

SPEAKER MARVEL: If I can have your attention, there are a couple of items we would like to announce and then we will recess until about one-thirty. Okay, I will try once more. (gavel.) May I have your attention for a moment. I think this is an item that will be of interest to everybody. We had a caucus of the chairmen, chairpersons this morning. I would like to read a portion of that caucus. Senator Warner made a motion that Friday, January 16, 1981, be the cutoff date for bills going to the bill drafter for introduction within the ten day period. So if you are interested in bills getting to the bill drafter, Friday, January 19, 1981, is the cutoff date for bills going to the bill drafter for introduction within the ten day period, at noon on Friday and this motion will be put in the Journal for your information. (See page 167.)

The other thing, this afternoon we will pass out to you the calendar for the balance of this particular session of the Legislature. So we will pass this out this afternoon.

Now, do you have any other business, Mr. Clerk? Okay, go ahead.

CLERK: (Read LB 167-171. See pages 165-166 of the Legislative Journal.)

SPEAKER MARVEL: This afternoon, hopefully starting right after one-thirty, we will have an additional discussion on rules and hopefully before the end of the afternoon we will have made our decisions on rules for the rest of this year. So this will be coming up this afternoon. Senator Kahle, you had your light on. For what purpose do you rise?

SENATOR KAHLE: Mr. Speaker, I would just like to make an announcement. They have the slips on their lamps but the Government, Veterans and Military Committee will meet immediately after we adjourn this afternoon in our regular meeting room, 1113 I believe it is. Thank you.

SPEAKER MARVEL: Okay, and, Senator Kahle, as long as you are on your feet, do you want to move that we recess until one-thirty? Excuse me, Senator Nichol. Yes, sir.

SENATOR NICHOL: Mr. Chairman, I just wanted to announce that Judiciary will have a short meeting as soon as we adjourn in the Judiciary meeting room.

SPEAKER MARVEL: Okay, the Judiciary Committee will meet. The Government, Military Affairs will meet this afternoon. Okay, now do you want to recess us until one-thirty, please?

SENATOR DeCAMP: Well we are getting rid of the penalty there too. There is various treatments by the Federal Reserve Banking Institutions. We are giving them flexibility to make their own decision.

SENATOR BEUTLER: Okay, thank you.

SENATOR CLARK: The motion is the adoption of the committee amendments. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record.

CLERK: 28 ayes, 0 nays on adoption of committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Rumery, what do you want to do with the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to have us advance this bill, 199, with the amendments as we just passed.

SENATOR CLARK: The motion is the advancement of LB 199 as amended. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record.

CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. I would like to take this opportunity to introduce to you the state Grange Master, Bob Smith and Mrs. Smith from Broken Bow, Nebraska. They are under the South balcony. Will they stand and be recognized please. We will now take up LB 170.

CLERK: Mr. President, LB 170 is offered by Senator Vard Johnson. (Read.) The bill was first read on January 14. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. I do have committee amendments pending by the Revenue Committee, Mr. President.

SENATOR CLARK: Senator Carsten, do you wish to take the committee amendments? Senator Johnson, do you want to take the amendments?

SENATOR V. JOHNSON: I will take the committee amendments. LB 170 is a bill that was given to the Revenue Committee by the Nebraska Department of Revenue and the Revenue Committee agreed that this is a bill that the committee would sponsor, however, we felt that we had more bills than our eight bill limit so as a result individual members just plain agreed they would carry bills. That is why I am carrying LB 170. Now the committee amendment to LB 170 is extremely simple. What LB 170 does is it allows the Nebraska Department of Revenue to place for collection delinquent taxes owed by nonresidents or by people who aren't domiciled in this state in the hands of collection agencies. In other words, we can just be like a doctor or a lawyer or a merchant that sends his or her overdue accounts to a collection agency for collection purposes. Well that is what the State of Nebraska is going to do with LB 170 except the only persons that will be affected are nonresident taxpayers and only after procedure is followed can this money go to collection agencies or can the accounts go to collection agencies. What the committee amendments do is very simple. When we wrote the bill initially we used the word "collection and credit agency" because we didn't seem to know the difference between a collection agency and a credit agency. Well at our committee hearings we were informed of the difference pretty darn quick and we took the words "and credit" out of the expression "collection and credit agencies". A credit agency is essentially an organization that gathers credit information about individuals and provides that to lenders. A collection agency is a traditional bill collector. In any event, all the committee amendments do is to clarify the definition of the agency to which the delinquent tax could be assigned for collection purposes and at this time I would move the amendments.

SENATOR CLARK: The motion is the adoption of the committee amendments to LB 170. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record.

CLERK: 35 ayes, 0 nays on adoption of committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Johnson, what do you want to do with the bill?

SENATOR V. JOHNSON: I would like to move the bill, Mr. Speaker, but I first would like to speak to the bill if I might.

SENATOR CLARK: Fine.

SENATOR V. JOHNSON: To indicate what the bill actually does. The Department of Revenue says that the State of Nebraska loses a lot of money annually to unpaid taxes that are owed by people who live outside the State of Nebraska and it hasn't had a good way of going after those particular taxpayers so the State of Nebraska Department of Revenue asks us very simply to authorize it to enter into contracts with collection agencies so that those collection agencies, for example, a collection agency down in Missouri or Wyoming or Wisconsin or what have you can take our accounts and go after the Missourian or the Wisconsinite or what have you to collect their taxes. If you will look at the fiscal note on this, the Department of Revenue says that we think that we lose between a quarter of a million and a half a million dollars annually. We lose that much annually to unpaid taxes by outstaters, by people who don't live in Nebraska and if we send these accounts out to collection agencies and if they do their job, we ought to be able to recover maybe as much as half of that. So the fiscal impact of this legislation is between \$100,000 and a quarter of a million dollars. Now some of the things that came before our committee that we were a little nervous about so I want to get into them with you is, number one, this legislation allows the State of Nebraska to permit the collection agency to retain as much as 50%, as much as 50% of the collected tax deficiency as its fee but that is pretty much standard operating procedure with collection agencies dealing with very small accounts, that they can collect as much as 50% of what they recover as their fee. This bill allows our State Tax Commissioner to set a bond for the collection agency. The bond can be as high as a hundred thousand dollars to insure the remittance to this state of tax dollars that are collected by the collection agencies. Now you and I all know George Wruck who for a long time has been the head of a collection agency and a credit agency in Omaha and Mr. Wruck tells me that never in the history of a collection agency in this state has there been a collection agency that has actually defaulted on the remittances. So I suspect that we will find the bond amount, we will not find bonds looked to but we at least give the Tax Commissioner authority to set a fairly high bond amount. In addition we will not allow under this bill any account to be assigned to a collection agency for the purpose of collection until the account is at least delinquent by at least six months, until we, the State of Nebraska have notified the delinquent taxpayer at least three times of the delinquency and have demanded payment and one of those three times has got to be by certified mail. So in other words we do our own collecting as best

we can initially and after we have tried to get the money and haven't been able to get the money then we have given our Tax Commissioner the authority to go ahead and contract with a collection agency and try to get the money. Now it seems to me that this is a reasonable method for the state to undertake to try to try to collect some of its income and sales tax deficiency and I would certainly commend to this body the movement of this bill. Thank you.

SENATOR CLARK: Before I call on the next speaker I would like to introduce to you under the South balcony, Mrs. Gordon Bryant, Sr., Mrs. Ralph Anderson, Jr., Mrs. James R. Goll, Miss Suzanne Bryant all Tekamah, Nebraska. They are guests of Senator Goll. Will you stand and be recognized please. The next speaker is Senator Kremer.

SENATOR KREMER: Mr. Chairman, Senator Johnson, would you yield to a question please? Senator Johnson, I can't help but keep wondering why we feel that a collection agency would be more effective in collecting a delinquent tax than the State of Nebraska itself. Do you feel it would be? In other words, it is going to cost us something and could not the State of Nebraska, the Department of Revenue set up their own person, perhaps trained and maybe save a little money? I don't know.

SENATOR JOHNSON: Senator Kremer, that is an excellent question. I happen to agree with you that the Nebraska Department of Revenue is undoubtedly the finest collector of taxes that we have when those taxes are due from instate taxpayers but the real problem is that we have a fair number of Nebraska taxes that are due from people who live elsewhere and it makes it difficult for the Nebraska Department of Revenue to get lawyers and to get the collection apparatus going outstate or elsewhere. I shouldn't say outstate but away from the State of Nebraska and that is what this bill does. It only affects those delinquencies from those tax payers who don't live in Nebraska.

SENATOR KREMER: I understand that but I can...do you have any idea what kind of a contract it would be? What percentage of the tax itself would go for the collection agency itself? I am not against your bill. I am trying to go for the most persuasive way to collect these taxes. They should be collected but my question continues to be, could not the State of Nebraska itself do a better job because it goes out in the name of the State of Nebraska? When I get a piece of correspondence, if it carries the stamp of the State of Nebraska, I pay attention, or the federal government.

SENATOR JOHNSON: Well let me just...if I might, take some of Senator Kremer's time just to quickly respond to that.

Number one, the account will not be turned over to the collection agency until at least three attempts have been made, three attempts. There will be three pieces of correspondence going out to the delinquent taxpayer including one by certified mail. Secondly, this bill only is permissive in that it only allows the Revenue Department to agree to pay as much as 50% of the taxes collected. So it could be something less than that but we picked 50% because that has been a figure which has been used in the collection of very small accounts by the collection industry in the state.

SENATOR KREMER: Thank you, Senator Johnson.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Wesely. We've got one, two, three, four, five, six more. Senator Wesely.

SENATOR WESELY: Senator Johnson, I've got a question.

SENATOR JOHNSON. Yes, Senator Wesely.

SENATOR WESELY: The 50% figure, is that, you say that is the maximum but would that be also the minimum or would the Department of Revenue have an option as to what figure to actually set for the reimbursement to the collection agency that would be contracted with?

SENATOR JOHNSON: Yes, the Department of Revenue would have the ability to work out an appropriate figure and as you can see from, I am just looking at page two on the bottom lines, it says that the fee shall be based on the amount collected. In any event the Revenue Department shall provide for the payment of the fees for such services reimbursement or other remuneration not in excess of 50% of the total amount of delinquent taxes, penalties and interest actually collected. So that is just the maximum. That is the ceiling so it could be less than that but we give them flexibility.

SENATOR WESELY: Okay. Thank you very much. I guess if we are able to collect taxes we wouldn't otherwise be able to acquire, it seems to be a reasonable step to take but having to at the price of losing 50% of those taxes, I think that should be a last resort step to take and evidently that is what this bill would allow. I think I will pass it up one.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I rise

to support LB 170. I think it is an excellent bill and one that the Tax Commissioner brought up to the committee and asked the committee to introduce. Because of the bill limitations on committees we did not introduce it as a committee but the purpose and the direction in this bill is an excellent one. I think that Senator Kremer's question really is the heart of the whole issue. It is whether or not we can do this more economically some other way. The bill has a number of safeguards. It says we will do everything we possibly can, notice, notice and then certified mail giving the third and final notice before we turn this over to a tax collection agency. Now we also have some other protections in here so that the Revenue Department doesn't go, you know, crazy on this thing and I have no doubt that that is not a fear and not even a problem but we did write as we do so many other bills, a number of other productions. One, we say they can negotiate up to 50%. Now those 50% is going to be for the smallest, the least collectible, least likely to be collectible sorts of taxes. Now for the larger ones, you know the percentage is going to be negotiated and, in fact, probably would be less. So what we have here is a well thought out piece of legislation, thought out by the Revenue Department. Mr. Herrington and his staff have done an excellent job. I think the bonding requirements are very flexible and suitable. I think this is an excellent bill, in fact, I like this bill so much that I have asked that my name be added to it and I think that one of the important reasons I wanted my name added to it, it is one of the few revenue raising bills that will come through this Legislature and it is not necessarily just revenue raising but it goes after those taxpayers who have failed to pay their taxes. So with that, I would encourage very strongly for this body to adopt this bill. It is good. It is well thought out and I think it will raise revenues for the state from taxpayers who legitimately owe those taxes.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I, too, support LB 170. I was in the collection business for many years. I am not now and have no interest in the collection business at this time but through the years the federal government, as well as this Legislature, has dictated rules for collection which are legitimate, legal and not out of line in most of our opinions. The bonding I certainly think wouldn't be opposed by anybody. They are already bonded, as somebody pointed out a little earlier, these people do remit. Now as far as collections are concerned and 50%, when you have nothing, 50% isn't very much and with the procedures used nowadays they will be able to collect considerable amount of this money. Sure it will cost you 50% but you

will have that much more than you would without putting out anything that you are not putting out now. The collection agencies across the country are combined in an association. They are somewhat similar to the Bar Association in that they attempt to regulate themselves and they don't want high, heavy-handed tactics used and as far as I know they do not use these. There may be some who do not belong to this association that might do so. I would suggest and it does not need to be necessarily a part of this bill that we do use those association members in the state to refer them to appropriate collection agencies outside the state so that we don't get connected up with some illegitimate heavy-handed entities that we wouldn't be associated with. So I do support the bill. Thank you.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Nichol touched on a concern that I have. Perhaps the image of the state doesn't mean anything or doesn't mean very much to people if you can collect some money in the process but I am wondering if Senator Johnson will have a bit of a discussion with me so that I can ask a couple of questions. Senator Johnson, although Senator Nichol mentioned the way these collection agencies govern themselves, I am aware of some of the tactics that have been used by people in Omaha by local agencies--or do you want to go on and answer from what I have said already?

SENATOR JOHNSON: (Mike not activated.)

SENATOR CHAMBERS: Oh, okay. Such as they are supposed to only call during certain hours of the day, no harassment at night or repeated phone calls or calls to jobs or other things to harass. Would those things be prohibited by anything in the law in this bill?

SENATOR JOHNSON: Senator Chambers, not in this bill but certainly by the Federal Debt Collection Act which has exactly those kind of prohibitions on assigned accounts and that is what this will be, an assigned account.

SENATOR CHAMBERS: Okay, now that is what I wanted. The federal rules are already there. Now what happens should one of these agencies that the state thinks is all right turn out to be not all right?

SENATOR JOHNSON: Well if they violate the Federal Debt Collection Act, then the person whose sensibility has been offended, the person who has been taken has a good cause of action against that particular collection agency and

obviously if they can find a good legal aid lawyer around or any other lawyer, can take advantage of that particular act but this bill I must admit, Senator Chambers, does not have any reviewing powers in it so that the State of Nebraska could say, hey, that particular collection agency is doing some bad things to folk and let's discontinue. Let's discontinue our relationship with that collection agency.

SENATOR CHAMBERS: Senator Johnson, do you know of any other states who do a similar thing so there is some experience with a law like this to look at?

SENATOR JOHNSON: I don't know of any others but that does not mean they don't exist. I just don't have that knowledge.

SENATOR CHAMBERS: Can you tell me what tactics currently are used by the state to attempt to collect these taxes?

SENATOR JOHNSON: Essentially, nothing, essentially they write letters and that is about it.

SENATOR CHAMBERS: Are there means available to the state that would also be available to a collection agency?

SENATOR JOHNSON: Well, yes, the means available to a state is a state absolutely can bring litigation in any of the other forty-nine states as a state plaintiff and they would hire attorneys in the other states to represent it and present its claims there, take a judgement and then attempt to levy on the judgement just like any judgement creditor would do, absolutely last.

SENATOR CHAMBERS: Thank you, Senator Johnson, you have been very helpful. Members of the Legislature, it is not often that I express really a genuine concern about the supposed or so-called reputation of the state but when it comes to a situation where it is going to hook its destiny and its integrity and image to a collection agency I have to tell you frankly that I am one of those people who do not have the unbounded confidence that the members of this body and the Revenue Department apparently have. So I am not going to vote for a bill like this. I think since it is the state's obligation and the state has the power to collect taxes, the state should utilize the machinery that it has for that purpose. It should not hire agents and especially those that might be questionable to do the work that it has the power to do. Many things that the state does, it may not do as efficiently as a private enterprise and by efficiently I mean cheaper. For example, if I borrow from a loan shark and I don't pay him, then I might come here next week with all of my fingers

bandaged up and maybe hobbling around on crutches because somebody drove nails through my kneecaps. They have a much more efficient method of collecting but I am wondering if the tactics used that result in that so-called efficiency are the type of tactics that the state wants to have its name, its honor and its image connected to. I know this bill will pass. The undeniable bait of money has been offered. It is an irresistible bait also. I am not in favor of everything just because somebody says it is going to bring money to the state. I could give some examples but they would seem far-fetched to members of this body but they would not seem far-fetched to me because, Senator Nichol, I am aware of what some of the agencies have done. I am aware of some resolutions of problems that even the Better Business Bureau have reached and they are not resolutions at all. They tend to inbreed and protect each other. They might make a token gesture toward an aggrieved citizen but there is not really an attempt to bring about justice and equity. So I am going to vote against this bill. I would advise others to vote against it and I would say that the state has the obligation, it has been given the power to do everything necessary to collect the taxes that are due it and I would hate to have a collection agency coming to me. I know this is for people out of state but maybe that is where the image should mean the most because we know here at home what the state is. Coming to me, rapping on my door saying the State of Nebraska sent me and that person can say anything he or she wants to and do it in such a way that I can't prove it for the purpose of filing a complaint but the damage, nevertheless, has been done and it has been done in the name of the state and the only incentive given to these people who will be doing the collecting is the amount of money they can receive. Senator Johnson, that is one of the reasons they did away with the Justice of the Peace concept in Nebraska. There was a financial incentive for the Justice of the Peace to find people guilty so I think people who are given the go ahead by the state to collect this money will feel they have the right to use any means necessary and take the chance on an occasional aggrieved individual filing an action. I am opposed to the bill and I think it is ill-advised.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: I move the previous question.

SPEAKER MARVEL: Do I see five seconds? Okay. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 26 ayes, 2 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Johnson, do you want to close on the motion to advance the bill?

SENATOR JOHNSON: Yes, Mr. Speaker. I felt that Senator Chambers' remarks were probably in the end the only, what he voiced, was the only consideration that I personally had as I carried this bill because I, too, know that there have been times when collection agencies as well as lawyers, as well as any other agent, have exceeded the bounds of propriety in collecting debts and I said to myself as I was carrying this bill, should the name of the State of Nebraska be entrusted, in effect, to some agent to collect what is probably a just debt, and I thought about it and I thought we built in a few safeguards. The first safeguard will be that the organization that collects the debts got to be at least licensed under our collection agency laws. So we put that in. Then I said, secondly, by the time we turn the debt over to the collection agency, the justice of a debt should have been established. Why? Because we are talking about a tax delinquency and we will have given plenty of notice to the delinquent taxpayer of the delinquency and we have administrative procedures now for challenging a delinquency before it is ultimately assessed. And so the taxpayer will have had opportunity to have contested the rightfulness of that particular assessment and delinquency. Then I thought about the fair debt collection act and the kinds of restrictions that it does impose on collection agencies and how, in fact, it has caused collection agencies to have to make certain that they operate on the safe side of the law and on the ethical side of the law. And then I thought about how, in fact, right now our existing tax collection practices have worked hardships on people. I have dealt with property taxpayers locally, for example, that are extraordinarily upset by what the county attorney is doing to collect the taxes and in many respects though the county attorney clearly is operating as an agent of the state, the county attorney is subject to ethical constraints and the like and I concluded in the end that one of the costs of doing business, and we are in the business of governance, one of the costs of doing business is that we will cause some taxpayers to take umbrage with what is happening and it seemed to me that the better part of discretion as a legislator in this instance was to at least establish some reasonable mechanism for the collection of taxes due from nonresidents, from nondomiciliaries, and that kind of a step is to place this matter in the hands of licensed collection agencies subject to the federal requirements and to see precisely what works out. Now if, in fact, we start receiving over the next two, to three, to four years, some comments from aggrieved nonresidents about the practices that are taking place, then I think we ought to take a second look at this but I think at this juncture that

February 2, 1981

LB 170

the better part of discretion is to give the Revenue Department this authority so that we in turn can collect taxes that truly are just, due and are owing. I move the advancement of this bill.

SPEAKER MARVEL: The motion is the advancement of LB 170 to E & R for review. All those in favor vote aye, opposed vote no. Record. Have you all voted? Record the vote.

CLERK: 29 ayes, 3 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced.

CLERK: Mr. President, one thing if I may real quickly, Senator Newell would like to have his name added to LB 170 as co-introducer.

SPEAKER MARVEL: Any objection? If not, so ordered. Have you recorded the vote? Okay. Senator Koch.

SENATOR KOCH: (Mike not activated.)

CLERK: That's okay, Senator, if you want it. Senator Koch wants to vote no. Senator Nichol voting yes. Senator Kahle voting aye.

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

SENATOR MARESH: Mr. Speaker, members of the Legislature, I move that the Legislature adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by Arleen McCrory.
Arleen McCrory

February 4, 1981

LB 39A, 45, 64, 65, 92, 165,
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments; LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)

February 6, 1981

LB 31, 85, 170, 199

LB 199 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 199 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 199 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 199 is advanced to E & R for Engrossment. LB 170.

CLERK: There are E & R amendments, Senator.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 170 be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 170. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. The E & R amendments on 170 are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 170 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 170 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 170 is advanced to E & R for Engrossment.

CLERK: Yes, sir, I do. Mr. President.....

PRESIDENT: We will proceed then with General File, agenda item #6. Proceed with LB 167.

CLERK: Mr. President, Senator Hoagland...oh, I'm...may I read something.

PRESIDENT: Yes, you may read some matters into the record and then we will take up 167.

CLERK: Mr. President, Senator Hoagland would offer an explanation of vote. (See page 456 of the Legislative Journal.)

Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 31 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, and LB 85 to General File with

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.

February 17, 1981

LB 15, 16, 92, 170

having been complied with, the question is, shall LB 15 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 536 and 537 of the Legislative Journal.) 44 ayes, 1 nay, 3 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: LB 15 passes with the emergency clause attached. The next bill on Final Reading will be LB 16, Mr. Clerk.

CLERK: (Read LB 16 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 16 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 537 and 538 of the Legislative Journal.) 46 ayes, 0 nays, excused and not voting, Mr. President.

PRESIDENT: LB 16 passes. The next bill on Final Reading will be LB 92, Mr. Clerk.

CLERK: (Read LB 92 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 92 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 538 of the Legislative Journal.) 45 ayes, 1 nay, 3 excused and not voting, Mr. President.

PRESIDENT: LB 92 passes with the emergency clause attached. The next bill is LB 170.

CLERK: (Read LB 170 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure...

CLERK: No, I'm not done, I'm waiting for someone.

PRESIDENT: Oh, okay. We do have an awful lot of noise down here. Now it is quiet.

CLERK: (Continued reading LB 170.)

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LB 170, 185, 187, 199

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 170 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 539 of the Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: LB 170 passes. The next bill on Final Reading is LB 185.

ASSISTANT CLERK: (Read LB 185 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 185 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 540 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 185 passes and we next have LB 187 on Final Reading, Mr. Clerk.

ASSISTANT CLERK: (Read LB 187 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 187 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 540 and 541 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 187 passes. The next bill on Final Reading, Mr. Clerk, is LB 199.

ASSISTANT CLERK: (Read LB 199 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 199 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 541 of the Legislative Journal.) The vote is 45 ayes,

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LR 17, 13
LB 15, 16, 55, 76, 83, 92, 136,
144, 170, 185, 187, 199, 217,
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 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 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

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LB 15, 16, 92, 170, 185, 187,
190, 199, 238, 244, 269, 518

addressed to Senator DeCamp regarding LB 190.

Mr. President, Senator DeCamp asks unanimous consent to have his name added to 269 as coinroducer.

PRESIDENT: Any objections? If none, so ordered.

CLERK: Mr. President, I have notice from Senator Fowler designating LB 404 as priority bill and Senator Richard Peterson designating LB 269 as his priority bill.

Finally, Mr. President, I have...your Enrolling Clerk respectfully reports that she has yesterday at 2:13 p.m. presented to the Governor for his approval the following bills: 15, 16, 92, 170, 185, 187, 199, 238 and 244.

PRESIDENT: Thank you, Mr. Clerk. We would like to take this opportunity to introduce some guests of the Legislature. First, a very special guest of Senator Clark, a good friend of his from Bridgeport, Darrell Scheuler who is seated here under the south balcony. Mr. Scheuler, would you stand up. Welcome to your Legislature. And also under the south balcony we have some guests of Senator Goll, Everett Holstein from Blair, Nebraska, and Elvin Kruse from Bennington. Would they please stand and be recognized? We are ready then for motions, Mr. Clerk. Is Senator DeCamp here?

CLERK: Mr. President, Senator DeCamp moves to withdraw LB 518. The motion was presented yesterday and laid over pursuant to our rules.

PRESIDENT: LB 518. The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, very briefly. 518 was a bill introduced by myself and Senator Howard Peterson and has to do with the Soukup case over in Grand Island. Because we have an alternate procedure that is hopefully going to be more effective, we would rather utilize that other procedure, the claims procedure, than utilize the bill at this time, and we can process that near the end of the session.

PRESIDENT: Any further discussion to Senator DeCamp's motion to withdraw LB 518? If not, that will constitute the opening and closing of Senator DeCamp. All those in favor of the motion to withdraw vote aye, opposed nay. Have you all voted? Record the vote.