

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.

February 6, 1981

LB 8, 10, 109, 143,  
188, 234, 336A.

March 9. Your Committee on Constitutional Revision gives notice for February 26 and 27 of hearing. (See page 460 of the Journal.)

New bill, LB 336A, by Senator Koch. (Read title for the first time as found on page 460 of the Journal.)

Mr. President, I have a report of Registered Lobbyists for January 30 through February 5. (See pages 460 and 461 of the Legislative Journal.)

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 188 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 234 to General File. (Signed) Senator Maresh.

Your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 10 reports the same back to the Legislature with the recommendation it be advanced to General File; LB 8 to General File with amendments; and LB 109 to General File with amendments. (Signed) Senator Beutler as Vice Chair. (See pages 461 and 462 of the Legislative Journal.)

SENATOR CLARK: We will now take up LB 143. The Clerk will read.

CLERK: Mr. President, LB 143 was introduced by Senator Chambers. (Read title). The bill was read on January 14. It was referred to the Public Works Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Beutler, do you want to take the committee amendments?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we are now dealing with Senator Chambers' proposal to raise the Interstate speed limit from 55 to 65 miles per hour. Basically, that is the only thing that Senator Chambers' bill did in its original form. The committee...the majority of the committee saw fit to propose three amendments. The first amendment would reduce the increase from 65 to 60. In other words, the proposal then with the committee amendment would be increase the speed limit from 55 to 60 miles an hour instead of 65 as proposed by Senator Chambers. In conjunction with that suggestion, the committee adopted a second amendment which would eliminate the

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LB 188

Okay. Also underneath the south balcony, Mrs. Donna Burson from Gothenburg, Nebraska. She is Tom Vickers sister. Will you raise your hand so we can see where you are? Okay, now what is the next order of business? Are we ready to take up LB 188? Senator Nichol.

CLERK: Mr. President, LB 188 is offered by the Judiciary Committee and signed by its members. (Read title). The bill was read on January 14. It was referred to the Business and Labor Committee. It was advanced to General File, Mr. President.

SPEAKER MARVEL: Do you wish to explain 188?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the only purpose of LB 188 is to increase the compensation of judges of the Commission of Industrial Relations from \$150 a day to \$200 a day. It should be pointed out that this figure applies only to each day's time actually engaged in the performance of the duties of their office. There are five judges on the Commission of Industrial Relations and they average 70 days a year on the bench. If you have any questions, I will attempt to answer them.

SPEAKER MARVEL: Senator Maresh has an amendment. Do you want to read the amendment?

CLERK: Mr. President, Senator Maresh moves to amend the bill...(Read the Maresh amendment as found on page 500 of the Legislative Journal.)

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, I was the only one that voted not to advance this bill. I wanted to have an opportunity to put on the amendment but the bill was greased and as you can see the report shows that it was advanced unanimously except with my "no" vote. I feel that this is too much of an increase, 35 percent. When you hear about the public employees, we are dickering if we should give them 8 percent or 12½ percent, when they read that we gave somebody a 35 percent increase, can you see how they will feel? So I think we should hold this down. If we start this kind of an increase, we are going to see that at all levels of state government and I think that the 20 percent increase would be justifiable but not a 35 percent increase. So I move this amendment be adopted. When we see people like here in the Legislature, people of such quality such as

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LB 188

Vard Johnson, Johnny DeCamp, Peter Hoagland and Chris Beutler dedicating their time for the state, I think these judges they argue that they are attorneys and they should receive compensation that relates to their work, that they could make more on the outside, I am sure these four attorneys we have in the Legislature could make a lot more, and they don't just put in 70 days a year, they put in probably 200 days a year of working for the Legislature for the people of the State of Nebraska. So I feel that we should hold this down. They received an increase in 1979 and I think this is two years later and we shouldn't be giving them another 35 percent increase.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Unicameral, I have a question of Senator Nichol if he will yield, please.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Yes, sir.

SENATOR HABERMAN: Senator Nichol, is this a part-time job or full-time job?

SENATOR NICHOL: Senator Haberman, this is a part-time job that requires 70 working days up to now anyway of their time and they are all attorneys in their own right and have practices of their own.

SPEAKER MARVEL: Senator Landis.

SENATOR HABERMAN: So in essence...

SPEAKER MARVEL: Oh, I am sorry.

SENATOR HABERMAN: That's all right. The members of the Commission are attorneys, correct?

SENATOR NICHOL: At this time.

SENATOR HABERMAN: But they do not have to be, correct?

SENATOR NICHOL: Well, as I understand it, they do not have to be but all of the members that are on it now are members. I have their names and so forth if you would like them.

SENATOR HABERMAN: No, I am sure that they are. What you

are doing then is you are saying to these attorneys that here is a 70 day job, we are going to pay you \$14,000 regardless of what your income is for the rest of the year. Under those conditions, I believe I would have to support Senator Maresh's amendment.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I rise to oppose the Maresh amendment to LB 188. A rate of pay of \$200 a day has to be compared to what additional kinds of officers and hearing officers in this state and other states make. In Iowa where they have a public employment board, they are paid \$250 a day and that has been increased this last fall up from \$200 so that our next neighboring state pays a higher amount than what is being requested in this bill. In the State of Nebraska where you have special education hearing officers, these are people that are appointed for the purpose of hearing a particular case, they are paid \$250 per day, more than the current pay or the projected pay for the Commission of Industrial Relations. Most private labor arbitrators in this state and others charge \$300 a day at the minimum or higher, and they are very common in use not only in Iowa and Kansas and the surrounding central states but throughout the country as well. \$200 a day is probably entry level wages for an attorney in the State of Nebraska who probably charge \$25 to \$40 an hour for their pay. In other words, a law school graduate getting out of law school right now probably would make this amount of money in a day. Now if that is the case, then I think you have to look at the kinds of credentials these people have and the bargain that you are getting, because you are getting a tremendous bargain even at that price. Additionally, the Commission has improved its workload and its efficiency tremendously over the last several years. Several years ago the average case was reported out in 258 days. That was in 1976. 258 days was the average time for the decision of a case. Last year that was reduced to 63 days, and that is an incredible improvement in their efficiency. At the same time last year when they had an increase in their workload from 39 to 64 cases from the preceding year, and even though they published a cumulative index of their work, they turned back to the budget of this state \$2,270. They didn't even spend all of their projected amount of money...faster handling of the cases, a fuller docket being handled more quickly, the publication of the cumulative index and at the same time turning back money from the amount that they were budgeted by the Legislature and the Governor's

budget. At the present time, as I understand it, this coming year they asked that the Governor's budget which the Governor projected for them, be utilized as opposed to any additional legislative examination of their budget because they are willing to live within those guidelines. This Commission has been efficient and could be a prototype, could be an example to other agencies as a model of the kinds of efficient operating that are possible in state government and yet this body wants to hold them at not only what is not a fair rate by other standards in other states but is not a fair rate by what we pay hearing officers in other departments, but also doesn't even measure up to entry level wages for a starting attorney in this state. I think that is certainly unfair. The figure \$200 is by no means unremarkable. It is still a conservative figure given the kinds of work they do with other states in this area. One of the factors involved with the setting of the salary of a judge is that you cannot raise the salary once they are in a term of office. You may raise their salary only once every four years for their term of office and that is why there has to be a relatively large increase percentagewise infrequently, but that is because we don't raise them 8, 10, 12 percent at a time like we do other state employees. So the analogy that Senator Maresh makes simply doesn't hold water. We are not talking about an employee whose wage can be increased every year, but who can only have their increased salary revitalized or added to rather once every four years. With the kinds of progress this Commission has made, the kinds of work they do, we need the most efficient, we need the most qualified people we can get. They have proven up to us. They have shown us the kind of efficiency we would like to have throughout state government and I think we should return in like measure a fair compensation. I support LB 188 as it is written and I oppose the Maresh amendment.

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

SENATOR KAHLE: Mr. Speaker and members, I want to support the Maresh amendment. I think that we are all talking about funds and where they are going to come from and what we are going to do about the increased costs of all state agencies and employees. I too think that 20 percent increase is sufficient. Many, many of our people are working and sacrificing somewhat in a job because they want to do the job and they want to do it well. I think a good example of that is in this very Legislature which

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Senator Maresh mentioned. So I think that from \$150 to \$175 per day is a sufficient raise and I support the Maresh amendment.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would just make a couple of remarks. With the bill the way that it is written, the effective date of the increase with the emergency clause on it would be June 9, 1981 instead of January 23, 1982, and the other is that somebody asked about when they last had a raise and that was in 1979, and it increased from \$120 to \$150 a day.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, \$200 a day is a professional sounding wage and you have less than that and it is not a professional sounding wage. We ask professional people to serve in this position. We want qualified professional people to serve in this category. If this were a position that were judged by the Department of Personnel, you would take into consideration the surrounding states' payment for a like category. When you already have heard that Iowa for a similar position is paying \$250 a day, \$200 sounds like a bargain. Let's not be cheap. We are expecting quality persons to serve, then we must be willing to have compensation which will attract quality persons. The State of Nebraska should have quality persons serving, and we want to continue that category. Do not accept the amendment which is proposed, but rather advance LB 188 to Enrollment and Review without amendment.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Question.

SPEAKER MARVEL: The question before the House is, shall debate cease? Do I see five hands first? Okay. Shall debate cease? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, first I want to apologize to Senator Landis for not

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including him as one of the very brilliant attorneys in this body, and he is brilliant because he served with me on Business and Labor and he advised the committee when we needed advice on the labor problems, and I really want to apologize for not including him as one of these sharp attorneys here. What we are doing, we are increasing...the bill increases the rate to 35 percent. My amendment increases it only by 20 percent. These judges only work 6 hours a day. I think this hasn't been brought out. So the salary at \$200 a day and 6 days.... 6 hours a day, that would be probably \$35 an hour and I think that is pretty good pay. So I hope that you consider my amendment and adopt it. Thank you.

SPEAKER MARVEL: The motion before the House is the Maresh amendment. All those in favor of the Maresh amendment vote aye, opposed vote no. We are voting on the Maresh amendment to LB 188. Have you all voted? Senator Maresh. Have you all voted? Have you all voted? Senator Maresh, what is your pleasure?

SENATOR MARESH: I hesitate to have a Call of the House, but these people are real slow at voting so we may have to. Senator Schmit, you haven't voted yet.

SPEAKER MARVEL: Have you all voted? Senator Maresh.

SENATOR MARESH: Call of the House, please.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed no. Record.

CLERK: 22 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: All members please go to your seats. The unauthorized personnel please leave the floor. Senator Johnson, will you please record your presence? Senator Howard Peterson, will you please record your presence? The Chair will accept call in votes.

CLERK: Senator DeCamp changing from no to yes. Senator Stoney voting yes. Senator Vickers voting no. Senator Stoney, you voted yes, did you not? Okay, thank you. Senator Maresh, do you want a roll call vote?

SENATOR MARESH: How many are absent? How many are missing?

SPEAKER MARVEL: There are four excused.

SENATOR MARESH: Who is short?



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SPEAKER MARVEL: Mr. Sergeant at Arms, Senator Higgins, Senator Newell, Senator Wagner. Senator Higgins, Senator Newell, Senator Wagner. Senator Higgins and Senator Wagner...Senator Newell and Senator Wagner, excuse me. All legislators must be in their seats. We are getting ready for a roll call vote. Did you find them? Senator Maresh, we are down to two and one of them is around the corner, and the other one I am not sure where they are. Do you want to start the roll call vote? Senator Wagner. Pardon? You say, will he vote? I don't know. He is coming. We are down to Senator Newell. Okay, Clerk will call the roll. Do you want to announce, Pat, what we are voting on?

CLERK: Mr. President, we are considering LB 188. Senator Maresh has an amendment to amend the bill...(read the Maresh amendment as found on page 500 of the Journal.) (Read the roll call vote as found on pages 500 and 501 of the Legislative Journal.)

SPEAKER MARVEL: Please keep to your seats until the roll call has been announced.

CLERK: 27 ayes, 16 nays, Mr. President.

SPEAKER MARVEL: The motion is carried.

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

SPEAKER MARVEL: Okay, we need to advance the bill.

CLERK: Yes, sir.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of 188. Senator Nichol, do you want to close? Okay, the Chair recognizes Senator Nichol to close on the bill.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I draw your attention to the emergency clause being on the bill and I would move for its advancement from General File.

SPEAKER MARVEL: The motion is the advancement of LB 188 to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 5 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is

February 17, 1981

LR 16  
LB 24, 109, 110, 114, 143, 188,  
188A, 207, 207A, 234, 234A, 246,  
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labedz and Chronister until....

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

PRESIDENT: 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 Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 13, 1981

LB 207A, 188

SPEAKER MARVEL: All those in favor of that motion say aye, vote aye. Machine vote. All those in favor vote aye, opposed vote no. The motion is the adoption of the Koch amendment to LB 207A. Have you all voted? Do you want the amendment read again? Have you all voted? We are voting on the Koch amendment to LB 207A. Have you all voted? Record the vote.

CLERK: 28 ayes, 7 nays, Mr. President, on the adoption of Senator Koch's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. We are now ready to...all those in favor of advancing 207A to E & R for engrossment say aye. Machine vote requested. All those in favor of advancing the bill vote aye, opposed vote no. We are voting on the advancement of the bill. Have you all voted? The motion is to advance 207A to E & R for engrossment. Record.

CLERK: 25 ayes, 7 nays on the motion to advance the A bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now 188.

CLERK: Yes, sir. Mr. President, there are E & R amendments to LB 188.

SPEAKER MARVEL: Okay, Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 188.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed nay. Motion carried. The amendments are adopted.

CLERK: Mr. President, Senator Hefner now moves to amend the bill: Strike Section 3 on LB 188. Which is the emergency clause, is that right, Senator?

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and colleagues, the motion is to strike Section 3. This removes the emergency clause. My concern is why do we need to get in such a hurry on this, why do we have to pass a bill with the emergency clause on to raise the salaries of judges of the commission. When we give the state employees a raise, we are in no hurry to do this. We, as Senators that serve in the body in order to get a raise would have to...a constitutional amendment would

February 19, 1981

LB 188, 188A

have to be approved and so really there is no hurry for that and so I was thinking about the same thing on this. However, since I proposed this motion, I have been alerted that there will be a judge going off of the commission or his term will be up in June and so if we strike this emergency clause we perhaps will delay him from receiving a raise, or if there is a new appointment, why the new appointment would not be able to receive a raise, and this might present a problem. And so with those remarks, I am asking unanimous consent to withdraw this motion.

SPEAKER MARVEL: The motion is the Hefner amendment to 188. Any further discussion? Do you want to close on your amendment, Senator Hefner?

SENATOR HEFNER: Mr. Speaker, I move that my motion be unanimously withdrawn. I want to withdraw that motion.

SPEAKER MARVEL: Any objection? Okay, so ordered.

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

SPEAKER MARVEL: Senator Nichol, do you want to advance the bill? Okay, I am sorry. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 188 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion carried. Bill is advanced. Now, 188A.

CLERK: Mr. President, on LB 188A, Senator Nichol has an amendment.

SPEAKER MARVEL: Senator Nichol. 188A.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this merely reduces the amount of the fiscal note on 188A since it was amended down at the General Fund and this reduces the amount of money to \$180,000 instead of \$200,000.

SPEAKER MARVEL: The motion is the....

SENATOR NICHOL: Mr. Chairman, I should correct that. It was from \$200 a day down to \$180 a day so that would reduce the fiscal amount of the bill. So I move for the adoption of this amendment.

SPEAKER MARVEL: All those in favor of the Nichol amendment to LB 188A vote aye, opposed vote no. Have you all voted? Record the vote.

LB 14, 18, 20, 27, 28, 29, 30  
37, 41, 42, 43, 45, 46, 81  
110, 121, 125, 130, 140,  
143, 155, 164, 188, 188A,  
207, 207A, 214, 234, 82, 64  
234A

February 20, 1981

SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

May 11, 1981

LB 336, 188

for this appropriation item and at the time the bill was debated on General File I also offered an amendment similar to the one that I had offered in 1979, limiting the amount of funding to a certain time period. Well since the bill advanced from General File, I have received a letter from Dr. Richard Parker who administers the radio Talking Book Program and he asked that I offer this amendment which I concur with. It would provide that the funding would expire June 30, 1984, rather than December 31, 1983, as the bill presently reflects. This then, would coincide with the state's fiscal year and it would provide this program a full year's authorization for fiscal year '83-'84 and it gives them an opportunity to provide greater flexibility in establishing their operating budget. So I think it appears to be a very reasonable amendment and I would urge your adoption. Thank you.

SENATOR CLARK: Is there any discussion on the Stoney amendment? If not, all those in favor vote aye, to return the bill. All those in favor vote aye. All those opposed vote nay. The motion is to return the bill for a specific amendment. Record the vote.

CLERK: 29 ayes, 0 nays on the motion to return the bill, Mr. President.

SENATOR CLARK: The bill is returned. Senator Stoney, do you want to put your amendment...?

SENATOR STONEY: Mr. President, I have explained the amendment. I would ask for its adoption.

SENATOR CLARK: The question before the House is the Stoney amendment to LB 336. All those in favor vote aye. All those opposed vote nay. Record the vote.

CLERK: 28 ayes, 0 nays on adoption of Senator Stoney's amendment.

SENATOR CLARK: The amendment is adopted. Senator Stoney, do you want to readvance the bill? The question is the readvancement of LB 336 to E & R. All those in favor say aye, all those opposed no. The bill is readvanced. The Clerk will read LB 188.

CLERK: (Read LB 188 on Final Reading.)

SENATOR CLARK: The question before the House is shall LB 188 pass with the emergency clause attached, all provisions of law having been complied with. All those in favor vote aye. All those opposed vote nay. Voting aye, Mr. Clerk.

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LB 188, 188A, 207

CLERK: Senator Clark voting aye.

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

CLERK: (Read record vote as found on pages 1911-1912 of the Legislative Journal.) 42 ayes, 2 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: LB 188 is declared passed with the emergency clause attached. The Clerk will now read LB 188A with the emergency clause.

CLERK: (Read LB 188A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay. Voting aye.

CLERK: Senator Clark voting aye.

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

CLERK: (Read record vote as found on pages 1912-1913 of the Legislative Journal.) 36 ayes, 8 nays, 2 excused and not voting, 3 present and not voting.

SENATOR CLARK: LB 188A is declared passed with the emergency clause attached. The Clerk will now read LB 207 with the emergency clause.

CLERK: (Read LB 207 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 207 pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? We are all supposed to be in our seats. Record the vote.

CLERK: (Read record vote as found on pages 1913-1914 of the Legislative Journal.) 29 ayes, 13 nays, Mr. President.

SENATOR CLARK: The bill, having failed to receive a constitutional majority of 33 votes, the question is now shall the bill pass without the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

May 12, 1981

LB 144, 144A, 188, 188A,  
204, 204A, 207, 207A,  
LR 79, 115, 116

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Martin Russert from Grace Luthrean Church in Norfolk, Nebraska, Senator Dick Peterson's district.

PASTOR RUSSERT: Prayer.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence.

CLERK: A quorum present, Mr. President.

PRESIDENT: Are there any corrections to the Journal?

CLERK: I have no corrections Mr. President.

PRESIDENT: The Journal will stand correct as published. How about any messages, reports or announcements?

CLERK: Mr. President, the first item I have is your Committee on Enrollment and Review respectfully reports that they have carefully examined LB 207 and find the same correctly enrolled.

Mr. President, LB 207, 207A, 188, 188A, 144, 144A, 204, 204A are ready for your signature. As well as LR 79, 115 and 116 Mr. President.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and do sign LB 207, 207A, 188, 188A, 144, 144A, 204, 204A, LR 79 and LR 115 as well as LR 116. Anything further Mr. Clerk?

CLERK: I have nothing further Mr. President.

PRESIDENT: We are then ready for agenda item number four but I understand there is a motion on the desk.

CLERK: Mr. President, Senator Warner would move to overrule the Speaker's agenda for May 12 by not reading any bills on final reading but only consider motions to return bills on final reading for specific amendment. That is offered by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. Chairman and members of the Legislatur, I assume that this is up hill but in keeping with what I believe ought to be.....the priority of the Legislature



May 12, 1981

LB 22, 22A, 144, 144A, 157, 157A, 158,  
158A, 168, 168A, 188, 188A, 197, 197A,  
204, 204A, 207, 207A, 243, 245, 245A,  
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 22, 22A, 144,  
LB 144A, 138, 188A,  
LB 207, 207A, 253,  
LB 466, 253A, 376, 548

SENATOR NICHOL: The amendment fails. Mr. Clerk, do you have anything else?

CLERK: I have nothing further, Mr. President.

SENATOR NICHOL: Senator Labedz, would you like to speak to the bill?

SENATOR LABEDZ: Thank you, Mr. President. I move for the advancement of LB 466 to E & R engrossing, and unless there is going to be some debate, I will offer further comments on my closing.

SENATOR NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, just one thing for the record and that is I want to state for the record that I voted against the Marsh amendment, not because I believe that the concept of hospitalization is a bad one, but because we did not have adequate chance to review that amendment thoroughly and sufficiently at this point in time. We may very well sponsor some similar legislation in future years. Thank you.

SENATOR NICHOL: We are now voting on the advancement of LB 466. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 9 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

CLERK: Mr. President, a few items to read in, if I may. I have an appointment letter from the Governor. That will be referred to the Executive Board for reference, Mr. President.

Mr. President, a communication from the Governor addressed to the Clerk. (Read: Re: LB 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253 and 253A. See page 2049, Legislative Journal.)

Mr. President, Senator Maresh would like to print amendments to LB 548 in the Legislative Journal; Senator Dworak to print amendments to LB 376 in the Legislative Journal.

Your committee on Retirement gives notice of hearing on gubernatorial appointments for two, Thursday, May 12 (sic).