

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

February 20, 1981

LB 50, 84, 89, 174, 475

Mr. President, Senator Richard Peterson offers explanation of vote.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 84 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 89 General File; LB 174 General File; LB 50 General File with amendments; LB 475 to General File with amendments. That is all I have, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We now turn to item #5 and the Chair recognizes Senator Lamb.

CLERK: Mr. President, Senator Lamb moves that appointment of Marshall A. Lux as Ombudsman and asks that the Legislature vote for its approval as required by Section 81-8,241.

SENATOR LAMB: Mr. President, members of the Legislature, after a long and involved selection process, the Executive Board has selected Mr. Lux to replace the retired Mr. McNeil as Ombudsman. This is a very important position. The process by which Mr. Lux was selected was extended probably more than it should have been partly because two Executive Boards were involved. Mr. Lux became the acting Ombudsman on July 31st upon the retirement of Mr. McNeil. The Executive Board then advertised in fifteen papers throughout the state and the distribution of the job availability notice was made to all the legislative staff. The job was advertised statewide with a closing date for applying of October 31st, 1980. One hundred and nineteen persons submitted resumes and/or applications for the position. The sixteen applicants were selected from this group of one hundred and nineteen. The interviews of these persons were held on February 4th, 5th and 10th of 1981. The Executive Board made their selection on February 18th, 1981. This requires a two-thirds vote of the Legislature. I move that the motion be approved.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I am not sure where the report of the committee is but wherever it is you will find that I had passed on the vote for Mr. Lux and I want to explain that to you. Because of illness, I was not able to attend any of the interviews that were held on any of the candidates and that my abstaining was not in opposition to in any way, shape or form. The committee apparently, as I understand, were in strong agreement that Mr. Lux

March 6, 1981

LB 194, 174, 387,
431, 478

SENATOR HOAGLAND: All that is is simply obsolete language, Mr. Speaker, that was designed to effectuate the provisions of the election of membership to library boards in 1972 and 1974 and is no longer needed.

SPEAKER MARVEL: The motion is the adoption of the Hoagland amendment to the Clark...Hoagland amendment to the bill. All those in favor of adopting the Hoagland amendment vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The Hoagland amendment is adopted. Now, Senator Clark, what do we do with the bill?

SENATOR CLARK: I would move that the bill be advanced to E & R Initial as amended.

SPEAKER MARVEL: The motion is to advance the bill as amended. All those in favor vote aye...do you want to clear the board? All those in favor vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. We now...the next two bills will be temporarily passed over because the introducer is not here and we go to LB 89.

CLERK: Mr. President, if I may right before that, you committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports 431 to General File with amendments.

Your committee on Revenue reports LB 478 to General File with amendments; and your Retirement Systems Committee reports LB 387 to General File with amendments. (Signed by the respective Chairs.)

Mr. President, LB 89 was a bill introduced by Senator Shirley Marsh.

SPEAKER MARVEL: Is Senator Marsh in the room? We are going to temporarily pass over those two bills and we will come back to them shortly, and the next bill is LB 174.

CLERK: LB 174 offered by Senator Fenger. (Read title.) The bill was read on January 14. It was referred to the Judiciary Committee. The bill was advanced to General File.

SPEAKER MARVEL: The Chair recognizes Senator Fenger.

SENATOR FENGER: Thank you, Mr. Speaker, members of the body, LB 174 with the emergency clause eliminates four antiquated statutes. Number one, it eliminates the necessity for the sheriffs in the county to whitewash jail cell walls. Number two, it eliminates the necessity for the sheriff to dip sheep. It is my understanding, Senator Kremer, that if you get in trouble with your sheep in the future, the Agriculture Department already has the facilities to take care of that. The third thing it does, it strikes language which makes the sheriff subject to removal from office for not retrieving driver's registration, and number four, it also removes the requirement which requires the posting of jail rules in the facility. You have on your desk a small sheet that I had passed out this morning that does show or gives one little example at least of the serious ramifications of having antiquated statutes on the books. These four, I submit to you, should be removed with the enactment of LB 174 with the emergency clause and I would urge this body to adopt this piece. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Vard Johnson.

CLERK: Mr. President, Senator Johnson moves to amend the bill by restoring the stricken language found on lines 26 and 27 on page 3 and lines 1 and 2 on page 4.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, Senator Fenger is absolutely correct when he says his bill deals with obsolete language with one misstatement and that is that one piece of this bill that I am attempting to put back in is not obsolete because it was only passed last year but I would think that some of the county sheriffs probably would like for it to be obsolete. As you may recall, as you may recall, you and I have had to deal with the financial responsibility section of our insurance laws and our motor vehicle laws and what those sections say, very simply, is that you need to have liability insurance to operate your automobile, but if you don't have it, sobeit, but if you have an automobile accident, then you need to show the world that you had liability insurance or that you could satisfy the damages that you have caused as a result of the accident, and if you can't do that, then your license is to be taken away. Well, one of the things that you and I have discovered over the years is that though the Department of Motor Vehicles duly notes everybody's license who has to be removed, nobody ever goes and takes it away. Now we have had a statute on our books for a long time which is stated simply that local law enforcement officials are to

take away those drivers' licenses that have been suspended by virtue of the operational financial responsibility section of the motor vehicle law. But to a large extent, to a large extent, the local law enforcement officials have ignored that responsibility. So I went to our Attorney General a year ago and I said, "Mr. Douglas," I said, "how can these folk ignore their responsibility?" And the Attorney General wrote me back a letter and he said, "Well, Senator Johnson," he said, "they really ought not to but I think what you need to do is you need to make it quite clear that you mean business when you say that the local law enforcement officials are to go pick up those drivers licenses that have been suspended." He said, "I suggest what you do is you say simply if they don't do it, they can lose their jobs. They can be removed from office for not abiding that statute." So last year you and I inserted in the financial responsibility section of the motor vehicle law the provision that failure of the officer to comply with this subsection shall subject him to removal from office pursuant to the statute. Well, this has caused some law enforcement officials to get real nervous because they are not sure they really want to do their job anyhow, and in any event, they are asking for that particular provision to be removed by this bill. It would be wrong for us to do that. My amendment very simply says leave that section alone. Don't make that change. We can make every other change that Senator Fenger wants to make. We can take care of the whitewash provision, the posting of the jail rules, right on down the line but leave that section alone because that is not an obsolete section. Thank you.

SPEAKER MARVEL: Senator Hoagland, do you wish to be recognized on this bill?

SENATOR HOAGLAND: I would just like to rise in support of Senator Johnson's amendment, Mr. Speaker and colleagues. We dealt with this issue at length last session. Senator Remmers, by virtue of the introduction of his bill dealing with automobile accident situations involving uninsured motorists that has now been held over, as I understand it, for a study by the Banking Committee, addresses the same issue. But we really do have a very serious problem in the State of Nebraska with people driving on our roads without insurance. One of my constituents had an exceedingly serious accident about five months ago, was unable to recover any insurance funds from the other side who basically had no assets himself by which to compensate this individual. This man was laid up and off work for three or four months. This is a very difficult and hot issue in the state right now and I think we need to exert as much pressure on sheriffs as we

March 6, 1981

LB 174

can to go out and pick up the licenses of people who are illegally driving the streets without carrying adequate insurance. Senator Johnson added an amendment to a bill last year on the floor which we debated in detail to insert this provision and I think it would be a mistake to remove it. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Fenger, do you wish to comment on the Johnson amendment?

SENATOR FENGER: I do, Mr. Speaker, please.

SPEAKER MARVEL: The Chair recognizes you.

SENATOR FENGER: I think it is important that every Senator representing rural interests pay a little attention to this bill. I am sure that your county, like our counties in the urban areas, are somewhat strapped financially under the lids imposed and I looked long and hard at this when I inserted it. I still believe it belongs there. If my colleagues feel that the problem that they are trying to address by amendment is a problem, then let's approach it from the proper angle but I submit to you that without removing this language you are giving every county sheriff in the State of Nebraska an excuse, and perhaps a legal excuse, to be slow or to be nonexistent to the needs of your area under the threat of recall because he has to devote too much of his time to the picking up of drivers licenses and I merely submit to you that that was not the intent of the organization of the county sheriffs offices. Now twenty-eight years ago when we started picking up licenses, the State of Nebraska assigned a division and assigned full time individuals. I, frankly, don't know when and how that was changed but I feel strongly that Senator Hoagland and Senator Johnson have a point. I admit they have a problem but I submit to you that adopting this amendment is the wrong answer. Thank you.

SPEAKER MARVEL: The motion before the House is the Johnson amendment to LB 174E. Now, Senator DeCamp, do you wish to speak to that particular amendment? We have to dispose of this amendment first before we go on to the next item.

SENATOR DeCAMP: Directly to the amendment, very briefly, very specifically, I agree with Senator Fenger totally. To make a sheriff subject to removal from office on something like this is the height of capriciousness and exorbitant penalties. It also gives the possibility of mischief. In other words, somebody wants to get the sheriff or something, they raise the issue, "Well, he didn't go out and get Johnnie Jones' license and Johnnie Jones was in town for two days and

March 6, 1981

LB 174

the sheriff could have gone out because somebody mentioned it to the sheriff that Johnnie Jones was out there and he didn't get the license." It is really absurd, I think, to have in the law that the sheriff can be removed just, whammo, from office because he didn't go out and get somebody's license. So I oppose the Johnson amendment strongly.

SPEAKER MARVEL: Senator Haberman, do you wish to speak to the Johnson amendment?

SENATOR HABERMAN: Yes, I have a question of Senator Johnson.

SPEAKER MARVEL: Senator Johnson, do you yield?

SENATOR HABERMAN: Who would pick up the driver's license if the sheriff didn't?

SENATOR V. JOHNSON: Well, at this juncture, Senator Haberman, very few drivers licenses are being picked up by anybody.

SENATOR HABERMAN: Well, the answer is, is he the only official in the county that is directed by the courts or by the Department of Vehicles to pick up driver's license?

SENATOR V. JOHNSON: No. In Lancaster County, for example, the direction goes to the municipal authorities, the Lincoln City Police...

SENATOR HABERMAN: What about Imperial?

SENATOR V. JOHNSON: And in Omaha it goes to the Omaha Police Department. Imperial being a town, I assume it goes to the town constable.

SENATOR HABERMAN: As it is now, the town....as it is now, the police and the sheriff both can be directed?

SENATOR V. JOHNSON: Yes.

SENATOR HABERMAN: Okay, thank you. The bill that we passed the other day that has got everybody's attention now that we passed it on the writ of mandamus can still work on this, Senator DeCamp. I mean you can still have the sheriff or anybody else removed for not doing their duty by filing a writ of mandamus if you are right. So I would say that I would probably have to be in favor of the amendment. Thank you, Mr. President.

SENATOR CLARK PRESIDING.

SENATOR CLARK: Senator Johnson, do you wish to close on your amendment?

SENATOR V. JOHNSON: Yes, I do, Senator Clark. Just a couple of minutes. I don't have with me, members, the actual uninsured motorist statistics that the state compiles annually but they genuinely are horrendous with approximately twenty percent of the individuals that are involved in automobile accidents in this state not having insurance coverage for the automobiles which is a very large amount of uninsured motorists. However, not every one of those individuals is going to lose his or her driver's license but the statistics that are quite revealing are that of the numbers that lose their drivers licenses, very few voluntarily turn the drivers licenses in, very few. I mean it is in the hundreds rather than the thousands, and so what happens simply is that these persons who (a) were at fault for the accident, (b) irresponsible for their insurance coverage, and (c) liable in damages are able to continue to drive without at least having had their licenses picked up. Now if they are stopped, if they are stopped by a law enforcement official and if the official does the computer check, assuming the computer is then open during the daytime and it is not a nighttime stop, he can discover that their license has been suspended. But I think if we want a financial responsibility law to mean anything, we have got to make certain that it works well and so all I did last year is to say, "Look, sheriffs and police officers and constables, when you are directed to pick up the licenses, go do it and we mean business." Now right now every law enforcement official is subject to this law. Any county attorney or prosecuting officer, sheriff, mayor, police officer or police commissioner or other officer who shall willfully fail, neglect or refuse to enforce any law which it has made his duty to enforce shall thereby forfeit his office and may be removed therefrom. That is a pretty stiff law that sits there. So all we did last year with the financial responsibility law was to say, "Look, local law enforcement official, it is your duty to pick up these licenses when so directed to do so, and if you don't do it, you can lose your office just like other officials can lose their office when they neglect to perform that which is their legal duty to perform." I respectfully ask this body to adopt the amendment.

SENATOR CLARK: The question is the adoption of the Vard Johnson amendment to 174. Those in favor vote aye, opposed no.

CLERK: Senator Clark voting aye.

March 6, 1981

LB 174

SENATOR CLARK: Have you all voted? Senator Johnson.

SENATOR JOHNSON: Yes, I would ask at this time for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 11 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call and we will have a roll call vote. Will all Senators please return to their seats and check in please? While you are doing that, I would like to announce there is 47 fourth grade students and 12 adults and parents, the teachers, Mr. Scott Wendel, Mrs. Sandy Cole. They are from Hitchcock Elementary School, Millard, Nebraska. Will you stand so you can be recognized please? Welcome to the Legislature. Must I call them out or will you check in please? Senator Higgins, everyone has to be in their seats please. Goodrich, Cope, Beutler, Higgins, Senator Kremer. If everyone will check in, we can get on with the roll call. We only have three excused. Senator Kremer is the only one missing. There he is.

SENATOR V. JOHNSON: You can go ahead with the roll call.

SENATOR CLARK: The Clerk will call the roll and I hope we can have it quiet enough so he can hear the response. (Gavel)

CLERK: Mr. President, I have had a request to read the amendment. The amendment is offered by Senator Vard Johnson. It reads as follows: (Read Johnson amendment found on page 783, Legislative Journal.) (Roll call vote taken. See page 783, Legislative Journal.) 23 ayes, 21 nays, Mr. President.

SENATOR CLARK: Motion failed. The Call is raised. Senator Fenger, what do you want to do with the bill? We have more amendments, just a moment. The Clerk will read.

CLERK: Mr. President, Senator Vickers moves to amend the bill by striking the provision of Section 4, the repeal of Section 47-103.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, members, if you will notice in the committee statement on 174, and as pointed out by Senator Fenger, it repeals four different sections of the law as regarding the sheriffs duties and the jail facilities.

March 6, 1981

LB 174

Number four says it repeals the requirement for posting jail rules in the facilities. I couldn't find it in the bill any place, but if you will notice on the Section 4, the repealer's section, 47-103 is repealed. 47-103 says that the sheriffs shall immediately upon receipt of the rules cause a copy thereof to be posted up and contained in some conspicuous place in every room or cell of the jail. These copies of the rules are rules governing the operation of the jail set down by the district court, by the judges of the district court. Now he is not repealing the other sections where the judges do make those regulations and rules. It seems to me that if we are going to have regulations and rules on the operations of jail facilities that the copies of those rules and regulations should be available to those people in those facilities so that they understand and know what the regulations and rules are. It should be either repeal all of the sections dealing with rules and regulations or repeal none of them. Now since I don't believe it is the intent of anyone to do away with the judges of the district courts ability to set rules and regulations for the jails, then it seems to me that the rules and regulations should continue to be posted in the jail itself. I would urge the body's adoption of this amendment to remove that portion from LB 174.

SENATOR CLARK: Is there any discussion on the Vickers amendment to 174? Senator Fenger.

SENATOR FENGER: Mr. Speaker, I rise in support of the amendment as proposed and thank Senator Vickers for doing something that I, perhaps, should have done myself.

SENATOR CLARK: Any other discussion? If not, the question before the House is the adoption of the Vickers amendment. All those in favor vote aye, opposed no. Voting aye.

CLERK: Senator Clark voting aye.

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

CLERK: 28 ayes, 0 nays on the motion to adopt the amendment, Mr. President.

SENATOR CLARK: Motion carried. The amendment is adopted. Do you have any more motions on the bill?

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

SENATOR CLARK: Senator Fenger, what do you wish to do with the bill?

March 6, 1981

LB 174, 89, 181,
534, 535

SENATOR FENGER: Mr. Speaker, I would urge consideration of adoption of LB 174 at this time.

SENATOR CLARK: All those in favor of advancement of the bill please vote aye, opposed no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 3 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: Motion carried. Bill is advanced. We will now have the changing of the guard.

CLERK: Mr. President, while the guard is changing, I have a report from Constitutional Revision and Recreation Committee reporting LB 534 as indefinitely postponed; and LB 535 advanced to General File. That is signed by Senator Labeledz.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 181 to General File with amendments. Signed by Senator Kremer.

Mr. President, I have a gubernatorial appointment confirmation list submitted by the Constitution Revision and Recreation Committee.

Mr. President, LB 89 is a bill introduced by Senator Shirley Marsh. (Read title.) The bill was first read on January 12, referred to the Judiciary Committee for hearing. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I move that LB 89 be advanced to E & R Initial. The purpose of LB 89 is to add a judge to the Third Judicial District. I will share some supporting evidence of why there is a statistical need. I will share some information about the unique nature of the caseload in this district which requires that we have another judge available in the Third District to assure efficient administration of justice. The Third Judicial District consists of Lancaster County, Lancaster County, an area of 845 square miles, and the 1980 census shows a population of approximately 192,000 people.

March 10, 1981

LB 9, 34, 50, 74, 89,
89A, 124, 174, 178,
194, 345, 425, 500

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: 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 stand correct as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89A Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

March 19, 1981

LR 26, 28, 30-32, 35-39
LB 174, 190

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 26, LR 28, LR 30, LR 31, LR 32, LR 35, LR 36, LR 37, LR 38, and LR 39. Proceed, Mr. Clerk.

CLERK: Mr. President, finally I have an item from Senator Higgins, a note of appreciation for passage of LR 33. That will be inserted in the Journal.

PRESIDENT: Rather than proceed with agenda item #4, Speaker Marvel will be here directly. In order to save time, the Chair is going to move ahead to agenda item #5 and we will at least make a beginning, start with Select File.

CLERK: Mr. President, LB 174 does have E & R amendments.

PRESIDENT: The Chair recognizes Senator Kilgarin. That is LB 174, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 174.

PRESIDENT: Motion to adopt the E & R amendments to LB 174. Is there any discussion? All those in favor of adopting the E & R amendments to LB 174 signify by saying aye, opposed nay. A little weak but I heard it, I guess. Motion carries and the E & R amendments are adopted.

CLERK: Mr. President, I now have a motion to indefinitely postpone the bill offered by Senator Hoagland. Pursuant to our rules, that will lay the bill over.

PRESIDENT: That will be held over then. We then go to LB 190.

CLERK: Mr. President, with respect to LB 190, there are E & R amendments first of all.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 190.

PRESIDENT: Motion to adopt the E & R amendments on LB 190. Any discussion? All those in favor signify by saying aye, opposed nay. The E & R amendments on LB 190 are adopted. Mr. Clerk.

CLERK: Mr. President, I now have an amendment from Senator Koch.

PRESIDENT: He is not here, is he? Is Senator Koch available?

March 25, 1981

LB 174

CLERK: Mr. President, 174 was last considered on March 19. At that time E & R amendments were adopted. Senator Hoagland moved to indefinitely postpone the bill. I understand that Senator Hoagland wishes to withdraw that motion, Mr. President.

SPEAKER MARVEL: Hearing no objections, so ordered.

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

SPEAKER MARVEL: Senator Fenger, do you want to advance the bill?

SENATOR FENGER: Mr. Speaker, I would move the advancement of LB 174.

SPEAKER MARVEL: All those in favor of advancing 174 say aye, opposed no. The motion is carried. The bill is advanced.

March 26, 1981

LB 174, 190, 401

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer given by Pastor James Hoke from the Trinity Lutheran Church, Madison, Nebraska. He is Senator Richard Peterson's pastor.

PASTOR JAMES HOKE: Prayer given.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum it is my privilege to introduce, first of all from Senator Richard Peterson's district, 7 students from Norfolk High School. Their teacher is Jim Kubik, in the North balcony. Will you raise your hands so we can see where you are. We welcome you this morning. Also in the North balcony arranged by Senator Sieck we welcome 55 foreign exchange students from Nebraska high schools. The area representative is Betty Koch, K-o-c-h, in this Legislature is Koch...is Koch right or...? Okay, and I would like to explain that Senator Sieck has a present from the foreign exchange students, a boutonniere, a white carnation which has been given to him by the students and by the Youth for Understanding. So we appreciate all of you. Will you raise your hands and show us where you are.

CLERK: Mr. President, Senator Chronister would like to be excused today and tomorrow.

SPEAKER MARVEL: Do you have any other items? Okay. Then you do have other items. Have you all recorded your presence? Okay, record.

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

SPEAKER MARVEL: While we are fixing the machine up here I would alert the Legislature to the fact that this afternoon we will send you a copy of the proposed consent calendar and the consent calendar would be presented for action tomorrow over the noon hour. So we would meet over the noon hour and adjourn early. Okay the Clerk will read in some reports, item #3.

CLERK: Mr. President, the committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 174 and find the same correctly engrossed; LB 190 correctly engrossed, (Signed) Senator Kilgarin, Chair.

Your committee on Public Works to whom is referred LB 401 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, (Signed) by Senator Kremer.

April 2, 1981

LR 50
LB 174

SPEAKER MARVEL: Senator Rumery, your light is on. Do you wish to be recognized? Okay. Senator Barrett, are you ready for LR 50?

CLERK: Mr. President, LR 50 was offered by (read names of introducers). Read LR 50. That Resolution is found on page 1224, Mr. President, of the Journal.

SPEAKER MARVEL: Chair recognizes Senator Barrett.

SENATOR BARRETT: Thank you Mr. Speaker and members of the Legislature. I believe that an editorial in the Lincoln Journal about the day before yesterday said it rather succinctly. I believe the first sentence said something about really what is there to say beyond the obvious. I know that the tragic events of Monday afternoon are still in the minds of all of us and now to our great relief we are getting the welcome news that the President of the United States as well as the other victims of the attempted assassination are recovering very rapidly from their wounds. This resolution simply speaks to our concern and our interest for the President's welfare as well as the other victims of the attempted assassination. I trust, Mr. Speaker, that we will be able to forward a copy of this resolution along with our prayers to the President as well as the other members or victims of the attempted assassination. I would therefore move for the adoption of LR 50. Thank you.

SPEAKER MARVEL: You heard the motion. Any discussion? All those in favor of adopting the resolution LR 50 as explained by Senator Barrett vote aye, opposed vote no. Have you all voted? We are voting on LR 50. Record the vote.

CLERK: 36 ayes, 0 nays on the adoption of LR 50.

SPEAKER MARVEL: Motion is carried, resolution is adopted. Now the Chair will ask you to note now item number five which is Final Reading and to prepare yourself for an hour and twenty minutes. We have to get the Final Reading in when there is space so towards the end of the session we don't have a lot of it pile up. The first bill on Final Reading is LB 174. Clerk will read LB 174 on Final Reading.

CLERK: Read LR 174.

April 2, 1981

LB 174, 190, 17

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. Those in favor vote aye, opposed vote no. Voting on LB 174 on Final Reading. Have you all voted? Have you all voted? The Clerk will record the vote.

CLERK: Read record vote. 41 ayes, 2 nays, 6 excused and not voting. Vote appears on page 1271 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading with the emergency clause attached. Next bill on Final Reading LB 190. Senator Warner, do you wish to be recognized?

SENATOR WARNER: Mr. President, I guess I would have to ask unanimous consent to pass over for a few minutes. I have an amendment I would like to offer which I don't have up here yet from the bill bill room.

SPEAKER MARVEL: To what. . .

SENATOR WARNER: LB 190. from the bill drafter.

SPEAKER MARVEL: Is there any objection? Okay, if not proceed with the next bill LB 17.

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

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator Koch moves to return LB 17 to Select File for a specific amendment. The amendment Mr. President is found on page 1210 of the Legislative Journal.

SPEAKER MARVEL: Chair recognizes Senator Koch.

SENATOR KOCH: Thank you Mr. Speaker. During the course of action on LB 17E on Select File, a late amendment was offered by Senator Pirsch and it was to strike one section of the bill that pertained to special elections. In reviewing that it gave an advantage to certain people the fact that it only allowed the people who wanted to carry a petition to use a special election and others are denied the privilege and in equity in terms of what we are trying to get to in this bill I can not accept that amendment and I'm asking that 17E be returned to

April 6, 1981

LR 50
LB 40, 22A, 158A, 317A,
298, 253, 253A, 271,
132, 466, 174, 351, 125,
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.
While we are in the process of the roll call may I indicate
to you that today is Senator Kahle's birthday. We wish you
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully
reports that we have carefully examined and reviewed LB 40
and recommend the same be placed on Select File. 22A, 158A,
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK:271, 132, 466 all placed on Select File, (signed)
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready
for your signature.

SPEAKER MARVEL: While the Legislature is in session and
capable of transaction business, I am about to sign and
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to
Select File for a specific amendment. That will be printed
in the Journal.

Your Enrolling Clerk respectfully reports that she has on
this day presented to the Governor for his approval the
following bill.

Mr. President, I have a report from the Department of
Administrative Services from the State Building Division.

April 6, 1981

LB 174, 351, 446, 125
384, 407, 427, 427A,
157, 157A, 200

Mr. President, your Enrolling Clerk has presented to the Governor LBs 174, 351, 446 and 125.

Mr. President, I have a report of certain Gubernatorial appointments from the Public Health and Welfare Committee that will require legislative approval.

Mr. President, finally Senator Beutler would like to print amendments to 384 in the Journal.

SPEAKER MARVEL: Senator Kilgarin, do you have a list of bills? The Clerk will announce to you and then we can go from there. 407 is the first one.

SENATOR KILGARIN: I move that LB 407 be advanced to E & R for Engrossment.

SPEAKER MARVEL: 407? All those in favor of advancing the bill say aye, opposed no. The motion is carried, the bill is advanced. Next, 427.

SENATOR KILGARIN: I move LB 427 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, bill is advanced. 427A.

SENATOR KILGARIN: I move LB 427A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. 157.

SENATOR KILGARIN: I move LB 157 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 157A.

SENATOR KILGARIN: I move LB 157A be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 200.

CLERK: Mr. President, I have a motion from Senator Carsten on LB 200.

April 8, 1981

LB 113, 113A, 125, 174,
LB 179, 291, 328A, 331,
LB 257, 379, 392, 400,
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you