

CLERK: (Read LB 152 by title.) (See page 148 of the Journal.)

SPEAKER MARVEL: Will the Legislature come to order please. The Chair will recognize Senator Kremer for the purposes of making a motion.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I move that a committee of six be appointed to escort the Governor of the State of Nebraska to the Chamber at this time.

SPEAKER MARVEL: You have heard the motion. The six member committee will escort both the Governor and his wife to the Chamber. All those in favor of Senator Kremer's motion say aye, opposed no. The motion is carried. The committee, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh, Senator Marsh. The committee will retire for the purpose of escorting the Governor and his wife to the legislative Chamber, Senator Kremer, chairman, Senator Carsten, Senator Clark, Senator Warner, Senator Maresh and Senator Marsh.

Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting his excellency, the Governor of the great State of Nebraska and Mrs. Thone.

SPEAKER MARVEL: Will the committee please escort the Governor and Mrs. Thone to the front of the Chamber.

GOVERNOR THONE: State of the State and Budget address. (See pages 148-162 of the Legislative Journal.)

SPEAKER MARVEL: Would the committee please escort the Governor and his wife from the Chamber. The Legislature will come to order. There is some business on the Clerk's desk that we need to listen to before we recess this morning. Okay, Pat.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Monday, January 19. That is signed by Senator DeCamp as chairman.

Mr. President, Senator DeCamp would like to announce that Senator Haberman has been selected as vice chairperson of the Banking, Commerce and Insurance Committee.

Read LB 153-166 by title. (See pages 162-165 of the Legislative Journal.)

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LB 156, 357

PRESIDENT: Motion carries. LB 357 is withdrawn. The Chair has an announcement. The Banking, Commerce and Insurance Committee cordially invites all Senators or their staff to attend an hour long seminar on structures of a banking system presented by Dr. Manfred Peterson and Dr. Wayne Dobson, Professors of Banking at the University of Nebraska, on Wednesday, February 4th, 7:00 p.m. in Room 1113 here in the State Capitol Building. We are ready for General File, agenda item #5. The first bill on General File is LB 156. The Clerk may read the bill.

CLERK: Mr. President, LB 156. (Read title.) The bill was first read on January 14 of this year. It was referred to the Appropriations Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the committee amendment. All it is is the adoption of the emergency clause. The bill transfers some funds to the general fund and obviously it needs to be effective prior to July 1, 1981. So I move its adoption.

PRESIDENT: Any further discussion on the adoption of the committee amendment which is the emergency clause? Hearing none, the motion before the House is the adoption of the committee amendment to LB 156. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT: Motion carries. The committee amendment is adopted. We are now ready for discussion of the bill. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I am going to read a statement of intent on this bill. Members of the Appropriations Committee have processed this. They may have some answers that I don't have, and if you need answers that are not now available, we can get them and bring them back. Let me read the statement of intent, and then I would suggest that you go to your bill book and look up the fiscal note. "The purpose of this bill is to authorize the transfer of interest earnings of the social security contribution fund to the state general fund. Currently the administrative costs of the social security bureau are paid out of the interest earnings. Periodically the accrued interest earnings become more than sufficient to

meet the monthly payments to the U. S. Treasury, refunds and other adjustments and the administrative costs of the State Social Security Bureau. This surplus is thus available to supplement the state general fund as the Legislature may from time to time direct." As I understand this process, we have over \$5 million that has accrued as far as interest is concerned and the executive branch would propose if the Legislature agrees to transfer as of the first of July the \$5 million which has been out and comes back to us in the form of interest earned and that \$5 million would be used to add this to the state general fund. So what we are really doing, as I understand it, is to replace or add to the state general fund this amount of \$5 million. So that is the only explanation I have, Mr. President.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I was somewhat distracted while Senator Marvel was talking but I would like to ask a question of I guess Senator Marvel. Senator Marvel, I see a stamped notation on the green book in the bill book that there is no fiscal impact so my question is this. If that money is transferred from this fund where it currently is collecting interest or drawing interest and transferred to the general fund, then that money that would draw interest is no longer drawing interest so that would be a reduction in revenue, wouldn't it?

SPEAKER MARVEL: That is right.

SENATOR CHAMBERS: And that is not considered a fiscal impact?

SPEAKER MARVEL: Let me read you what the summary of the changes are. "LB 156 authorizes the transfer of interest earnings of the social security contribution fund to the state general fund at the direction of the Legislature. Since the accrued interest earnings may periodically be in excess of that necessary to meet the obligations of such fund, any surplus would be available for transfer to the state general fund as the Legislature may from time to time direct. The Governor's 1981-82 budget recommendations include a recommendation that \$5 million in accrued interest earnings be transferred from the social security contribution to the state general fund." Now that is a long way around to answer your question, but as I understand it, if the \$5 million is taken out and put into the general fund, there is that much less that could be paid out...that interest could be accumulated on.

SENATOR CHAMBERS: Is that a fiscal impact because it does

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LB 156

alter the amount of revenue that would be generated? I am frankly admitting I am confused. I don't know what fiscal impact means so maybe somebody can help me.

SPEAKER MARVEL: Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner. Will you respond, Senator Warner?

SENATOR WARNER: Yes, LB 156, Mr. President, only authorizes the transfer and that is why it...it does not cause the transfer. It authorizes by law for the Legislature to make a transfer and, subsequently, it will take a separate action in the form of an appropriation bill to effect that transfer. This is just the authorization only and not the transfer itself.

SENATOR CHAMBERS: Then, Senator Warner, the transfer would have...there would be a fiscal impact if the transfer were...?

SENATOR WARNER: Sure will be.

SENATOR CHAMBERS: Okay, thank you.

SENATOR WARNER: Well, there will be a bill flatly appropriating the amount, as a matter of fact.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, I am beginning to believe in miracles again. The light was recognized. I will move the question.

PRESIDENT: I am sorry to disappoint you but there is no one else who wishes to speak at this time. So, Speaker Marvel, you may close if you wish.

SPEAKER MARVEL: I waive closing. I move the bill be advanced.

PRESIDENT: Speaker Marvel waives closing so the motion before the House is the motion to advance LB 156 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries and LB 156 is advanced to E & R Initial. The Chair would like to introduce some honored guests at this time who are seated under the North balcony. We have Mr. Steven Chen (phonetic), who is the Director of the Chicago office of the Coordination Council for North American

Affairs for the Republic of China, and with him Secretary of the Coordination Council, Mr. L. P. Wang (Phonetic), and the correspondent for the Central News Agency, Mr. P. C. Wu (Phonetic). These gentlemen are under the North balcony. Would they just kind of step forward and be recognized by the Legislature and we welcome you to the nation's only Unicameral, gentlemen. I might just give you some information about Mr. Chen. Mr. Chen has a long record of service in the foreign service of his country. He was Chancellor of the Chinese Embassy in Manila. From 1959 on he was Second Secretary, First Secretary to the Chinese Embassy in Rio de Janeiro, Brazil. He was advisor at the International Monetary Fund at World Bank at the Rio de Janeiro, Brazil meeting in 1967. From there on he has held various foreign service offices in Taipei; in the Ministry of Foreign Affairs, Chinese Embassy in Argentina; in Bolivia; was the Counsel General of the Atlanta, Georgia, office for the Republic of China and with the Coordination Council Chairman in that office before he went to Chicago, to now hold his position which he has held since May of 1980. Gentlemen, again we welcome you to the Unicameral and hope that you can stay with us a little while to observe our procedure. Thank you. We will proceed with LB 28, Mr. Clerk.

CLERK: Mr. President, LB 28 was offered by Senator Bill Barrett. (Title read.) The bill was first read on January of this year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. President, members of the body, I move that LB 28 be advanced to E & R Initial. LB 28 is a bill which will repeal the language in Section 26-214, correction, 76-214, which requires real estate conveyances, in this case deeds, shall state the actual consideration paid for a piece of property, actual consideration meaning the amount of money paid. Presently failure to state such actual consideration in a deed or in a conveyance subjects the grantee or the buyer to a misdemeanor which is punishable by a fine of no less than \$10, no more than \$500, as found in Sections 76-215. As the law now stands, failure to state such actual consideration does not constitute a cloud on the title. I repeat, it simply subjects the grantee or the buyer to a misdemeanor which frankly is seldom if ever enforced. So it might safely be said and fairly be said that one of the primary purposes of LB 28 is simply to purge the statutes from outmoded and outdated language. Should a person desire to determine the actual consideration paid for a piece of property,

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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.

92 correctly engrossed, 199 correctly engrossed, 170 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, I have two Attorney General opinions, the first to Senator Wesely regarding rules and one to Senator Chambers regarding LB 206. (See pages 468 and 469 of the Journal.)

Finally, Mr. President, I have a report from the Department of Roads on the Advertising Control Program submitted pursuant to statute. That will be on file in my office.

SPEAKER MARVEL: We go to item #4 on the agenda and the Chair recognizes Senator Warner.

CLERK: Mr. President, Senator Warner's motion is found on page 392 of the Journal.

SENATOR WARNER: Mr. President, members of the Legislature, the motion pending is one which we have adopted the last several years which would hold any bills on Final Reading which carry an appropriation of general fund money for the coming fiscal year or an A bill which would hold up the bill which has an A bill for the coming year and that none of those bills would be considered on Final Reading until the general appropriation bills have been approved by the Legislature. It would permit any bills that deal with deficiency appropriation for the current year to be enacted or considered as they come up and those of course would not be held up. I would move adoption of the motion, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Warner motion as explained. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 35 ayes, 2 nays, Mr. President, on adoption of the motion.

SPEAKER MARVEL: The motion is carried. We now go to Select File. Senator Kilgarin, shall we take up Select File?

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 156.

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

SENATOR KILGARIN: I move LB 156 be advanced to E & R for engrossment.

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LB 29, 28, 42, 156

tight than if the word "asbestos" was inserted as I had indicated, that perhaps it should be when this bill was on General File. By including the language that Senator Beutler has pointed out to you "asbestos composed of" ahead of these chemical or minerals outlined in the bill, it does satisfy my concerns and the rest of the amendments, I think, also are very good amendments and certainly do address to the concerns that I had with LB 29. I urge the body's adoption of this amendment.

SPEAKER MARVEL: Okay, the motion is to adopt the Beutler-Fitzgerald amendment to LB 29. All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to adopt the amendment, Mr. President.

SPEAKER MARVEL: All those in favor of readvancing LB 29 say aye, opposed no. Motion is carried. The bill is readvanced. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, Senator Wagner offers an explanation of vote.

Senator Johnson would like to announce that the Administrative Rules and Regulations Committee hearing regarding child care regulations which was scheduled for tonight is cancelled. The same hearing is reset for Wednesday, February 25 at 7:30 p.m.

Mr. President, I have an Attorney General's opinion addressed to Senator Vard Johnson.

Finally, Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 28 and find the same correctly engrossed; 42 and 156 correctly engrossed.

SPEAKER MARVEL: Senator Chronister, do you want to adjourn us until nine o'clock tomorrow morning?

SENATOR CHRONISTER: I move we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: The motion is to adjourn until 9:00 a.m. tomorrow morning. All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until tomorrow at 9:00 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

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LB 28, 42, 156, 194, 196

CLERK: Mr. President, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 194 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File: LB 196 Indefinitely postponed. (Signed) Senator Landis, Chair.

PRESIDENT: As soon as the legislators are at their desks, we will commence with Final Reading. Proceed with Final Reading, Mr. Clerk. LB 28 is the first bill on Final Reading.

CLERK: Mr. President, LB 28. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 28 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 568, Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 28 passes. The next bill on Final Reading is LB 42.

CLERK: Mr. President, LB 42. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 42 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 569, Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 42 passes. The next bill on Final Reading is LB 156.

CLERK: LB 156. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 156 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 570, Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes with the emergency clause attached and that will conclude Final Reading at this point today. Do you want to read some things in, Mr. Clerk?

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LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARGES: (Prayer offered).

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarrin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

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

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

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

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

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

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

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

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

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

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

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

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

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

I have a report of registered lobbyists for February 12