATOR KILGARIN: I move that LB 132 be advanced to E & R for Engrossment.

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LB 132

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. Do you have any other items? Senator Fowler, would you like to adjourn us until 9:00 o'clock tomorrow morning?

SENATOR FOWLER: I would move we adjourn until 9:00 o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. We are adjourned until 9:00 o'clock tomorrow morning.

Edited by Arleen McCrory .
Arleen McCrory

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LB 11, 17, 59, 132, 167,
LB 205, 253, 253A, 284,
LB 284A, 329, 333, 366,
LB 483

first one now and then see how we get along.

CLERK: Mr. President, if I may, right before we go to that, your committee on Enrollment and Review respectfully reports LB 132 correctly engrossed; 253, 253A, 284, 284A, and LB 483 all correctly engrossed.

A letter from the Governor addressed to the Clerk. (Read. Re: LB 59, 167, 17 and 205. See page 1446, Legislative Journal.)

Senator Wagner would like to print amendments to LB 11.

And your Enrolling Clerk has presented to the Governor LB 329 and 333.

Mr. President, LB 366 (Read title). The bill was first read on January 19, referred to Retirement for public hearing. The bill was advanced to General File. There are committee amendments by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler, do you wish to explain the committee amendments?

SENATOR FOWLER: I do. I move adoption of the committee amendments. LB 366 is a bill that deals only with police and fire in the City of Lincoln or that is cities of the primary class. The committee amendments are a compromise, a negotiated compromise, between the police, the fire and the city administration. It is acceptable to all sides and acceptable with an amendment that Senator Landis offers. The basic thrust and the reason for the agreement is that civilian employees if you want to use that term, the nonpublic safety employees, are currently being matched \$2 for every \$1 that they contribute. The city matches \$2 for every \$1 that is contributed. The city working with its actuary developed a proposal to improve the Lincoln Police and Fire system to the point that the same matching ratio would be used and that the 7% of employees salary contributed by the police and fire would be matched with a 14% of payroll contribution by the police. So these are amendments. 366, there is a companion bill, 367. That bill was killed. This integrates the proposals. It may be less than the public safety organizations initially wanted but it is something that provides equity and comparability between the systems. I would move for the adoption of the amendments.

SPEAKER MARVEL: The motion is the committee amendments to LB 366. Okay, the motion is to adopt the committee amendments. Senator Schmit, do you wish to speak to the committee amendments?

LB 40, 132, 200, 266, 280, 284,
329, 330, 333, 360, 366, 371,
379, 392, 395, 407, 437, 479, 318.

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SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.

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LB 132

PRESIDENT: We are ready then for Final Reading, Mr. Clerk. We will start then with LB 132.

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

PRESIDENT: Read the motion, Mr. Clerk.

CLERK: Mr. President, the first motion I have is from Senator Kremer. Senator Kremer moves to return LB 132 to Select File for a specific amendment, and that amendment would read as follows: (Read the Kremer amendment as found on page 1505 of the Legislative Journal.) That is offered by Senator Kremer.

PRESIDENT: The Chair....is Senator Kremer here? Senator Beutler. Is Senator Kremer here? Do you want to.... Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, the change is purely technical changing one word that has to be done in order to correctly reference the....accurately reference the situation, and so it makes no substantive change whatsoever. It is technical in nature. Thank you.

PRESIDENT: Senator Kremer.

SENATOR KREMER: As Senator Beutler has indicated, it is a technical change. The E & R amendment is found on page 1445 in the Journal and apparently the computer failed to pick up the change. It was an E & R change, so the bill needs to be returned for the purpose of changing the word "resolutions" to "ordinances", so it will correspond with the committee amendments. I move the bill be returned for this technical amendment.

PRESIDENT: Anything further on the Kremer motion to return? Senator Kremer, is that your closing then? The motion then is the return of LB 132 for a specific amendment. All those in favor vote aye, opposed nay. Record the vote, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to return.

PRESIDENT: The motion carries and LB 132 is returned for a specific amendment. Senator Kremer, do you wish to move the adoption?

SENATOR KREMER: Mr. Chairman, I move the amendment be adopted.....

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LB 132, 483

PRESIDENT: The amendment be adopted.

SENATOR KREMER:as explained in my explanation.

PRESIDENT: All right, Senator Kremer. Any further discussion then on the motion to adopt the Kremer amendment? If not, all those in favor of adopting the Kremer amendment vote aye, opposed nay. Record the vote.

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

PRESIDENT: The motion carries and the Kremer amendment is adopted. Senator Kremer, do you want to move the bill back?

SENATOR KREMER: Yes, sir, Mr. Chairman, I now move that LB 132 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 132 is returned to E & R for Engrossment. Anything further, Mr. Clerk.

CLERK: Mr. President, Senator Beutler now moves to return LB 132 to Select File for an amendment and the amendment is on page 1494 of the Journal.

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would ask unanimous consent to withdraw the amendment.

PRESIDENT: The Chair recognizes Senator Koch. Oh, okay, he doesn't...all right. It is withdrawn. The amendment is withdrawn. So we are now back to the...well, it remains where it is. It is on E & R for Engrossment. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: All right, so we will go on then to LB 483, Mr. Clerk. Go ahead.

ASSISTANT CLERK: (Read LB 483 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 483 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

April 23, 1981

LB 35, 95, 132, 173, 266, 266A,
360, 477, 506, 541, 545
LR 57, 58, 59, 60

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, will you please stand so that we can recognize you.

April 28, 1981

LR 65
LB 35, 132, 360

SENATOR NICHOL: Record, please.

CLERK: 34 ayes, 9 nays, Mr. President, on the motion to readvance the bill.

SENATOR NICHOL: The bill is advanced. Senator Labedz has 36 students in the north balcony who are students of CETA and are studying English as a secondary language, and 4 teachers. They are Steve Pearce, Thong Nugen, Lottie Ellison. Would you please raise your hands so you may be recognized? Thank you. Mr. Clerk, do you have something to read into the record?

CLERK: Yes, sir. Mr. President, new resolution, LR 65, offered by Senators Wesley, Fowler, Warner, Beutler, Landis and Marsh. (Read LR 65 as found on pages 1604 and 1605 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 360. (See pages 1601 through 1604 of the Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, we are on Final Reading. All legislators are to be in their seats. The next bill is 132E.

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

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator Beutler moves to return LB 132 to Select File for a specific amendment. Senator, I have two from you. Do you want to offer the first one that you....?

SENATOR BEUTLER: Pat, I wish to withdraw the first one and offer the second one.

CLERK: Request 2135 with those changes in it, Senator? Is that the long one that you brought up?

SENATOR BEUTLER: It should be two separate pages, Pat. The number I don't have.

CLERK: The big long one with the changes.

SENATOR BEUTLER: Yes.

CLERK: Okay.

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LB 132

SPEAKER MARVEL: The motion is to return the bill to Select File at Senator Beutler's request. All those in favor of....okay, do you want to explain your amendment first?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this amendment is purely technical in nature. LB 132 references throughout the bill with regard to the approval of applications and the different approvals necessary for agencies that are dealing with public power. It refers to the Department of Water Resources as being the agency which gives that approval. But that approval is technically given by the Nebraska Power Review Board which prior to last year was connected and a part of the Department of Water Resources, but now it is a completely separate agency and the references in the bill should be to the Nebraska Power Review Board. So all the amendment does is change those references. And in addition there are some additional references to the Department of Water Resources that are incorrect in Chapter 70, which now should be the Nebraska Power Review Board since they were separated last year. So it also makes the technical corrections to the other sections of section 70 dealing with Nebraska public power districts. That is the sum and substance of the amendment, not much but it really is necessary to make it technically correct. Thank you.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I oppose this amendment and the other one that Senator Beutler has. I believe there is another one on the Clerk's desk, another amendment. On this basis, as Senator Beutler said when we were discussing LB 35, the jury is in, the various public power interests have been working on this particular issue for at least four years going on five, and finally they have reached an agreement to the extent at least that they are willing to go along with it. Now I know that Senator Beutler's amendment is technical in nature. However, we have LB 181 that is on General File and we can address these issues to that bill that will take care of the problem here. I am opposing the amendment to this point, because of the long and the length of time that has been spent by the public power people, the rurals, NPPD, through the intensive work and the dedicated work of the Nebraska Power Association and others, and I think now to delay this bill when it is all ready to go is improper, it is wrong. I think we should let LB 132 go and use LB 181 to take care of any amendments that are necessary to improve the bill. So, Senator Beutler, I object on that principal. After all

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LB 132

these years we finally have reached an agreement and now to delay, I think it is the wrong course to take and we can use LB 181 to accomplish what you intend to do here.

SPEAKER MARVEL: Senator Remmers, do you wish to be recognized?

SENATOR REMMERS: Mr. Speaker and members of the Legislature, I support Senator Kremer in opposition to the amendments. There has been a long period of work on this bill, many compromises and I think that the corrections that are technical in nature can be made at some other time. I am not so sure that the intent of the amendments are simply to make the technical corrections. I think it would be wrong to delay this bill at this time. It has moved along. It has had a lot of work. It has general agreement and I think that the bill should be moved along in its present form.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support the Beutler amendment. As Senator Beutler pointed out, it is technical in nature, and as Senator Kremer pointed out, there is a bill on General File that addressed those technicalities. Also as Senator Kremer pointed out, the members of the industry worked long and hard on LB 132. They worked with Senator DeCamp and other members of the Public Works Committee and other individuals on coming up with an agreement that everybody could support on LB 132. Senator Beutler's technical amendment is not changing that agreement in any way, shape or form, as near as I can ascertain. I would point out to the body, however, that LB 181 probably will not be dealt with this year because one portion of that coalition from the industry that was working together on 132 saw to it to pull 181 off of Select...off of the consent calendar. So for that reason I think that Senator Beutler's amendment is probably necessary on 132 to make these technical changes that would refer to the Power Review Board in the language of 132. So pointing out one more time that it is technical in nature and doesn't affect the delicate arrangements that have been made on the bill with....by the members of the industry and because as I indicated one section of the industry pulled off of the consent calendar 181, so I would support Senator Beutler in his amendment.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your amendment?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature,

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LB 132

I'm not opposing the bill. This really is, in fact, a technical amendment. The power industry has worked long and hard to come up with this and it will be passed this year, there is no doubt about it. There is no substantial opposition to it that I know of. But I don't see that the high priests of public power should get jittery simply because it is going to be delayed a few days so that the Legislature can technically do what is right. I mean, my gosh, it's our job to pass laws that are technical correct. What I hear the other side saying is, no we don't have time to be technically correct, let's get it into law. Although nobody has indicated what difference three or four more days is going to make, and I don't think it is going to make any at all. I repeat to you that the Department of Water Resources which is presently referenced in the bill has no staff, has no function, has nothing to do with public power, and so it is a complete inanity in the bill to have a reference to them in the bill. So I don't think that anything is going to be hurt by making the bill technically correct and hearing it on Final Reading in a few days. Thank you.

SPEAKER MARVEL: The motion is to return the bill to Select File. All those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Beutler.

SENATOR BEUTLER: I ask for a record vote, Mr. Speaker.

SPEAKER MARVEL: Okay, record the vote.

CLERK: (Read the record vote as found on page 1605 of the Legislative Journal.) 10 ayes, 25 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: The motion lost.

CLERK: Senator Beutler, you don't want the other one then, is that right? You do want the other one. Okay. Mr. President, Senator Beutler moves to return LB 132 to Select File for a specific amendment. The one that reads, insert new section 49? Okay.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, there is one philosophic point with regard to LB 132 which has not been discussed yet by the Legislature, and I think it is important that it be discussed however so briefly and it will be briefly because the public power groups who have put this bill together have decided that

they have it the way they want it and that's the way it is going to be. And it is by and large a good bill. But the point I want to discuss is the point of the right of the people to vote on different kinds of projects, water projects, sewer projects, solid waste disposal projects, power projects. As you know, 132 allows the setting up of separate agency, a separate public agency, and that agency can do whatever the participating directors and the directors come from the different municipalities, say they can do. And they do it without a vote and they issue bonds without a vote. And they can issue it not just for power, although that is the primary purpose, but they can do it for sewer. They can do it for water and they do it for solid waste disposal. And the powers in another section of the bill are quite broad. There may be a number of other things that they can do. No vote as far as that agency is concerned. We are creating a new entity. Now the law in the State of Nebraska with regard to when votes are required on projects does not to the best of my knowledge express any consistent philosophy. In some cases we require votes in order to issue bonds, or require votes in order to exercise the power of eminent domain, or to start the construction of various types of utility projects. In other instances we do not require a vote. What my amendment does is retains...retains the current law with regard to public votes for all except power projects. For power projects it says, they will no longer have to vote if they participate in this agency, basically because NPPD doesn't have any vote. So we are going to make all power entities, all entities constructing power projects allow them to have the same requirement. But with regard to sewer and solid waste disposal and water works projects, what my amendment says is this, if those particular projects would have required a vote by the particular municipality if they had done it themselves, then so too it will require a vote for them to participate in an agency constructing one of those kinds of projects. So that the final result of the amendment is that the law in the state with regard to allowing the public to retain the right to vote is not changed except on power projects where we are taking away the right to vote in some instances. As best I can figure out from the staff research that has been done recently on that, the effect of the bill right now would be to take away the peoples' right to vote in 15 or 16 different instances. Now if I came in to you directly with a bill to take away the peoples' right to vote in all those instances, it probably wouldn't get 2 votes in the committee, much less ever get out on the floor of the Legislature. But the effect of creating this agency, the way the bill is right now, is that you are saying that they can do acting together what the different individual members could not do

without a vote. They can do without a vote acting together what the individual members could not do individually. So again I don't want to take a whole lot of time with it. That is the substance of the amendment. I don't think that it would inhibit the functioning of this new agency. I think it is a reasonable amendment and I think that it effectuates all the benefits that we want out of 132 without the detriment of taking away in many instances the right to vote from the people. Thank you.

SPEAKER MARVEL: Senator DeCamp. Senator Kremer.

SENATOR KREMER: I don't know whether to thank you or not, John. But again I oppose the proposed amendment on the principle that all the work that has gone into it and we are where we are now and we ought to proceed. Secondly, I would like to say this, I certainly do stand firm on giving the people the right to vote in many instances, however, sometimes I wonder if we are not gradually swinging from the fact that we are a republic and it's government of the people through elected officials. We swing too far the other way, we get away from that principle and certainly elected officials do have a responsibility. When they do not carry out that responsibility, they deserve not to be reelected. And here again I am not contrary to Senator Beutler's principle that people ought to have a right to vote. However, there comes a line that we need to watch less we cross it and swing too far the other way, and this has happened in the past and it has caused us some real problems. As an elected official of the State of Nebraska, a member of this Legislature, I am willing to assume my responsibility, and when I do wrong, my people are going to write to never bring me back again. The same way with a school board or any kind of a local elected official. And I think we are going too far here. I oppose the Beutler amendment. Senator Beutler is my friend and I appreciate what he tries to do and he is successful in doing it many, many times. He puts a lot of hard work into a bill, and it was tough to oppose the first amendment because it was technical in nature. However, again we have a bill that we can use and we can use the year of experience to see how these things go and then address them at another session. I oppose the amendment on the basis that here we have a bill that has been worked on for years and years, worked hard and intensively by all involved and I think we have got something that has been agreed upon generally and the Legislature ought to support it by passing LB 132 this morning on Final Reading.

SPEAKER MARVEL: Senator Remmers, do you wish to speak on this motion?

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LB 132

SENATOR REMMERS: Mr. President and members of the Legislature, I probably will sound a little bit redundant but I do think it needs to be repeated. We do have a representative form of government in our country. Many things are much too complicated to have the people vote on every issue that comes up. I am not opposed to having the voice of the people heard, but the best way for the voice of the people to be heard is through their elected representatives. There is no way in this country that we can run everything with a vote of the total population. There are times when projects of this type that will be involved in this legislation would delay, would increase cost, would make things cumbersome and perhaps defeat, some very well laid plans that would benefit a community. I think we have to remember that this is a representative form of government and we do have to rely on our elected officials. A way to avoid the problems, and this is, the next election be sure you elect new public officials. I would urge you to vote against the amendment.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I am very pleased that Senator Beutler has brought this amendment to us and I think that it is worthy of our consideration. I appreciate the fact that this bill has been one that has been worked on heavily, Senator Kremer, and that for many years the Public Works Committee has fought this battle. I know every year since I have been in the Legislature there has been a fight between the different entities over this particular issue, but I still do not think that that should be reason enough for us to proceed to adopt this bill without Senator Beutler's amendment. I don't disagree with the intention that we should leave the situation as is as far as not requiring a vote of the people as far as power projects are concerned. But when we are talking about making major commitments of capital and resources, long term commitments that can bind a city, a small city for generations, for many, many years, then I think it is only prudent of us to have this vote of the people. So I think Senator Beutler's amendment is one that we should support and I would ask you to support the Beutler amendment and return the bill.

SPEAKER MARVEL: Senator Wesely and then Senator DeCamp.

SENATOR WESELY: Mr. Speaker and members of the Legislature, I think that Senator Beutler has hit on something here and I think it ought to come to our attention. This bill has got more in it than I think any of us realizes. As it was introduced essentially last year...well, it was

two years ago, Senator Merz had two bills in. One dealt with the question of cooperative financing for power projects. The other bill dealt with broader authority that included power projects but also included sewer and all these other things that we were just talking about. Well, I had the impression that this bill dealt with only the power projects, but, in fact, this bill deals with an across the board authority for municipal joint financing, and I am not so sure that looking back at the hearing on this legislation in the Public Works Committee that this was really discussed in any sort of detail at all. And I think, you know, I am just wondering at this point what is in this bill any more. The concern that Senator Beutler expresses may be wrong and may be right. Maybe the amendment does not serve the purpose that it is intended to, but raising the issue is certainly wise. I think we have to look very carefully at this legislation. He questioned the broad authority that it allows. I don't think that there was much problem with some of the details worked out on public power financing. I thought that is really what the bill was dealing with. But these other areas of joint financing, why we haven't had much of a hearing on that, and we haven't had much discussion about that and I, as a committee member, must confess that I guess we must not have looked into it in the detail we should have because that had not come to my attention before. So I think that we ought to seriously discuss this matter and seriously discuss whether or not that authority is indeed proper at this point to allow the municipalities to jointly finance all these different projects as well as power projects.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I respectfully oppose the amendment. It is a very substantive amendment, and indeed when Senator Wesely says this is a big bill, it is. It involves the future of energy financing, and I repeat the word energy financing in the State of Nebraska. It also represents a settlement among all the various entities, munies, rurals, so on and so forth, that have been fighting over this particular issue for I guess four or five, six years now. Now, how does that relate to the particular amendment? One of the big, big controversies, in fact, I would say one of the biggest stumbling blocks of all was whether the munies were going to be under power laws, and if they wanted to be in the power business, were they going to be under the power laws of the state like other power companies? Finally they settled and compromised essentially and said, okay, if that is what it takes to get the financing, we will go under the power law, and that is what it is, they are under it for that particular purpose. Now, what, as I

understand the amendment, what Senator Beutler wants to do is say, okay, you are under that law but we are also going to throw in many law in terms of voting and I guess you are going to reach a point where you get the worst of both worlds and make it unworkable. And when I say the worst, I mean simply this, you are talking about the financing system essentially. You can pick anything you want almost in terms of what local officials have to decide. They are elected and they have to make decisions and one of the decisions is whether they do this or that and so on and so forth. You are talking about the ultimate financing mechanism, and I think there is a point where you have to say, these aren't things traditionally. These aren't the things the people vote on. Hell, these are why we have the elected representatives to do the business functioning and so on and so forth. So I urge you to reject the amendment and go ahead and read the bill that, as I say, represents a milestone in bringing differing entities together and they have agreed to be under the power laws and that is what it is now and I think he is trying to keep them under that and then go have votes of the people, and I think it becomes unworkable if you try to do all of those.

SPEAKER MARVEL: Before we proceed, from Senator Beyer's District in the north balcony we welcome forty-nine students, 5th Grade students, from Springfield Elementary School, Springfield, Nebraska, Mrs. Sally Uhrich, Mrs. Virginia Eickhoff, Mr. Plugge, and two other teachers in the north balcony. Will you raise your hands so we can see you so that we can welcome you to the Unicameral. Senator Beyer also has three visitors from the Papillion High School, Bill Clark, Chris Quane and Tricia Gallagher, underneath the south balcony. Will you stand, please? Okay. Senator Beutler, do you wish to close?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would most certainly like to clarify the amendment just to be sure that everybody understands what it does and what it does not do. It does not extend the right of the people to vote on these different kinds of projects. What it does is prevents that right from contracting to too great an extent. It is not extending anything. All right, a distinction is made in the amendment between power projects and other types of projects, water works, sewer works, waste disposal plants. With regard to power projects, the amendment says, all right, we will take away the peoples' right to vote from power projects because NPPD doesn't have to vote and they are in the same kind of construction business of power plants. All right, we will make it all

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LB 132

even in the area of power construction. The agency that we are creating under 132 can construct buildings without a vote of the people. I do not...I do not attack that philosophy. But what I do say, and this is not at all unworkable, but what I do say is with regard to water works, with regard to sewer works, with regard to waste disposal plants and other things that are allowed under LB 132, if a vote of the people would have been required by the municipality doing that project individually under current law, then so too if they participate in the agency a vote should be required. So it simply maintains the status quo as far as a vote of the people is concerned on water works, on sewer works and on waste disposal plants, and on power works we are setting that aside, we are making it special and saying, okay, I guess we will compromise that away in the interest of uniformity and fairness to all. But my people here in Lincoln are becoming very concerned these days about their tax money being spent for power projects. For those of you who do not know, we have recently had a petition drive that was squelched by the courts which would have put severe and in my opinion probably unworkable limitations on our utility...electric utility here in Lincoln. But despite the fact that the people recognized that that wasn't a good solution, they proceeded until the court stopped them, and I think that is indicative of the strength of the feeling of the people these days, of the average person these days, to continued spending by the government especially spending for utilities and water works. I think it would be wrong at this point in time to say to the people, we trust you even less than we did yesterday. Now when you think you need the right most, we trust you less and we are going to take away in 15 different instances or more your right to vote with LB 132. So I would ask you to vote for the amendment and to preserve the status quo as far as the right to vote is concerned. Thank you.

SPEAKER MARVEL: Okay, the motion is to return the bill to Select File. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 7 ayes, 27 nays, Mr. President, on the motion to return.

SPEAKER MARVEL: The motion lost. Okay, the Clerk will read on Final Reading LB 132E.

CLERK: (Read on Final Reading LB 132E.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final

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LB 13, 184, 241, 242,
284A, 298, 477, 478, 486

Reading? Those in favor vote aye, opposed vote no.
Have you all voted? Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1607 of the Legislative Journal.) The vote is 41 ayes, 11 nays, 2 excused and not voting and 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 249.

ASSISTANT CLERK: (Read LB 249 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 249 on Final Reading. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1608 of the Legislative Journal.) The vote is 33 ayes, 11 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. There has been a request to lay over LB 477. Senator Pirsch, do you have any comments you want to make?

SENATOR PIRSCH: Thank you, Mr. Speaker, I do ask that we lay over 477. I have been informed that it does require an A bill, although it is not over the \$50,000 that I thought was necessary to require an A bill. So I will get that in the works immediately and ask you to indulge the lay-over of this bill at the present time.

SPEAKER MARVEL: Hearing no objection, we will pass over the bill. Okay, the Clerk has some items to read in and then we will go to Select File.

CLERK: Mr. President, Senator Carsten would like to print amendments to LB 284A. (See page 1609 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor for his approval LB 486, 478, 298 and 241.

Mr. President, Miscellaneous Subjects will have a meeting at twelve noon in Room 2102.

Mr. President, Senator Burrows would like to print amendments to LB 184. (See page 1609 of the Legislative Journal.)

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LR 62, 66
LB 132, 249, 296, 327,
331, 499, 512

SPEAKER MARVEL PRESIDING

REVEREND JAMES C. COUSER: (Prayer offered.)

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Hoagland would like to be excused for the day; and Senator Beyer, Pirsch and Labedz until they arrive.

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

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

Mr. President, first of all, I do have a correction to the Journal. (Read. See page 1620, Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 512 and recommend that same be placed on Select File with amendments; LB 499 Select File with amendments. Both signed by Senator Kilgarin, Chair.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 296 and find the same correctly engrossed; 327 correctly engrossed; and 331 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution, LR 66 (read). Mr. President, that will be laid over pursuant to our rules.

Mr. President, LBs 132 and 249 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign, LB 132 and LB 249. Item #4, resolutions, the first resolution #62.

CLERK: Mr. President, LR 62 (read). It is found on page 1551.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, if you paid attention to the reading of the resolution, you know that Kenneth Bowen passed away on April the 18th. He was a resident of the 37th District until his death, the District that I represent. You also know that he was a State Senator from '59 to '67 and he was Speaker in '65 of this body. Later he was appointed to the Farmers Home Administration and was Executive Secretary of the League of Nebraska Municipalities.

SPEAKER MARVEL: Debate has ceased. Senator Haberman, do you want to close on your amendment?

SENATOR HABERMAN: Mr. President, members of the Legislature, I will repeat so everybody understands, that state appointed and elected salaried officials will be the only ones covered by the law and it rather amuses me, Senator Koch's remarks, standing up and saying we are taking all of this time on things that really aren't important but it didn't bother him this morning to have us reconsider a bill that we had killed. We also had a senator stand up and didn't know whether to be for my bill or against my bill and he said we ought to have a public hearing and in an answer to that, if we did that to all of the bills that we don't get a copy of we would be having a lot of public hearings so I won't belabor on that. However, I was pleased to hear that there was some support because it is a serious matter to have these people serve on these boards. Now if the body wishes I have an amendment up there to cover county officials if you would like to have that included. If you pass this one you can amend it to include county officials if you wish, however, I feel that if we go with just the state elected and appointed county officials, that will do the job. As to answering Senator Labeledz as to whether it is constitutional or not, I will ask for an opinion if the amendment passes. Thank you very much and I ask for your support for my amendment.

SPEAKER MARVEL: The motion is the adoption of the Haberman amendment to LB 134. All those in favor of that amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Haberman. Four. Do you want a roll call vote? Okay, shall the House be placed under Call? All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 16 ayes, 12 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats and record your presence. Unauthorized personnel please leave the floor. Senator Cope, Senator Schmit, Senator Maresh, Senator Kahle, Senator DeCamp. Senator Nichol, will you please record your presence. Senator Cullan, will you please record your presence. Senator Richard Peterson. Senator Chambers and Senator Clark.

CLERK: Mr. President, if I may while we are waiting, your Enrolling Clerk respectfully reports she has presented to the Governor, 249 and 132.

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LB 132, 160, 232

Senator Carsten's District there are thirteen student Seniors of the Nemaha Valley School at Cook, Nebraska, Randy Smith, teacher, Gary Anderson, Principal, north balcony. Hold up your hands so we can see where you are. Welcome. Senator Warner. Oh, I am sorry. Senator Kilgarin, go ahead.

SENATOR KILGARIN: I move the E & R amendments to LB 232.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments to 232. All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, Senator Warner has Appropriation Committee amendments found on page 1641.

SENATOR WARNER: Mr. President, I move the adoption of the amendment. This is the deficiency bill. There is an adjustment in the appropriation that goes to the Board of Barbers to adjust the cash fund appropriation by \$1453 to be consistent with the salary policy of the current year and the per diem limitations. It is an increase in that amount to their deficiency. I would move the committee amendment's adoption.

SPEAKER MARVEL: The motion is the adoption of the committee amendment to LB 232. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 0 nays on adoption of the Appropriation Committee amendment, Mr. President.

SPEAKER MARVEL: The motion is carried and the committee amendment is adopted. We go now to 160.

CLERK: Well, Senator, we need to advance the bill and I have nothing further on it.

SPEAKER MARVEL: I'm sorry. Senator Kilgarin, do you want to advance the bill.

SENATOR KILGARIN: I move we advance LB 232.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. Are we ready for 160 then?

CLERK: Yes, sir. Mr. President, I have nothing on LB 160.

SPEAKER MARVEL: Senator Warner.

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LB 132, 241, 255, 486, 560

LR 67 as found on pages 1668 and 1669 of the Legislative Journal.)

Mr. President, your committee on Appropriations reports LB 255 to General File with amendments. (See page 1669 of the Legislative Journal.)

I have a message from the Governor addressed to the Clerk. (Read message as found on page 1669 of the Legislative Journal regarding LBs 241, 486 and 132.)

Mr. President, with respect to LB 560, I have no E & R amendments. There are Appropriations Committee amendments, Mr. President, found on page 1640, 1641.

SPEAKER MARVEL: Senator Warner, do you wish to explain the committee amendments?

SENATOR WARNER: Yes. Mr. President, I move adoption of the committee amendments. There are three in number, none of which has any impact on...or any addition of dollars. The first amendment merely changes some program numbers in the state college appropriation to accurately accommodate the state accounting system. The second amendment is an adjustment in the salary policy for the Coordinating Commission...the maximum salary of the Coordinating Commission for Postsecondary Education for one of the positions and the adjustment, which again is no increase in money. It's \$47. And the last amendment is only language clarifying that the University's budget submission next year for '82-'84 would be under the interchange program classification structure with the University of Nebraska at Lincoln. The Institute of Agriculture, the University of Nebraska at Omaha, the Medical Center, and the Systems Office will be submitted as individual budgets which is what we traditionally do anyway, but it spells it out in the bill. I would move adoption of the amendments.

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

CLERK: Mr. President, 26 ayes, 0 nays on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried and the committee amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator... well, Senator Newell had amendments on 1547 that he would like