

March 4, 1981

LB 390, 144A, 180A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The House is under Call. All legislators take your seats. We are not going to proceed with the roll call until everybody is in their seats. Senator Carsten, there are two excused, Senator Chambers and Senator Marsh, and there are two unaccounted for. That is Senator Wesely and Senator Goodrich. Do you want to proceed with the roll call vote? Okay. Okay, there is a....Senator Wesely is now excused. Are they....Mr. Sergeant at Arms, will you try once more to find Senator Goodrich? Senator Carsten.

SENATOR CARSTEN: Can I request an answer to how come Senator Wesely is now excused? Is that permissible?

SPEAKER MARVEL: His office just called and asked for permission for him to be excused.

SENATOR CARSTEN: Thank you.

SPEAKER MARVEL: I think he is...where is it, Channel 10? Presumably he is at Channel 10. All legislators must be in their seats before we can commence the roll call. Will the Legislature please abide by your own rules and remain in your seats, please. Senator Carsten. Senator Carsten, we are ready now. Do you want to proceed with the roll call. Okay, Clerk call the roll. Go ahead.

CLERK: Mr. President, the motion before the body is that LB 390 be placed on General File pursuant to Rule 3, Section 18(b).

SPEAKER MARVEL: 25 votes.

CLERK: (Read roll call vote as found on pages 740 and 741 of the Legislative Journal.) 20 ayes, 26 nays, Mr. President on the motion.

SPEAKER MARVEL: The motion lost. Call is raised. The Clerk has some items on his desk.

CLERK: Mr. President, your Committee on Ag and Environment gives notice of public hearing for March 19. Your Committee on Judiciary gives notice of hearing for March 17. (See page 741 of the Legislative Journal.)

New A bills, 144A by Senator Maresh. (Read title for the first time to LB 144A.) LB 180A by Senator Landis. (Read title for the first time to LB 180A.) (See pages 741 and 742 of the Legislative Journal.)

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LB 144A, 279, 459A

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: 279.

SENATOR KILGARIN: I move we advance LB 279 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill advanced. LB 5. Unless there is objection we will pass over LB 5 because the introducer is not present. Any objection? If not, it will be passed over. Now, ready for General File, Mr. Clerk?

CLERK: Yes, sir.

SPEAKER MARVEL: Okay, LB 459A.

CLERK: Mr. President, LB 459A was introduced by Senator Fowler. (Read title.) The bill was referred directly to General File, Mr. President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, this is the A bill for the retirement bill. The amount that is in there is to fund the changes in the judges retirement. There will be... the fiscal staff is now doing a computer projection on the impact of the state employees' change by agency. We have to appropriate it back to each individual agency. So there will be an amendment on Select File that will put those costs at the dollar amounts known for the impact on state employees, but how that is distributed through the different agencies, we need to get a precise computer run and that information should be available by Select File. I would move it be advanced.

SPEAKER MARVEL: The motion is the advancement of 459A to E & R for initial. Senator Dworak. All those in favor of advancing the bill to E & R initial vote aye, opposed vote no. Have you all voted? Record.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill is advanced. The next bill is 144A.

CLERK: Mr. President, LB 144A offered by Senator Richard Maresh. (Read LB 144A.)

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LB 144A, 72

SPEAKER MARVEL: Senator Maresh, 144A.

SENATOR MARESH: Mr. Speaker, this A bill is needed to fund LB 144. We were, I guess, going to have more bus service in the rural areas so to fund the bill, this LB 144 would allocate \$125,000. I move that this bill be advanced from General File to E & R initial.

SPEAKER MARVEL: Any other discussion? All those in favor of advancing LB 144A to E & R for review vote aye, opposed vote no. Have you all voted? Record vote? The motion is the advancement of LB 144A from General File to E & R initial. Have you all voted? Record.

CLERK: Mr. President, a record vote has been requested. (Read record vote as found on page 760 of the Legislative Journal.) 28 ayes, 5 nays, 16 not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 72, General File.

CLERK: Mr. President, LB 72 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Read.) The bill was read on January 9 of this year. It was referred to the Constitutional Revision and Recreation Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Constitutional Committee, Mr. President.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you. Are we speaking to the committee amendments?

SPEAKER MARVEL: Yes.

SENATOR LABEDZ: Thank you. Mr. Speaker, members of the Legislature, the Constitutional Revision and Recreation Committee adopted two amendments. The first amendment, those under sixteen years of age would not have to have a fur harvesting permit to trap or otherwise hunt fur-bearing animals and this conforms with the hunting and fishing permit. The second amendment would be that one could keep a fur-bearing animal or a raw fur for ten days after the permit expires and the reasoning for that is that one is given the ten days because if their permit expires, they still may have some furs to dispose of and if they are not going to renew their permit they are given ten days to dispose of the animal or fur after the permit expires. The fur harvesting permit would allow one to shoot, trap or otherwise take the fur-bearing animal and the season for

March 9, 1981

LB 67, 72, 73, 77, 113,
144A, 186, 214, 221, 459A.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senators Burrows, Cullan, Hoagland and Beutler would like to be excused until they arrive, and Senators Higgins, Koch, Maresh and Stoney all day.

PRESIDENT: Have you all recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 459A and recommend that same be placed on Select File; 144A Select File; 72 Select File with amendments, and 73 Select File with amendments. (Signed) Senator Kilgarin. (See pages 789 and 790 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp reports LB 113 to General File with amendments. (See page 790 of the Legislative Journal.)

Mr. President, I have a report from the Public Works Committee regarding the appointments of....certain gubernatorial appointments and confirmation thereof. (See page 791 of the Legislative Journal.)

Mr. President, communications from the Governor addressed to the Clerk. (Read communications regarding LB 77, 67, 186, 214 and 221 as found on pages 791 and 792 of the Legislative Journal.)

Mr. President, I have letters making appointments to the Crime Victims Reparations Board, to the Rural Health Manpower Commission and to the Investment Council. (See pages 792 and 793 of the Legislative Journal.)

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LB 5, 72, 144A, 459A

SENATOR CHAMBERS: Then, Mr. Chairman, I move that LB 5 be advanced to E & R for engrossment.

PRESIDENT: All right, any discussion? Now there has been a request for a machine vote on this so we will go to the board for the advance of LB 5. All those in favor of advancing LB 5 to E & R for engrossment vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 11 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. LB 5 is advanced to E & R for engrossment. The next bill on Select File is LB 459A.

CLERK: Nothing on it, Senator.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 459A be advanced to E & R for engrossing.

PRESIDENT: Motion to advance LB 459A to E & R for engrossment. Any discussion? All those in favor signify by saying, opposed nay. LB 459A is advanced to E & R for engrossment. The next bill is LB 144A, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 144A be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 144A to E & R for engrossment. Any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 144A is advanced to E & R for engrossment. The next bill, Senator Chambers is LB 72.

CLERK: There are E & R, Senator.

PRESIDENT: E & R amendments.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 72 be adopted.

PRESIDENT: Motion to adopt the E & R amendments on LB 72. Any discussion? All those in favor of adopting the E & R amendments to LB 72 signify by saying aye, opposed nay. The E & R amendments on LB 72 are adopted. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, there has been a request for a machine vote but reluctantly I move that LB 72 be advanced to E & R for engrossment.

PRESIDENT: All right, motion to advance LB 72 to E & R for engrossment. A machine vote has been requested. All those

March 11, 1981

LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

May 11, 1981

LB 273, 144, 144A

SENATOR CLARK: The bill is returned. Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the amendment as I explained it earlier.

SENATOR CLARK: Is there any discussion on... Senator DeCamp, and I am going to hold you to one thing, the emergency clause only. Senator DeCamp. That is the only thing we have before us.

SENATOR DeCAMP: Hmmm. Then I can't say what I was going to say about the bill, but it is real important. Okay.

SENATOR CLARK: All those in favor of adopting the emergency clause vote aye. All those opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to adopt the Warner amendment.

SENATOR CLARK: The amendment is adopted. Senator Warner, will you readvance the bill?

SENATOR WARNER: (Mike not turned on.) ...Mr. President.

SENATOR CLARK: The motion is to readvance 249...273A. All those in favor say aye. All opposed. The bill is readvanced. The Clerk will now read 144.

CLERK: (Read LB 144 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 144(E) pass with the emergency clause attached. All those in favor vote aye. All those opposed nay. It takes 33 votes. Have you all voted? Record the vote. Voting aye.

CLERK: Senator Clark voting aye. (Read record vote as found on pages 1921-1922 of the Legislative Journal.) 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 144A, with the emergency clause.

CLERK: (Read LB 144A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. Well it says it on my sheet, there is an emergency clause but if there is no emergency clause on it,

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LB 144A, 459A

it takes 30 votes. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: (Read record vote as found on pages 1922-1923 of the Legislative Journal.) 39 ayes, 6 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read 459A.

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

SENATOR CLARK: Read the motion.

CLERK: Senator Fowler moves to return LB 459A to Select File for a specific amendment. The amendment is on page 1118 of the Journal.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, this is a technical amendment to distribute the retirement fund, the additional contribution to the retirement fund among the appropriate state agencies. The way that the state employees match, the employer match for the state employees contribution for the retirement fund works is that each agency has it in its own budget and, therefore, we had to do a computer run on payroll to establish the dollar amount necessary to fund the sections within 459A and that is all this amendment does, is distribute that money among the appropriate agencies for their contribution. With that, I would move to return it to Select File.

SENATOR CLARK: The question is the return of 459A to Select File. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is returned. Senator Fowler.

SENATOR FOWLER: I move the amendment be adopted.

May 12, 1981

LB 144, 144A, 188, 188A,
204, 204A, 207, 207A,
LR 79, 115, 116

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Martin Russert from Grace Luthrean Church in Norfolk, Nebraska, Senator Dick Peterson's district.

PASTOR RUSSERT: Prayer.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence.

CLERK: A quorum present, Mr. President.

PRESIDENT: Are there any corrections to the Journal?

CLERK: I have no corrections Mr. President.

PRESIDENT: The Journal will stand correct as published. How about any messages, reports or announcements?

CLERK: Mr. President, the first item I have is your Committee on Enrollment and Review respectfully reports that they have carefully examined LB 207 and find the same correctly enrolled.

Mr. President, LB 207, 207A, 188, 188A, 144, 144A, 204, 204A are ready for your signature. As well as LR 79, 115 and 116 Mr. President.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and do sign LB 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79 and LR 115 as well as LR 116. Anything further Mr. Clerk?

CLERK: I have nothing further Mr. President.

PRESIDENT: We are then ready for agenda item number four but I understand there is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to overrule the Speaker's agenda for May 12 by not reading any bills on final reading but only consider motions to return bills on final reading for specific amendment. That is offered by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. Chairman and members of the Legislatur, I assume that this is up hill but in keeping with what I believe ought to be.....the priority of the Legislature

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LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 22, 22A, 144,
LB 144A, 138, 188A,
LB 207, 207A, 253,
LB 466, 253A, 376, 548

SENATOR NICHOL: The amendment fails. Mr. Clerk, do you have anything else?

CLERK: I have nothing further, Mr. President.

SENATOR NICHOL: Senator Labedz, would you like to speak to the bill?

SENATOR LABEDZ: Thank you, Mr. President. I move for the advancement of LB 466 to E & R engrossing, and unless there is going to be some debate, I will offer further comments on my closing.

SENATOR NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, just one thing for the record and that is I want to state for the record that I voted against the Marsh amendment, not because I believe that the concept of hospitalization is a bad one, but because we did not have adequate chance to review that amendment thoroughly and sufficiently at this point in time. We may very well sponsor some similar legislation in future years. Thank you.

SENATOR NICHOL: We are now voting on the advancement of LB 466. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 9 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

CLERK: Mr. President, a few items to read in, if I may. I have an appointment letter from the Governor. That will be referred to the Executive Board for reference, Mr. President.

Mr. President, a communication from the Governor addressed to the Clerk. (Read: Re: LB 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253 and 253A. See page 2049, Legislative Journal.)

Mr. President, Senator Maresh would like to print amendments to LB 548 in the Legislative Journal; Senator Dworak to print amendments to LB 376 in the Legislative Journal.

Your committee on Retirement gives notice of hearing on gubernatorial appointments for two, Thursday, May 12 (sic).