

January 14, 1981

LB 140-151

SPEAKER MARVEL: Item #5, resolutions.

CLERK: Mr. President, LR 4 is found on page 127 of the Legislative Journal. (Read LR 4.)

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. I will be very brief. This resolution is self-explanatory. Those of you who remember the recent election, the effect that it had was rather profound on certain local officials in terms of their re-election or defeat. At seven o'clock as you recall the newsmedia, television primarily, declared the winner to be President Reagan-elect and as a result it has been brought to my attention that not only on the west coast but even it affected our own state. Those who were going to the polls suddenly decided the election was resolved and why stand in lines. So what this resolution does is encourages Congress to seriously review the problems and try to correct them by the next presidential election so this does not reoccur. This resolution is being introduced by numbers of other states and the same resolution is being sent to Congress and hopefully they will act positively. Thank you.

SPEAKER MARVEL: The motion is the adoption of LR 4 as explained by Senator Koch. Is there any other discussion? All those in favor of that resolution vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you want to go to the next one? Do you have another resolution? Okay, the next item is the introduction of new bills.

CLERK: (Read LB 140-142.) (See pages 144-145 of the Journal.)

SPEAKER MARVEL: ...(mike not turned on)...need to be processed so if you have some or anticipate some maybe we can get some more in today before we proceed with other business. The Clerk has some items on the desk that he may read in.

CLERK: (Read LB 143-151.)

Mr. President, Senator Koch would like to be excused on Wednesday, January 14 through Friday, January 16 and Senator Marsh would like to be excused all day January 15 and 16.

January 26, 1981

LB 206, 141

PRESIDENT: Senator Chambers, are you familiar with that rule?

SENATOR CHAMBERS: Yes, and, Mr. Chairman, may we just take a vote on his motion which I oppose but he is entitled to make the motion (Interruption).

PRESIDENT: That is right. He is entitled to that motion and you would...so without any further...Senator Beutler, did you wish to discuss that motion? We are out of time really.

SENATOR BEUTLER: Mr. Speaker, I am not in favor of the motion. However, I don't think there should be a vote on the motion. I think it is a matter of right.

PRESIDENT: I am just reading it. I think it is, it is a matter of...Senator Chambers, it is just a matter of, if you will read the rule, just looking at it now, it doesn't sound that there is any vote needed. There was no designation. However, a committee should certainly be in it. Did you say Miscellaneous or did I hear you refer to a committee?

SENATOR FENGER: Yes, Mr. President, it's original designation was Miscellaneous Subjects as my printing of LB 206 shows and I would so move.

PRESIDENT: All right. This is his right, Senator Chambers, so we will just let it go at that and the time has run out on this morning's session. So that will end the discussion then with that reference to LB 206. Speaker Marvel, are you ready then? We have some matters to read in. Mr. Clerk, will you read them in and then the Chair will recognize Speaker Marvel.

CLERK: Mr. President, real quickly, the Executive Board will have a reference meeting tomorrow at 8:45 a.m. in Room 1520.

Mr. President, I have a communication from the Executive Board regarding appointments to the various special committees of the Legislature. (See pages 328 and 329, Legislative Journal.)

Your committee on Judiciary gives notice of public hearing for February 2, 3 and 4.

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler to whom we referred LB 141 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments.

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LB 141, 182

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The Chaplain for today is Reverend Jack Glass from the First Assembly of God Church. The Chair recognizes Reverend Glass.

REVEREND GLASS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Maresh would like to be excused until he arrives, Senator Johnson all day, Senator Wagner until he arrives.

PRESIDENT: Have you all registered your presence?

CLERK: Mr. President, Senator Clark would like to be excused all day.

PRESIDENT: Record the presence, Mr. Clerk.

CLERK: 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 presented. Any messages, reports or announcements?

CLERK: Mr. President, I have a report from the Upper Big Blue Natural Resources District regarding payment of attorney fees. (See page 332 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Howard Peterson regarding LB 182, and your Committee on Public Health gives notice of public hearing in Room 1019 for February 2 and 3. (Signed) Senator Cullan, Chairman. (See pages 333 and 334 of the Legislative Journal.)

PRESIDENT: We will proceed to agenda item #4, General File. I do not see Senator Dwcrak. I believe he is on the Executive Board and they are in session. They are still in session so we will proceed with the second bill on General File this morning, LB 141, since I see Senator Fowler is here.

CLERK: Mr. President, LB 141 was introduced by Senator Stever Fowler. (Read title). The bill was first read

on January 14 of this year. It was referred to the Retirement Systems Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Retirement Systems Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: I would move for adoption of those committee amendments. The committee amendments are technical in nature, were requested by Ken Steinmiller, who most of you I am sure are familiar with as the Director of the Public Employees Retirement Board. It would simply clarify language as far as payment of the supplemental payment, and if we would adopt these amendments, then I can explain the bill. The amendments are, as I said, technical, requested by the Public Employees Retirement Board. So I would move for their adoption.

PRESIDENT: Any discussion on the motion to adopt the committee amendments? If not, Senator Fowler, you have nothing further, we will go ahead and vote on the...the motion then before the House is the adoption of the committee amendments to LB 141. All those in favor vote aye, opposed nay. Voting on the committee amendments on LB 141. Have you all voted? Record the vote.

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

PRESIDENT: Motion carries. The committee amendments are adopted. You may proceed, Senator Fowler.

SENATOR FOWLER: LB 141 was introduced to correct some problems that developed with a bill that we passed last year, 228. LB 228 created a supplemental benefit for retired teachers, a maximum amount of \$155 a month. It set up a system for providing that, and the Legislature basically in passing 228 declared that it was a policy that for retired school employees, if they had 25 years of service, they could get maximum retirement of up to \$155 and then if their retirement benefit was higher than that, they could continue that. But if their retirement benefit was less than \$155, they could move up to that amount. Well, in passing the bill we missed two categories of employees who are in the school retirement plan. One category are the nonteachers, the administrative support type people; clerical, custodial and so on who have worked in the school system certainly as long as the teachers and simply through an oversight of language

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LR 7
LB 141

were not included in the supplemental benefit. So in order to include them we are changing, basically striking the word "certificated" which specifically applies to teachers and putting in a word to indicate simply anyone that had credited service in the retirement plan. The second category was a small group who had an option early in their life of going for what is called the reserve teacher plan or not, and we excluded people that had rejected that option even though they may, in fact, have otherwise been eligible. So we have inserted people who did not apply for reserve teacher benefits, brought them under this supplemental benefit plus the noncertificated retirees, and this fund or cost will diminish because these are longterm employees. They are very elderly. Their lifespan probably is not that much longer. This is just a supplement to continue to try and provide a minimum payment for them. As I indicated, it is simply extending a benefit that we provided last year to a couple classes of employees who were missed in oversight. There is enough money in the fund that was appropriated last year to pick up this cost, so it will take no additional money. There was no opposing testimony to the bill, and there were no opposing votes as far as voting it out. It is simply to clean up a bill that we passed last year. I would move for its advancement.

PRESIDENT: Is there any further discussion on LB 141? Hearing none, Senator Fowler, do you have any further close, or is your opening your close?

SENATOR FOWLER: I could repeat it again but that is fine.

PRESIDENT: All right, the question before the House then is the advance of LB 141 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

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

PRESIDENT: The motion carries and LB 141 is advanced to E & R Initial. Since Senator Dworak has not returned yet we will go on to agenda item #5 with resolutions. Senator Wesely, are you ready to handle LR 7? All right, Mr. Clerk, do you want to read LR 7?

CLERK: Yes, sir. Mr. President, LR 7 is found on page 312 of the Journal. It is offered by Senators Wesely, Hoagland and Vard Johnson. (Read LR 7). Mr. President, again that is found on page 312 of the Legislative Journal.

January 28, 1981

LB 15, 16, 57, 92, 141,
165, 178, 185, 187, 199,
207, 238, 244

EASE

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Legislature will come to order. The Clerk has some items to read in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 141 and recommend that same be placed on Select File; LB 57 (sic 50) Select File with amendments. (Signed) Senator Kilgarin, Chairman.

Mr. President, I have an Attorney General's opinion addressed to Senator Wesely regarding Nebraska Revised Statutes 32-1001.33 which will be inserted in the Journal. (See pages 342 - 344.)

Your committee on Revenue gives notice of public hearing in Room 1520 for February 2, 3, and 4. Committee on Ag and Environment gives notice of hearing in Room 1520 for February 19, 20, 26, and 27. Your committee on Public Works gives notice of public hearing in Room 1517 for February 5, March 5, 6, 11, and 12. Your committee on Business and Labor gives notice of cancellation of a hearing for February 4 and rescheduling one for February 4. Your committee on Retirement Systems gives notice of public hearing for February 5. Your committee on Rules gives notice of hearing for February 3. Those are signed by the respective chairmen.

Mr. President, your committee on Education whose Chairman is Senator Koch to whom we referred LB 15 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 16, General File; LB 207, General File; and LB 165, General File with amendments. (Signed) Senator Koch, Chairman.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom we referred LB 238 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator DeCamp.

Your committee on Revenue whose Chairman is Senator Carsten reports LB 178 to General File.

Your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp refers LB 185 to General File; LB 187 to General File; and LB 244 to General File; LB 92 to General File with amendments; and LB 199 to General

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LB 141, 57

and concede the point that his area might be one of the other popcorn capitals of the world.

PRESIDENT: The Chair recognizes Senator Nichol for his nickel's worth.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, since others are blowing about things in their area, I think I should say something about the dry edible beans but I won't.

PRESIDENT: Thank you. That was merciful for all of us to experience that. The Chair recognizes Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, may I call attention to the body that popcorn is not very good unless you use plenty of butter.

PRESIDENT: Senator Koch. The Chair recognizes Senator Koch.

SENATOR KOCH: A point of information to the presiding officer.

PRESIDENT: Yes, sir, Senator Koch.

SENATOR KOCH: Will the good Senator from North Bend report this to the Accountability Commission because I really do think it is a form of or in lieu of money and he may be doing a little advertising which should be accounted for.

PRESIDENT: All right. I think he was listening to you. I am not sure. We now have that out of the way. We have had our commercials for the day and will now proceed with agenda item #4, Select File. We are ready for Select File. Senator Kilgarin, are you ready for the Select File. The first bill on Select is LB 141 and there are no E & R amendments I am advised so just move it to E & R.

SENATOR KILGARIN: I move LB 141 to E & R for engrossment.

PRESIDENT: Motion is to advance LB 141 to E & R for engrossment. Is there any discussion? All those in favor signify by saying aye, opposed nay. LB 141 is advanced to E & R for engrossment. It might be well if we listened. Some of these bills might be passed on and you might wonder how they got there if you don't listen. So the next bill is LB 57 on Select File. The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move that LB 57 be moved to E & R for engrossment.

PRESIDENT: There are E & R amendments, I believe, are there not, Mr. Clerk?

February 4, 1981

LB 57, 141, 143, 524

CLERK: (Read record vote as found on pages 420 and 421 of the Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is passed on Final Reading. The Clerk will now read on Final Reading LB 57.

CLERK: (Read LB 57 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the bill is declared passed. Sorry, they gave me some new language to read up here. The question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on page 421 of the Legislative Journal.) 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 141.

CLERK: (Read LB 141 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Read record vote as found on page 422 of the Legislative Journal.) 43 ayes, 0 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with the emergency clause attached.

CLERK: Mr. President, Senator Wagner asks unanimous consent to have his name added to LB 524 as coinstructor.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, your Committee on Education gives notice of public hearing for February 9. Signed by Senator Koch as Chairman. (See pages 422 and 423 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 143 instructs me to report the same back to the Legislature

February 5, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: ...this morning by Rabbi Mark J. Bisman, Tifereth Israel Synagogue, 3219 Sheridan Boulevard, Lincoln, Nebraska.

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Roll call, please record your presence.

CLERK: Mr. President, Senators Wagner, Carsten, Warner, Carsten and Wagner would like to be excused all day, Senator Fenger and Higgins until they arrive. Mr. President, Senator Vard Johnson would like to be excused until he arrives.

SPEAKER MARVEL: Will you please record your presence if you haven't already. Okay, record.

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

SPEAKER MARVEL: Item #3. Do you have anything to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 156 and recommend that same be placed on Select File with amendments; LB 28 Select File; LB 29 Select File; LB 42 Select File with amendments, (Signed) Senator Kilgarin, Chairman. (See page 440 of the Legislative Journal.)

Mr. President, I have LRs 4, 9, 10, 13, 14 are ready for your signature as well as engrossed LBs 1, 2, 60, 71, 57 and 141.

SPEAKER MARVEL: While the Legislature is in session I am about to sign and do sign LR 4, LR 9, LR 10, LR 13, LR 14, LB 1, LB 2, LB 60, LB 71, LB 57 and LB 141.

CLERK: Mr. President, I have a reference report referring LB 543 and LR 12; rereferring LB 526 as well as a number of gubernatorial appointments. (See pages 441-442 of the Journal.)

Finally, Mr. President, I have a report from the Thurston County Sheriff's Department pursuant to statutory section 23-362.

SPEAKER MARVEL: Senator Warner is excused today so we are going to pass over #4, item #4 and move to item #5 which is General File and the first order of business is LB 165A.

CLERK: Read LB 165A.

SPEAKER MARVEL: Senator Lamb.

February 6, 1981

LB 1, 2, 43, 46, 57, 60,
70, 81, 141.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Dr. Edward Kolbe, Pastor of First Christian Church here in Lincoln.

DR. EDWARD KOLBE: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Marsh would like to be excused until she arrives. Mr. President, Senators Dworak, Carsten and Newell excused for the day. Senators Burrows, Hoagland, Fowler and Pirsch until they arrive.

PRESIDENT: Have you all registered your presence?

CLERK: Senator Labedz and Senator Vard Johnson would like to be excused until they arrive.

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections.

PRESIDENT: The Journal will stand correct as printed.

CLERK: I'm sorry, I do have....(See page 451 of the Legislative Journal for correction.)

PRESIDENT: Any messages, reports or announcements, Mr. Clerk.

CLERK: Yes, Mr. President, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:58....on February 5 at 1:58 presented to the Governor for his approval the following bills: 1,2, 60, 71, 57, and 141.

Your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 43 and recommend that same be placed on Select File with amendments; 46 Select File with amendments; 81 Select File with amendments. (See pages 453 and 454 of the Journal.)

February 11, 1981

LB 1, 2, 18, 41, 43, 46, 45,
57, 60, 71, 81, 141.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....this is by the Reverend Gale R. Baldrige, First Baptist Church, Lincoln, Nebraska.

REVEREND GALE R. BALDRIDGE: Prayer offered.

SPEAKER MARVEL: Record your presence, please.

CLERK: Mr. President, Senator Witala, Kilgarin, Kremer, Vard Johnson, Stoney, Labedz, Higgins, Sieck, Carsten, and Chambers until they arrive. Quorum present, Mr. President.

SPEAKER MARVEL: Okay, item #3, messages, reports, announcements.

CLERK: Mr. President, communication from the Governor addressed to the Clerk. (Read communication relating to engrossment of LB 1, 2, 57, 60, 71 and 141, as found on page 491 of the Journal.)

Mr. President, Attorney General's Opinion addressed to Senator John DeCamp regarding LB 45. (See pages 492 through 494 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 43 and find the same correctly engrossed, 46 and 81 correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Nichol, do you want....Senator Nichol, do you want to follow Select File for us? Item #4 is Select File and the first bill is LB 41.

CLERK: There are no E & R amendments.

SENATOR NICHOL: Mr. Chairman, I move the advancement of LB 41 to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 18.

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 18 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 121.