

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.)

April 14, 1981

LB 3, 58, 160, 161, 163,
200, 283, 330, 346, 371,
407, 437, 491.

do you have budget bills?

CLERK: Yes, sir. Mr. President, if I may right before we go to that, your Committee on Appropriations whose Chairman is Senator Warner reports LB 160 to General File, 161 to General File with amendments, and 163 to General File with amendments. Those are signed by Senator Warner as Chairman. (See pages 1457 and 1458 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and reengrossed LB 58 and find the same correctly reengrossed, 283 engrossed, and 491 engrossed. Your Enrolling Clerk has presented to the Governor LB 200, 283, 330, 371, 407 and 437.

Senator Johnson would like to print amendments to LB 3, and Senator Johnson amendments to 346. (See page 1459 of the Legislative Journal.)

Mr. President, Senator Warner as Chairman of the Appropriations Committee moves for the introduction of Request #931.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be introduced. This will be one of six bills that we will be requesting to have introduced. They will cover the general operations of state government, and if they are introduced, I then would ask to have them placed on General File as we normally do so they can be printed immediately. I also would point out that beginning tonight and tomorrow night and other times as requested we will be giving briefings for the members of the Legislature on the appropriations, and you will have a booklet in your offices sometime this afternoon which will summarize each of the agencies' requests and the Governor's, as well as the committee's recommendation for that request. So with that explanation, Mr. President, I move the bill be introduced.

SPEAKER MARVEL: The motion is the introduction of the bill as explained by Senator Warner. All in favor of that motion vote aye, opposed vote no. It takes 30 votes. Record.

CLERK: 33 ayes, 1 nays on the motion to introduce, Mr. President.

SPEAKER MARVEL: The motion is carried.

CLERK: Mr. President, Senator Warner moves to introduce

April 23, 1981

LB 163, 562, 466, 559, 560

Senator Warner, are you ready for 163 as amended.

SENATOR WARNER: Yes, Mr. President, I move that the bill be advanced. As indicated, it is merely the reaffirmation of current projects underway.

SPEAKER MARVEL: All those in favor of the adoption of the amendments...all those in favor of advancing the bill vote aye, opposed vote no, 163. Record.

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. Now we are ready for 562.

CLERK: Mr. President, LB 562 (read title). The bill was read on April 14 and referred directly to the General File, Mr. President.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 562 be advanced. Briefly, the bill contains roughly \$3.7 million for 309, for the continued deferred maintenance of various buildings, a variety of small projects. There is no major construction of any major building contained in the budget bill for reasons I have discussed numerous times before so I move the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of LB 562 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced.

CLERK: Mr. President, Senator Newell would like to print amendments to LB 560; Senator Labeledz to 466; Senator Haberman to 559.

And Senator Schmit offers notice of hearing for gubernatorial appointments confirmation.

SPEAKER MARVEL: Senator Vard Johnson, would you like to recess us until tomorrow morning at nine o'clock?

SENATOR V. JOHNSON: Mr. Speaker, I move that we recess until

April 27, 1981

LB 160, 161, 163, 232, 241,
252, 326, 557-562

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Dwayne Lueck from Trinity Lutheran Church, Martinsburg, Nebraska. This is Senator VonMinden's pastor.

REV. LUECK: Prayer offered.

PRESIDENT: Roll call. Has everybody registered your presence? 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, correction, page 1577, line 7, add Senator Hefner's name after Sieck.

PRESIDENT: Correction so ordered. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 252 and recommend that same be placed on Select File with amendments; LB 326 Select File with amendments; LB 232 Select File with amendments; LB 160 Select File; LB 161 Select File; LB 557 Select File; LB 558 Select File; LB 559 Select File with amendments; LB 560 Select File; LB 561 Select File; LB 163 Select File with amendments; LB 562 Select File, all signed by Senator Kilgarin as Chair.

Mr. President, LR 60 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 60. We are ready then for agenda item #4. The Sergeant at Arms will see that all members are at their desks and clear the aisles for Final Reading. We are ready for Final Reading as soon as everyone takes their places. We are about ready for Final Reading. As soon as everyone is in their place we will commence Final Reading. All right, we will commence. The first bill on Final Reading, Mr. Clerk, is LB 241.

CLERK: (Read LB 241 on Final Reading.)

PRESIDENT: (Interrupts reading.) Pardon me, Mr. Clerk, will you stop please. Senator Koch, for what purpose do you arise?

May 4, 1981

LB 561, 163

SPEAKER MARVEL: I just want to alert the Legislature that I think we will continue until we finish with appropriation bills.

SENATOR CLARK: Fine. All those in favor of advancing the bill vote aye, opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of LB 561? Record the vote.

CLERK: 27 ayes, 10 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The motion carried. The bill is advanced. LB 163.

CLERK: Mr. President, I do have E & R amendments to LB 163.

SENATOR CLARK: The E & R amendments, Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 163.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The amendments are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 163.

SENATOR CLARK: You have heard the motion. All those in favor of advancing the bill say aye. Senator Cullan.

SENATOR CULLAN: Excuse me, Mr. President, but I did have my light on. I wanted to know if I might be able to ask a question of Senator Warner?

SENATOR CLARK: Go right ahead.

SENATOR CULLAN: Senator Warner, I wonder if you could clarify for me and I think this is the right bill. If I am not I would appreciate your correcting me but is this the bill that contains the deletion of the funding for the track at Chadron State College? And I wonder if you might provide us with some background information. It is my understanding that...I know of course that the Legislature appropriated \$95,000 I believe two years ago for a track at Chadron State College and that that Board of Trustees then

came back to the Appropriations Committee and said that that level of funding would not be sufficient to finish the track. Rather than starting it half way like some agencies might, they decided to come back to the Appropriations Committee and request full funding. They did that and it is my understanding now that the \$95,000 which the Legislature did grant to the State Colleges is now being, for the purpose of the track at Chadron, it is now being snatched away from them, is that accurate?

SENATOR WARNER: Well it is not quite....well it is really accurate from your point of view Senator Cullan. As I understand, it is true we did appropriate money a couple of years ago and made the adjustment and my understanding is now that they want to relocate the track. It seems to me that it was another hundred thousand or so thereabouts that they wanted in total and it would be accurate then to state that the committee did not recommend another hundred thousand to relocate the track and my presumption is that it was inappropriate to fix it where it is so, we abolished the funding in its entirety then.

SENATOR CULLAN: Thank you Senator Warner, I appreciate that. Mr. President, members of the Legislature, I of course feel a little that it is unfortunate we did appropriate the \$95,000 one time for this facility, for an all weather track on the campus at Chadron State College, I understand the Appropriations Committee's concern about spending more funds than that for that track I simply wanted to bring it to the attention of the Legislature that in fact we had spend \$95,000 a couple of years ago for athletic facilities at Chadron State College. I think that it is commendable that the Board of Regents saw that they could not, excuse me, the Board of Trustees saw that they could not accomplish the goal for the funds appropriated and rather than spending those funds they decided to wait and seek further guidance from the Appropriations Committee, so I would just bring that up to your attention at this point and time. Hopefully you will consider that when Senator Haberman has a motion up to appropriate \$146,000 for the activity center later. I think that it is pertinent because it is clear that we already have at one time appropriated \$95,000 for athletic facilities at Chadron and I think that it is good that the Board of Trustees didn't go ahead and spend part of that money and do the job half way. I just wanted to call attention to the fact that that money was once there, it is now gone. Thank you.

SENATOR CLARK: Senator Haberman. Senator Haberman. The

May 4, 1981

LB 163, 512, 541, 562
LR 77

advancement of 163 is the motion. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: See that doesn't take so long if you get at it, does it. The bill is advanced. LB 562.

CLERK: Mr. President, if I may, right before we get to that I have some matters to read in. Legislative Resolution 77 offered by the Public Works Committee. The purpose of the study calling for. . . read LR 77.

Senator Howard Peterson would like to print amendments to LB 512 and Senators Nichol and others to LB 541.

Mr. President, LB 562, there are no E & R amendments to the bill. The first amendment that I have is from Senator Koch, the amendment is on page 1611 of the Journal, Mr. President.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Clerk, will you please read the amendment.

CLERK: Read Koch amendment.

SENATOR CLERK: Senator Koch.

SENATOR KOCH: Thank you Mr. Clerk. For those of you who may not be familiar with LB 562, the Governor in his request did have in there the \$500,000 for the capital construction money. A year ago we approved the planning money for the purpose of studying this issue to determine whether or not we should indeed proceed with renovation of this facility. I would remind you that the building formerly was an orthopedic hospital structurally sound but rapidly deteriorating and the heating and cooling system is almost in a total state of disrepair. Not too long ago we were talking about weatherizing buildings and we are going to get back to that before very long. Now, here we have a state agency, where we spend the planning money and the estimate was \$500,000 to bring it in compliance to some degree so that we could have a totally efficient facility

May 5, 1981

LB 70, 163, 172, 184, 242, 250,
285, 302, 310, 324, 369, 375, 494,
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labeledz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labeledz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

May 6, 1981

LB 557, 232, 160, 161,
163

PRESIDENT: He is ignoring you as only he can do. He is over there ignoring you, he is so surrounded by. . . you missed your chance. We will go ahead then to the next item, under agenda item number five, which is on motions on returning to Select File for specific amendment, the budget, starting with LB 232, Mr. Clerk.

CLERK: Mr. President, I have no motions on 232.

PRESIDENT: All right shall we go on to 160 then.

CLERK: Mr. President, I have no motions on LB 160.

PRESIDENT: All right, what about 161?

CLERK: I have nothing on 161.

PRESIDENT: What about 163?

CLERK: I have nothing on 163.

PRESIDENT: Would you try 557.

CLERK: Mr. President, I do have a motion on 557. Senator DeCamp would move to return LB 557 to Select File for a specific amendment. The amendment is found on page 1756 of the Journal and it would read as follows. Read DeCamp amendment.

PRESIDENT: All right. Before we do could we have a little bit of order. It is very hard to hear and this is a very important appropriations matter.....draw your attention it is LB 557. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: I need a Page to hand out some things. Mr. President and members of the Legislature, I'm not going to try to take very much time on this, I happen to know the outcome, I can count and my good friends can count but I think I have to make some points because it may be important in the future. So, in the minutes that I have on the opening statement I'm going to tell you the mechanics of what I am proposing overall, the net effect of what I am proposing, the net effect of going ahead without the proposal, at least in my opinion and then in my closing on the issue I will deal with some philosophical things. There are a number of motions. I will tell you in advance so we don't waste time, if the first one fails, I'll withdraw all of the others, so that is an incentive I suppose to make it

May 7, 1981

LB 161, 163, 232, 557

having been complied with, the question is, shall LB 161 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1814 and 1815 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

PRESIDENT: LB 161 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 232.

ASSISTANT CLERK: (Read LB 232 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 232 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: Senator Nichol voting aye. (Read the record vote as found on pages 1817 and 1818 of the Legislative Journal.) 43 ayes, 2 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 232 passes with the emergency clause attached. The next bill on Final Reading is LB 163.

CLERK: (Read LB 163 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 163 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1818 of the Legislative Journal.) 45 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 163 passes with the emergency clause attached. The next bill on Final Reading is LB 557.

CLERK: (Read LB 557 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 557 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1819 of the Legislative Journal.) 47 ayes, 1 nay, 1 excused and not voting, Mr. President.

May 7, 1981

LR 117, 118
LB 160, 161, 163, 232, 557,
LB 389, 558, 559, 560, 561,
562

be reviewed before anybody would receive any assistance under this program to ensure that some existing program can't take care of their needs. So all it is is an amendment to add educational programs to that other list to make sure that we don't provide assistance that can't otherwise be provided.

SPEAKER MARVEL: All those in favor of the adoption of the Wesely amendment, or the...yes, it's the Wesely amendment, isn't it....Wesely-Schmit amendment vote aye, opposed vote no. While we are waiting for your vote, from Senator Lowell Johnson's area it is my privilege to recognize thirty-five 7th and 8th Graders from Trinity Lutheran School, Fremont, Nebraska, four teachers and Harold Bergt, in the north balcony. Will you hold up your hands so we can see where you are and welcome you to the Unicameral. From Senator Fenger's District ninety-seven 4th Graders, Belleaire School, Bellevue, Nebraska, Myrtle Bailey, Marge Mosier, Connie Franklin and Ray Nesbitt teachers, in the north balcony. Where are you located, please? Welcome to the Unicameral. And from Senator Beyer's District four Sophomores from Papillion High School, Corey Swanson, Laurie Thompson, Kathy Gothier and Michelle Buchard, all from Papillion, and they are a part of the American Political Behavior Class. Are you still up there? Okay. The record will indicate they were here. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Wesely-Schmit amendment.

Mr. President, if I may before we proceed to the next amendments, Senator Dworak would like to offer explanation of votes. I have study resolutions from Senator Vickers, LR 117. The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska. (See page 1824 of the Legislative Journal.) LR 118, by Senator Hoagland. The purpose of the resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. (See page 1825 of the Legislative Journal.) That will be...both referred to the Executive Board, Mr. President.

Mr. President, budget bills 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 160, 161, 163, 232, 557, 558, 559, 560, 561 and 562.

CLERK: Mr. President, the next amendment I have to LB 389 is offered by Senator Maresh. (Read the Maresh amendment

May 13, 1981

LB 412, 160, 161, 163, 232,
557, 558, 559, 560, 562

are related and as the interest rate goes up, unless you are going to drive up the price of land even higher, the interest rate goes up then the period of time which is set necessarily must be reduced. For that reason I move the three year provision.

SENATOR CLARK: Being that I was told to close at four o'clock, it is now eight minutes after four, we still have to read the Governor's message, we are going to break off right here and read the Governor's message. Then we will adjourn for the day.

CLERK: Mr. President, I have a series of things. The first obviously is the Message from the Governor addressed to Dear Mr. President and Senators: (Read letter as it appears on pages 2006-2008 of the Legislative Journal).

Mr. President, in conjunction with that I have a letter addressed to the Clerk, from the Governor, Engrossed Legislative Bills 160, 161, 163, 232, 557, 558, 559, 560 and 562 were received in my office on May 7th. These bills were signed by me on May 13th and delivered to the Secretary of State. Sincerely, (signed) Charles Thone, Governor.

Mr. President, Senator Wagner would like to print amendments to LB 302 in the Legislative Journal.

Your Enrolling Clerk has presented for the Governor his approval of bills that were read on Final Reading today, Mr. President.

SENATOR CLARK: Senator Remmers, would you like to adjourn us until 9:00 a.m., tomorrow morning.

SENATOR REMMERS: Mr. Speaker, I move we adjourn until 9:00 a.m. Thursday morning.

SENATOR CLARK: You heard the motion. All in favor say aye, opposed, we are adjourned until 9:00 a.m., tomorrow morning.

Edited by L. M. Benischek
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