

January 14, 1981

LB 172-175

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Clerk will read in....okay, record your presence.

CLERK: Mr. President, Senator Higgins would like to be excused until she arrives. Senators Sieck, Warner, Remmers and Richard Peterson until they arrive, and Senator Wiitala until he arrives.

SPEAKER MARVEL: Have you all voted? While we are waiting for a quorum, it is my pleasure to introduce to you a guest of Senator Shirley Marsh, Efie Sumarlin from Indonesia who is a student at Lincoln Southeast High School. Will you please stand so we may welcome you. Okay, record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: What is the first order of business?

CLERK: Mr. President, I have a few matters to read in, if I may. Your Committee on Public Works whose Chairman is Senator Kremer to whom was referred.....excuse me, your Committee on Public Works gives notice of public hearing in Room 1517 for January 30, February 4, 5 and 6. (See page 167 of the Legislative Journal.)

Mr. President, I have received the annual report from the Nebraska Commission on the Status of Women. That will be on file in my office.

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

Mr. President, new bills: LB 172 (Read title). LB 173 (Read title). LB 174 (Read title). LB 175 (Read title). (See page 168 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we will proceed with the rules discussion. What is the first....

CLERK: Mr. President, I will let Senator Wesely.....

SPEAKER MARVEL: Senator Wesely, do you want to give us some background before we proceed?

SENATOR WESELY: Mr. Speaker, at this point we have adopted

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LR 21, 28
LB 173, 195, 382, 384, 385

SPEAKER MARVEL PRESIDING

REVEREND LELAND OSWALD: Prayer offered.

SPEAKER MARVEL: Roll call. Record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Item #3.

CLERK: Mr. President, your Committee on Public Works gives notice of hearing in Room 1517 for March 11 on LR 21.

Mr. President, on Public Works whose Chairman is Senator Kremer to whom was referred LB 382 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed. (Signed) Senator Kremer.

Mr. President, new resolution, LR 28, offered by Senator Dworak. (Read LR 28 as found on page 737 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your Committee on Agriculture and Environment whose Chairman is Senator Schmit reports LB 173 to General File with amendments; LB 384 to General File with amendments; and LB 385 to General File with amendments. That is signed by Senator Schmit as Chairman. (See pages 737 through 739 of the Legislative Journal.) That is all I have, Mr. President.

SPEAKER MARVEL: Okay, we are ready for item #4, motions, and the first one is LB 195.

CLERK: Mr. President, Senator Warner moves to return LB 195 to Select File for a specific amendment, that amendment being to add the emergency clause.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I forgot to do this yesterday when it was on Select File. This was the bill that dealt with the investment procedures for fire and casualty companies and I think it is generally recognized that it is useful and helpful information or legislation and it ought to be put in effect earlier, and, of course, with the emergency clause it can. So I move the bill be returned

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LR 12, 33 - 35
LB 173, 205, 479

A new resolution, LR 33. (Read. See page 862, Legislative Journal.) That will be laid over, Mr. President. Mr. President, LR 34 offered by Senator Marsh. (Read. See page 863, Legislative Journal.) That will be laid over, Mr. President. Mr. President, LR 35 offered by Senators Newell and Fenger. (Read. See pages 863 and 864, Legislative Journal.) That, too, will be laid over, Mr. President.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp reports LR 12 back to the membership. That is signed by Senator DeCamp.

Mr. President, Senator Carsten reports LB 479 to General File with amendments.

An Attorney General's opinion addressed to Senator Warner regarding 173 will be inserted in the Journal.

SENATOR CLARK: We will now take up the readvancement of LB 205. I understand that E & R can clarify anything that is in there. All those in favor of readvancing the bill vote aye, opposed vote no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the readvancement of 205? Record the vote.

CLERK: 27 ayes, 4 nays on the motion to readvance the bill, Mr. President.

SENATOR CLARK: The bill is readvanced. We now have a motion on the desk.

CLERK: Mr. President.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: I would like to know for future reference how that matter was handled where the amendment improperly stated where it should be inserted, how was that handled?

SENATOR CLARK: Where the what?

SENATOR CHAMBERS: The issue on 205 was that the amendment stated where in the bill the new language should be inserted and it could not be inserted there.

March 27, 1981

LB 44, 173

an excellent ordinance on the books which was working well and had the concurrence of the Nebraska Pawnbrokers Association. It was suggested at the public hearing that the Judiciary Committee rewrite the pawnbroker's law incorporating many of the procedures currently being followed by the City of Omaha and by the Nebraska Pawnbroker's Association. It should be noted that outside of Lincoln and Omaha there were very few businesses that would be affected by this act. Judiciary Committee staff, with the cooperation of the Omaha city attorney, Omaha Police Department and the Nebraska Pawnbroker's Association and with input from the Lincoln city attorney's office rewrote the entire pawnbrokers chapter to update the language and to incorporate many of the provisions of the Omaha ordinance. These provisions are largely procedural in nature and spell out in statute how pawned property has to be handled and disposed of. To give you an example of how vague the current statutes are it is quite possible that many of the current laws which apply to pawnbrokers may also apply to modern banking procedures.

SENATOR CLARK: You have one minute left on the bill.

SENATOR NICHOL: I am more than willing to go through this rewrite and give you section by section summary of the bill, however, Senator Clark has indicated that I talked too much on these procedural matters so I will end it here and be glad to answer any questions you might have.

SENATOR CLARK: The question before the House is the advancement of LB 44. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay on the motion to advance the bill, Mr. President.

SENATOR CLARK: LB 44 is advanced and take up LB 173.

CLERK: Mr. President, LB 173 is a bill introduced by Senator Warner. (Read.) The bill was read on January 14. It was referred to the Ag and Environment Committee. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

SENATOR CLARK: Senator Schmit, on the amendments. Do you want Senator Warner to take the committee amendments?

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LB 173

SENATOR SCHMIT: Why don't we let Senator Warner handle the amendments.

SENATOR CLARK: Senator Warner, the committee amendments.

SENATOR WARNER: Yes, Mr. President, I move adoption of the committee amendments. All of them, as pointed out in the committee statement, essentially clarify or change the wording but no way changes the purpose of the bill as it was originally introduced. To give you a brief explanation what the bill in general does is establishes by statute the method in which easements can be given to a governmental agency or to a nonprofit charitable type corporation to hold easement over property to retain some aspect of it if it serves a public purpose and these kinds of easements are authorized I think in thirty-five states. They do qualify if there is a value involved under IRS for a gift type tax exemption and the amendments in part, the committee amendments, clarify the language so that it is consistent with what IRS requires. Secondly, it clarifies the procedure in which the local unit of government having zoning jurisdiction in the subject property can approve or disapprove the granting of easements to ensure that orderly growth of the community is not interfered with in any way. Then there is a couple of things in the committee amendments that takes out some language that appears elsewhere in statutes and would be duplicative. I also have an amendment to the committee amendment that I would move its adoption and all that that does is we had written a letter to the Attorney General asking about the approval of the local governing board on covering zoning on any of these easements and the response of the Attorney General indicated there needed to be some additional standards of which the local governing board would judge those requests by and my amendment to the committee amendment puts in those necessary standards language. I would move adoption of my amendment to the committee amendment first.

SENATOR CLARK: The motion before the House is the adoption of the Warner to the committee amendments. All those in favor vote aye, opposed no. Record the vote.

CLERK: 19 ayes, 0 nays on adoption of the Warner amendment to the committee amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Now the committee amendments. The motion before the House is the adoption of the committee amendments. All those in favor vote aye, opposed no. Have you all voted?

CLERK: Senator Clark voting aye.

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LB 173

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Senator Warner, on the bill itself, 173.

SENATOR WARNER: Mr. President, members of the Legislature, what the bill itself does is establishes the statutory authority to grant easements, as I indicated, to a government entity or to a charitable non-profitable type of entity to hold an easement over property to perpetuate or retain some aspect of that property that would serve as a public purpose. It requires no funding. It can only be done by gift. Normally what you would think of would be I suppose a similar thing which was dealt with in a bill a little earlier today which Senator Sieck had. It reserved the process for holding virgin prairie. It is the same kind of concept where an individual owner could by easement retain an aspect of either a building because of historical nature or something native to the land itself such as virgin prairie, forest, that that could be preserved but it would still have to always have that public purpose there. There are provisions when the, if the public purpose is no longer served there are procedures that would remove the easement that could be utilized. It no way prohibits the utilization of property for purposes that eminent domain would be required such as utility lines or roads. Those kinds of improvements would be permitted under the statute. It would override any easement restriction so there is no detriment to local government. I move that the bill be advanced.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I rise to just simply point out a possible problem that I might have with this bill but I am going to support it here on General File because I am not at this point in time ready to raise any issue. Senator Warner and I have discussed this and he is in agreement with my philosophy. There is a portion of this bill that indicates that when public entities are to get an easement to cross some of these lands, that I want to make certain that they don't have to go through the condemnation proceedings such as...and I have visited with Senator Warner as I have indicated. I had a bill earlier this year that set up a procedure where public entities did not have to condemn on Board of Education public lands and funds, that a simple agreement could be worked out and

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LB 173

I want to make certain that that is the case on this instance also and I will be looking at this bill when it gets over to Select File for a possible amendment that Senator Warner and I have both agreed to if it is necessary. But I just did want to point out to the body that that was a possibility.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Warner, do you wish to speak on the bill?

SENATOR WARNER: I did.

SPEAKER MARVEL: The motion is the advancement of the bill. Any further discussion? All those in favor vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion carried. The bill is advanced. The next bill is LB 385. Is that right, Mr. Clerk, 385? Okay, 385 has been removed from the consent calendar. Senator Schmit, for what purpose do you arise?

SENATOR SCHMIT: Mr. President and members of the Legislature, a point of information please. Reading the consent calendar I notice on the bottom of the calendar it says if any three members object to a bill being considered on the consent calendar please advise the Speaker in writing before the session begins. Would the Clerk please advise me as to whether the request came in before the session began or not?

CLERK: Senator, that request came in after we convened this morning.

SENATOR SCHMIT: I see. Well I recognize of course, Senators and colleagues and Mr. Clerk, that if any three members wish to take a bill off of the consent calendar it would be sort of ridiculous to object because it could defeat the purpose of why we are here which is to expedite the session, but I would like to ask another question then. In the event that I would happen to want to remove a couple of bills like 241, 302, 257, 366, 389, 407 from the consent calendar, would the Clerk then take those requests at this time?

CLERK: Senator, obviously it is not my decision but were you to get two introducers or two members to agree with you they would be removed. We have been accepting them this morning, yes, sir.

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LB 44, 47, 56, 84, 113, 151,
173, 218, 220, 308, 313, 331,
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item #3?

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal found on page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

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LB 44, 173

SENATOR CLARK: The amendment is adopted.

CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 44 be advanced to E & R for Engrossment.

SENATOR CLARK: The motion is to advance LB 44. All those in favor say aye. Opposed no. The bill is advanced. LB 173.

CLERK: There are E & R, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 173.

SENATOR CLARK: The E & R amendments to 173. All those in favor say aye. Opposed. They are adopted.

CLERK: Mr. President, Senators Wagner and Vickers now move to amend the bill. (Read the Wagner and Vickers amendment found on pages 1324 and 1325 of the Legislative Journal.) That is offered by Senators Wagner and Vickers.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, the reason for the amendment that Senator Wagner and I are offering is very similar to the bill that we passed earlier this session that was sponsored by myself, LB 121, that allowed the utilities, public entities, that desired to build utilities or to use the power of eminent domain on Board of Educational Lands and Funds, that as the law had previously been they had to condemn and go through the condemnation proceedings every time they attempted to get an easement on this land. We passed a bill, LB 121, that changed it so that through an agreement process if an agreement could be worked out between the two parties, the two public entities, then the condemnation proceedings didn't have to be used. 173, the amendment that Senator Wagner and I are offering to 173 is basically saying the same thing that the entity having the power of eminent domain does not have to use that power, does not have to use the condemnation proceedings, the expensive type proceedings, if a simple agreement can be reached with the owner of the easement created by LB 173. In other words, it would hold down the cost considerably if it is

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LB 173

simply one pole going to be put in or an underground line or an underground pipeline or something of that nature that a simple agreement could be reached by the two parties involved, then the condemnation proceedings wouldn't have to be used and that is the intent and what would happen with the amendment to 173, and I would urge this body's adoption of it.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I just rise to indicate I have no objection to the amendment. Some of us think that the provision is already in there but there are some that think this ought to be clearer. All it does is permit the easement to be given to a utility or sewer line or something to go across these pieces of ground so it is perfectly clear that it can be purchased and not require eminent domain, and this is perhaps clearer than the way it is. So I have no objection to it.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I agree with Jerry, well, in the fact that I think this does clarify the bill in the sense where a person can acquire an easement for utilities, and I certainly do support it because I think it is a help to the bill and it is a good amendment and I urge the adoption of the amendment.

SENATOR CLARK: The question is the adoption of the amendment by Senator Vickers and Senator Wagner. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The amendment is adopted. Senator Kilgarrin.

CLERK: No, Senator, I have another motion.

SENATOR CLARK: Oh, you have another motion. Go ahead.

CLERK: Mr. President, Senator Beutler moves to amend the bill.

SENATOR CLARK: Senator Beutler.

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LB 173, 331, 392

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, my amendment is a short one which I think is also agreed upon by Senator Warner. Basically, as you will recall, the holder of one of these easements would be a governmental body or a charitable corporation or trust, and they acquire it by gift under this bill. And basically all I am saying is, adding the words, "purchase, exchange or gift", and the reason I am doing this is to try to work out a situation where we can combine to LB 58. This is that Airport Authority bill that Senator Sieck has which seeks to preserve the nine-mile prairie out in Lancaster County. And in order to accommodate that, we need to make a few adjustments to this bill and that is what I am doing at this point. Thank you.

SENATOR CLARK: Is there any discussion on the amendment by Senator Beutler? If not, all those in favor vote aye, all those opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on adoption of the Beutler amendment, Mr. President.

SENATOR CLARK: The amendment is adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 173 be advanced to E & R for Engrossment.

SENATOR CLARK: All those in favor of that motion say aye, opposed. The bill is advanced. LB 331.

SENATOR KILGARIN: I move the E & R amendments to LB 331.

SENATOR CLARK: All those in favor of the amendments to... the E & R amendments to 331 say aye, opposed no. The amendments are adopted.

SENATOR KILGARIN: I move LB 331 be advanced to E & R for Engrossment.

SENATOR CLARK: All those in favor of the motion of advancing 331 say aye, all those opposed no. The bill is advanced. LB 392.

SENATOR KILGARIN: I move the E & R amendments to LB 392.

April 9, 1981

LR 54
LB 167, 72, 205, 378, 40,
44, 87, 173, 292, 292A,
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

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LB 173, 271, 536

is an amendment proposed, I would ask unanimous consent to pass over LB 536 also.

SPEAKER MARVEL: Any objections? So ordered. Senator Fitzgerald.

SENATOR FITZGERALD: Mr. Speaker, did Senator DeCamp request that this be passed over? I know he is going to be out of state for awhile and I know Jerry Warner is in the building. He will be here. Did he make any requisitions that he wanted the bill passed over (interruption)?

SPEAKER MARVEL: Would you pose your question to Senator Beutler, Senator Fitzgerald?

SENATOR BEUTLER: (Mike off) Senator Fitzgerald, he did not request that it be passed over. I have an amendment up on the bill and I asked the Speaker if it could be passed over because I didn't want to argue the amendment while Senator DeCamp is not here. If you would like to go ahead and argue the amendment without Senator DeCamp...

SENATOR FITZGERALD: No, I never knew the amendment was up there, Chris. I just thought the bill was as is. So if you have an amendment over there, I will wait for John.

SPEAKER MARVEL: The next bill is LB 271. The Clerk will read.

CLERK: (Read LB 271 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall LB 271E pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 1480, Legislative Journal.) 41 ayes, 1 nay, 6 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Warner, are you ready for LB 173? The Clerk will read LB 173 on Final Reading.

CLERK: (Read LB 173 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass, LB 173 on Final Reading? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

April 15, 1981

LB 173, 327

CLERK: (Record vote read. See page 1481, Legislative Journal.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. That completes item #4. Then we now proceed to item #5, Select File. First I would like to introduce some folks in the North balcony from Senator Von Minden's District. 25 eighth grade students from Wakefield Community School, Wakefield, Nebraska. Mr. Joe Coble is the principal and they are in the North balcony. Will you hold up your hand so we can see where you are so we can welcome you to the Unicameral?

CLERK: Mr. President, Business and Labor would like to have an executive session, Thursday, April 16 at one o'clock in the west lounge.

And I have an explanation of vote offered by Senator Haberman.

SPEAKER MARVEL: The first bill on Select File is LB 327.

CLERK: Mr. President, I have no E & R amendments to LB 327. I do have an amendment from Senator Landis. That is found on page 1305 of the Journal.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature. Thank you, Mr. Speaker. The amendment that is offered is clarifying language suggested to me by the insurance association in conjunction with the banking association. You will notice it strikes a reference to the Federal Bankruptcy Act and the reason for striking that reference is the fear, irrational I believe, but present in the minds of some bankers that by referring to the Bankruptcy Act it may in some way open a legal question that we are somehow authorizing the federal exemptions to bankruptcy. As you recall, last year we slammed the door on those and indicated that we would use only state exemptions. This defines in law what we had intended to do last year to make a maximum of \$5,000 of cash value to survive bankruptcy, that anything over that amount was subject to attachment. It has been the practice in the past that well-to-do and well-heeled and knowledgeable individuals going through bankruptcy purchased life insurance policies just before going through bankruptcy with paid up cash values which they could then use after bankruptcy for their own financial resources and this would stop that. We had intended to stop this last year but it was drafted poorly

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LR 21
LB 44, 74, 87, 173, 271

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Gifford Myers from the First Evangelical Free Church, Lincoln.

GIFFORD G. MYERS: (Prayer offered.)

PRESIDENT: Roll call. Have you all 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: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand correct as published. Any other messages, reports or announcements.

CLERK: Mr. President, LB 74, 44, 87, 271, and 173, as well as LR 21 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 74, LB 44, LB 87, LB 271, LB 173 and LR 21. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: The Chair recognizes at this time for a very special explanation and presentation, Honorable Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. President. I am very pleased, ladies and gentlemen, members of the legislative body, to share with you some of the excitement which has been going on at our house the past few months. The State Treasurer as a member of the Plant Two Trees Committee of Lancaster County has made the little gift available to you which you found on your desk this morning. This is some of the night hours put in by the State Treasurer delivering these in person last evening and this committee through the leadership of the State Treasurer has made available to every fifth grade school child in the County of Lancaster County a tree to be planted on Arbor Day. I urge you to plant this tree or give to someone who will plant it. It is a blue spruce and there is attached to the package some interesting facts regarding trees and the State of Nebraska. I wish

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LB 506, 44, 74, 87, 266,
173, 226A, 271, 483

propriated in this bill, there is some question about the continued operation of the Eppley Institute. This would be a shame. I urge the body's support of 506.

SPEAKER MARVEL: Senator Cullan, do you wish to close?

SENATOR CULLAN: Mr. President, members of the Legislature, I appreciate all the support that has come and I appreciate Senator Warner's constructive amendments to LB 506. Senator Wesely just asked a question about what the scope of the bill now is with respect to research. The \$1.2 million which we appropriated to the Department of Health will be available for research, not only for cancer related research, but for research related to any disease or medical problem that it would be caused by smoking. There are a tremendous number of smoking related diseases and so I do not believe that is an excessive amount of money for that research. I think it really is just a start and I really hope that you will join me in advancing the bill. I would, however, have to correct Senator Hefner who urged Senator Koch to start chewing tobacco instead of smoking. Senator Dworak was recently advised by his dentist not to do that and so in light of that I wouldn't suggest Senator Koch taking that habit up either. As to why we have not increased the tax on chewing tobacco and cigars, that is something that the Revenue Committee or somebody may want to look at, but if you have as many ranchers in your district as I have in mine, that is not something you want to be involved in initiating. Thank you very much and I would urge you to advance LB 506.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor vote aye, opposed vote no. Record.

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to advance the bill.

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

CLERK: Mr. President, your Enrolling Clerk respectfully reports she has presented to the Governor for his approval LB 74, 44, 87, 271 and 173.

Mr. President, a new A bill, LB 226A offered by Senator Haberman. (Title read.)

Mr. President, LB 483 is 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 reengrossed LB 483. We are now ready for LB 266.

April 23, 1981

LB 35, 95, 132, 173, 266, 266A,
360, 477, 506, 541, 545
LR 57, 58, 59, 60

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 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 LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, will you please stand so that we can recognize you.