

January 14, 1981

LB 185-192

roll call but we have to have everybody in their seats first. Senator Wesely, for what purpose do you rise?

SENATOR WESELY: Point of information, please. I was wondering if the Clerk would one last time explain the vote we are taking at this point.

SPEAKER MARVEL: Can we just simply read the motion? Is there a motion?

SENATOR WESELY: If that is sufficient, that would be fine.

CLERK: Mr. President, the motion pending before the body is to adopt the remaining permanent rules for the 87th Legislature, First Session, as now currently in our possession.

SPEAKER MARVEL: Roll call has been requested. Clerk will call the roll.

CLERK: (Roll call vote taken as found on page 174 of the Legislative Journal). 15 ayes, 27 nays, Mr. President.

SPEAKER MARVEL: Motion lost. The Call is raised. Senator Wesely, for what purpose do you rise?

SENATOR WESELY: If I could have an opportunity to explain the situation as it stands right now, Mr. Speaker, so they would understand where we stand with the rules. Would that be possible?

SPEAKER MARVEL: No, sir. The only motion the Chair will entertain is the motion to adjourn. The Clerk has got some items to read in and then we will adjourn.

CLERK: Mr. President, new bills: LB 185 (Read title). LB 186 (Read title). LB 187 (Read title). LB 188 (Read title). LB 189 (Read title). LB 190 (Read title). LB 191 (Read title). LB 192 (Read title). (See pages 174 through 176 of the Legislative Journal.)

Mr. President, I have a Reference Report from the Executive Board referring legislative bills 114 through 139, and rereferring LB 69. (See pages 176 and 177 of the Legislative Journal.)

Mr. President, your Committee on Retirement gives notice of public hearing for Tuesday, January 20 in Room 1520. That is it, Senator.

January 28, 1981

LB 15, 16, 57, 92, 141,
165, 178, 185, 187, 199,
207, 238, 244

EASE

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Legislature will come to order. The Clerk has some items to read in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 141 and recommend that same be placed on Select File; LB 57 (sic 50) Select File with amendments. (Signed) Senator Kilgarin, Chairman.

Mr. President, I have an Attorney General's opinion addressed to Senator Wesely regarding Nebraska Revised Statutes 32-1001.33 which will be inserted in the Journal. (See pages 342 - 344.)

Your committee on Revenue gives notice of public hearing in Room 1520 for February 2, 3, and 4. Committee on Ag and Environment gives notice of hearing in Room 1520 for February 19, 20, 26, and 27. Your committee on Public Works gives notice of public hearing in Room 1517 for February 5, March 5, 6, 11, and 12. Your committee on Business and Labor gives notice of cancellation of a hearing for February 4 and rescheduling one for February 4. Your committee on Retirement Systems gives notice of public hearing for February 5. Your committee on Rules gives notice of hearing for February 3. Those are signed by the respective chairmen.

Mr. President, your committee on Education whose Chairman is Senator Koch to whom we referred LB 15 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 16, General File; LB 207, General File; and LB 165, General File with amendments. (Signed) Senator Koch, Chairman.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom we referred LB 238 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator DeCamp.

Your committee on Revenue whose Chairman is Senator Carsten reports LB 178 to General File.

Your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp refers LB 185 to General File; LB 187 to General File; and LB 244 to General File; LB 92 to General File with amendments; and LB 199 to General

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LB 185

CLERK: Mr. President, LB 185. (Read title) The bill was read on January 14 of this year. It was referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. There are no committee amendments, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Beyer.

SENATOR BEYER: Mr. Sneaker and fellow members, I move to advance LB 185 to E & R Initial. This bill will allow jurisdictions to act as their own agents in acquiring property for public purposes. This bill is also endorsed by the State Real Estate Commission and also supported by the League of Municipalities.

SPEAKER MARVEL: Any further discussion? Okay, the motion is the advancement of LB 185 to E & R for Review. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I would like to know what the bill does so I guess I would ask Senator Beyer would he...

SPEAKER MARVEL: Senator Beyer, do you yield?

SENATOR BEYER: Okay, the present bill that is there, what it has is that the employees of a municipality that are chosen, the attorneys or other people, can acquire the right of way or acquisition of property that is needed in that jurisdiction without going through a real estate broker.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKER: Yes, Mr. President, I would like to ask Senator Beyer a question, also, if he would yield please. Senator Beyer, does this deal just strictly with the City of Omaha or would this allow any class of city to operate under this fashion?

SENATOR BEYER: I believe it would be any one of them, Senator, any municipality or subdivision of state government.

SENATOR VICKERS: Or subdivision of state government. In other words it would allow any subdivision of state government including...

SENATOR BEYER: Political subdivision.

SENATOR VICKERS: In other words if a public power entity wanted to buy some property, then they wouldn't have to go

through a real estate agent, is that what this has done?

SENATOR BEYER: I don't believe so. I wouldn't say for sure but I don't believe in my understanding that it does say that.

SENATOR VICKERS: Why wouldn't it, if it deals with public property or political subdivisions?

SENATOR BEYER: Okay, it says, "Any officer or employee of the state government or any political subdivision thereof performing his or her official duties for real estate tax purposes, or", and this is new language, "or performing his or her official duties relating to the acquisition of any interest in real property when the interest is being acquired for a public purpose;".

SENATOR VICKERS: How does that mean then these political subdivisions or state government when they are acquiring property they don't have to go through a real estate agent, is that basically what that means?

SENATOR BEYER: Yes.

SENATOR VICKERS: They serve as their own real estate agent?

SENATOR BEYER: Which they can do through their own attorney basically.

SENATOR VICKERS: Okay, thank you, Senator Beyer.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Would Senator Beyer yield to a question? Senator Beyer, if your bill is passed, would that mean then that the municipalities or government subdivisions would then not have to pay that 7% or 6% real estate fee, thereby save your counties and cities whatever the fees would amount to when they are dealing in hundreds of thousands or millions of dollars?

SENATOR BEYER: Yes.

SENATOR HIGGINS: Thank you, Senator.

SPEAKER MARVEL: Senator Haberman, then Senator Newell.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to support Senator Beyers in his bill, as the federal government presently has this exemption and it seemed to be

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LB 185, 187

working properly so this would just give the municipalities and the counties and other forms of our government the same authority as the federal government. Thank you.

SPEAKER MARVEL: Senator Newell. The motion before the House is the advancement of LB 185 to E & R for Review. Senator Beyer, do you wish to close or shall we...all those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion is carried. Bill is advanced. The next bill is LB 187.

CLERK: Mr. President, LB 187 was offered by Senator Peter Hoagland. (Read.) The bill was first read on January 14 of this year. It was referred to the Banking Committee. The bill was advanced to General File. I have no amendments pending, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, LB 187 is strictly a housekeeping measure which is designed to take some language out of a major bill that was passed last session. The committee report which is contained in your bill book very adequately explains and clearly explains and accurately explains the need for this bill. It is very simple. It takes out some language that was added on the floor by mistake when this bill was on Select File, when LB 440 was on Select File last session to return the uniform powers of trustees act to the uniform language as originally contained in the bill LB 440 when it was introduced in 1979. I would be pleased to answer any questions anybody might have about it. There really is strictly nothing controversial or difficult about this bill at all.

SENATOR CLARK: The motion is to advance LB 187 to E & R. Senator Higgins.

SENATOR HIGGINS: Senator Hoagland, what type of trustees are you talking about here?

SENATOR HOAGLAND: We are talking about people who are appointed trustees under legal documents, trustees of trusts that are set out to husband resources by lawyers. The reason

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 165, 185, 187

this motion for advancement?

SENATOR REMMERS: I believe that we should advance this bill. The arguments that I heard a while ago in having just one class of school or just one class of child sounds pretty good, but I think we have an unusual situation over in the north part of our state. These children that this particular legislation is being drafted for are in a very unusual situation. We do not have that same situation on the southern boundary where we have a number of Class II districts. A Class II district takes all the children from kindergarten through high school and we would have many more students involved in this type of a situation and their distances are not that great. Remember Class VI has only the high school grades and when we look at the distances that those people have to travel, I think we should have a little sympathy for a few children up in that area. I am sure the number will never be very great, but I do think that they need some special attention and I urge you to vote for this bill.

PRESIDENT: Any further discussion? The motion then is the advance of LB 165 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. The bill, LB 165, is advanced to E & R for Engrossment. The next bill, Mr. Clerk, is 185.

CLERK: There are no E & R amendments to LB 185, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 185 be advanced to E & R for Engrossment.

PRESIDENT: The motion is to advance LB 185 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 185 is advanced to E & R for Engrossment. LB 187. Any E & R, Mr. Clerk? None. Senator Kilgarin.

CLERK: No amendments, I'm sorry.

SENATOR KILGARIN: I move LB 187 be advanced to E & R for Engrossment.

PRESIDENT: Motion to advance LB 187 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 187 is advanced to

February 9, 1981

LB 15, 16, 20, 27, 30, 37,
45, 82, 93, 108, 130,
140, 165, 165A, 178, 185,
187, 238, 244, 260

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Loren Mullins of the Warren United Methodist Church of Lincoln.

LOREN MULLINS: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence.

CLERK: Mr. President, Senators Vard Johnson, Carsten, Cullan and Dworak would like to be excused.

SPEAKER MARVEL: Okay, record. The machine is acting up and somebody will be here to fix it fairly soon. Meanwhile we will call the roll verbally. The Clerk will call the roll.

CLERK: Called the roll. We do have a quorum, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 20 and recommend that same be placed on Select File; LB 165A Select File; LB 178 Select File with amendments; LB 140 Select File; LB 37 Select File; LB 30 Select File; LB 130 Select File; LB 27 Select File; LB 82 Select File and LB 45 Select File, all signed by Senator Kilgarin, Chairperson.

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan to whom was referred LB 260 instructs me to report the same back to the Legislature with the recommendation if be advanced to General with amendments; LB 93 indefinitely postponed and LB 108 indefinitely postponed.

SPEAKER MARVEL: The Legislature will be at ease for the next ten minutes.

EASE

SPEAKER MARVEL: The Legislature will come to order.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 15 and find the same correctly engrossed, 16 correctly engrossed, 165 correctly engrossed, 185 correctly engrossed, 187 correctly engrossed, 238 correctly engrossed, 244 correctly engrossed,

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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,

February 17, 1981

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

February 18, 1981

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.