

January 15, 1981

LB 193-222

rules which the motion is before the desk.

SPEAKER MARVEL: Any further discussion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? The motion is the Wesely motion. Have you all voted? Record the vote.

CLERK: 25 ayes, 10 nays on adoption of the permanent rules, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Cullan wants to meet with the Public Health and Welfare Committee underneath the south balcony. Is that right, Senator Cullan? What is the next item?

CLERK: Mr. President, I have a series of matters to read in, if I may. First of all, Senator DeCamp offers a proposed rule change which will be submitted to the Rules Committee for their consideration. (See pages 180 and 181 of the Legislative Journal.)

Mr. President, new bills: LB 193 (Title read). LB 194 (Title read). LB 195 (Title read). LB 196 (Title read). LB 197 (Title read). LB 198 (Title read). LB 199 (Title read). LB 200 (Title read). LB 201 (Title read). LB 202 (Title read). LB 203 (Title read). LB 204 (Title read). LB 205 (Title read). LB 206 (Title read). LB 207 (Title read). LB 208 (Title read). LB 209 (Title read). LB 210 (Title read). LB 211 (Title read). LB 212 (Title read). LB 213 (Title read). LB 214 (Title read). LB 215 (Title read). LB 216 (Title read). LB 217 (Title read). LB 218 (Title read). LB 219 (Title read). LB 220 (Title read). LB 221 (Title read). LB 222 (Title read). (See pages 181 through 188 of the Legislative Journal.)

Mr. President, in addition your Committee on Business and Labor gives notice of public hearing for Wednesday, January 28. (See page 189 of the Legislative Journal.)

Mr. President, communication from the Chairman of the Executive Board which will be inserted in the Legislative Journal. (See page 189 of the Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding deferred compensation funds which will be inserted in the Legislative Journal. (See pages 189 through 192 of the Journal.)

SPEAKER MARVEL: May I have the attention of the members of the Legislature for just a second. I think the last few days have been tough on all of us. I think we are all

February 24, 1981

not sure what hearing is provided for in this act, but if there is a legal proceeding provided for, it would seem to me that the perjury provisions that are applicable that are presently in our statute and applicable to someone who puts himself under oath would be equally applicable here. But it seems to me, and I guess I am really repeating in part what Senator Chambers has said, that the bill is extremely broad and overdrawn and a very serious set of amendments should be added to it before it advances any further in this Legislature I would think. Thank you.

SPEAKER MARVEL: Unless there is objections, since it is after twelve, we will stop and everything will be left as it is and then we will take it up the next time we reach General File which will probably be tomorrow. Any objections? Okay, are there any items that the Clerk needs to read into the record?

CLERK: Yes, sir. Mr. President, Senator Hefner would like to print amendments to LB 124 in the Journal. (See page 649 of the Legislative Journal.)

Mr. President, two resolutions. The first is LR 21 offered by Senator Fowler. (Read LR 21 as found on pages 647-648 of the Legislative Journal.) Mr. President, in conjunction with that resolution Senator Fowler asks unanimous consent to have LR 21 referred to Public Works for a public hearing.

SPEAKER MARVEL: No objections, so ordered.

CLERK: Mr. President, yes, sir, new resolution, LR 22, offered by Senators Von Minden, Hefner, Chronister and Wagner. (Read LR 22. See page 650 of the Journal.) That will be laid over, Mr. President.

Mr. President, Senator Schmit would like to have the Ag and Environment Committee meet tomorrow at 8:45 a.m. under the North balcony for purposes of conducting an executive session.

Finally, Mr. President, Public Works Committee whose chairman is Senator Kremer to whom is referred LB 198 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Kremer. (See pages 650-654 of the Journal.)

SPEAKER MARVEL: Senator Wiitala, will you adjourn us until 9:00 a.m., February 25, 1981.

SENATOR WIITALA: Mr. Chairman, I move that we adjourn until 9:00 a.m., February 25.

March 9, 1981

LB 55, 114, 128, 190, 198, 217, 246,
271, 279, 297, 327, 388, 434, 462,
407, 258

fellows walk around lobbying for this bill. They say, we hear you are against our bill, Rex, we are going to...we have some lobbyists working against you. They are sure are. They have been working their heads off this morning. I don't mind standing up here all alone, I have done it before, but I would like to have you fellows stop and think, we are only raising it from 6 to 8. They had a profit, a net profit of forty million in 1979. Thirty percent crosses the state. So I will ask for you to think down the road, raise it the two percent and then we will go from there. Thank you.

SPEAKER MARVEL: Motion is the Haberman amendment to legislative bill 190. All those in favor vote Aye, opposed vote No. Have you all voted? O.K. Record the vote.

CLERK: Eight Ayes. Fifteen Nays, Mr. President.

SPEAKER MARVEL: O.K. The motion lost. Now do you have some items to read in?

CLERK: Yes, sir.

SPEAKER MARVEL: While you are bringing them up, the Chairmen of the various committees have received a note this morning that we will meet tomorrow at 8:30a.m. in Room 2102. We need to start talking about priorities. If you will look at the sheet, you will find that this is the 39th day. Okay.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 55 and find the same correctly engrossed; 114, 128, 217, 246, 279, 388, 434, 462, all correctly engrossed.

Mr. President, your Committee on Government reports LB 407 to General File. (Signed) Senator Kahle). LB 297 indefinitely postponed. Your Banking Committee whose Chairman is Senator DeCamp reports LB 271 to General File with amendments. (Signed) Senator DeCamp. (See page 809 of the Legislative Journal.) Miscellaneous Subjects Committee whose Chairman is Senator Hefner reports LB 258 to General File with amendments. (See pages 809 and 810 of the Legislative Journal.) (Signed) Senator Hefner. Your Banking Committee reports 327 to General File with amendments. (See page 810 of the Legislative Journal.)

Finally, Mr. President, Senator Warner would like to print amendments to LB 198 in the Legislative Journal. (See pages 810 through 815 of the Legislative Journal.)

SPEAKER MARVEL: Senator Peterson, will you adjourn us until 9:00 o'clock tomorrow morning. Howard Peterson.

March 11, 1981

LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

January 7, 1982

LB 176, 169, 198

your request that it be passed over. 176 on General File.

SENATOR NEWELL: Is it....what's happening? It's not being laid over, or what?

PRESIDENT: Well, no, your request to pass over 176 is before us. We just wanted you to...if you want to speak to it.

SENATOR NEWELL: Okay, pass it over. Isn't that automatic? I thought that was automatic that it was passed over.

PRESIDENT: Well, just so we have it in the record that it is passed over, that's all.

SENATOR NEWELL: Oh, yes, I am asking...I put a motion up on the desk, in fact.

PRESIDENT: The point is, Senator Newell, we don't have to vote on it. It is just to make it of record so we have it. Okay, LB 176 is passed over then. LB 169.

CLERK: Mr. President, Senator Hefner had made a motion this morning that LB 169 be withdrawn and pursuant to Rule 5, Section 12, that motion would be required to lay over for at least one day.

PRESIDENT: It will lay over. We are really making progress quickly. We are to the fourth bill on General File, LB 198.

CLERK: Mr. President, 198 was a bill introduced by the Government, Military and Veterans Affairs Committee. (Read title). The bill was read on January 15 of last year. It was referred to the Public Works Committee for public hearing. The Public Works Committee reported the bill to General File. There are committee amendments attached, Mr. President, from the Public Works Committee.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I don't know if Senator Kremer is here or not, and I assume the amendments that they have presented have not been adopted. Is this correct?

CLERK: That's right.

SENATOR KAHLE: I can't explain the amendments but I would move for their adoption.

PRESIDENT: The motion is to adopt the amendments. Any

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LB 198

discussion now? There is Senator Kremer.

SENATOR KAHLE: Senator Kremer is here now. Maybe he would want to add to the comments about the committee amendment. We are talking about the bill just to refresh everybody's mind while we are getting ready here that it has to do with the election of officials that manage the REA districts power companies that we have and it seems that somewhere along the line we got our boundaries mixed up and people that are rate payers in the district are not always allowed to vote in the district for those officers, and this bill would take care of that. It would make the boundaries compatible with the district. I think generally that is what it is. Senator Kremer, do you have any more to add?

PRESIDENT: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I have nothing to add. I noticed just now that according to my report they are technical in nature only and I recommend that they be adopted, or I move they be adopted.

PRESIDENT: Anything further then on the Kahle amendment, the amendment to LB 198? Senator Kahle, anything else? I guess that does it. Yes. Motion then is to adopt the amendments. All those in favor vote aye, opposed nay. This is on LB 198. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT: The motion carries, the amendments are adopted. Senator Kahle.

SENATOR KAHLE: Mr. Chairman, I move then that LB 198 as amended be advanced to E & R Initial.

PRESIDENT: Any further discussion on the motion to advance?

CLERK: Mr. President, that is just to clear up the record, Senator Warner had printed some amendments to LB 86....to the bill in the Journal, but I understand he wishes to withdraw those.

PRESIDENT: Senator Warner. Is Senator Warner here? Here he is. Here comes Senator Warner.

CLERK: You had amendments to this bill, Senator, and we are just going to withdraw. Is that....?

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LB 198, 274

PRESIDENT: The Chair recognizes Senator Warner on the subject of the withdrawal of the amendments.

SENATOR WARNER: Mr. President, I would withdraw it. I have a substitute amendment that I will offer on Select File.

PRESIDENT: All right, the Warner amendments are withdrawn. Thank you, Senator Warner. We will proceed then, Senator Kahle, with the advance. No further discussion so the question before the House is the advance of LB 198 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 198 is advanced to E & R Initial. The next bill is LB 274.

CLERK: Mr. President, LB 274 introduced by the Banking, Commerce and Insurance Committee and signed by its members. (Read title). The bill was read on January 16 of last year, referred to the Banking Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Banking Committee.

PRESIDENT: Committee amendments. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, we are ready to go ahead and I have asked Senator Landis, a member of the committee that has worked somewhat on this bill and has an interest in it, to go ahead and handle the bill.

PRESIDENT: Senator Landis, on the amendments.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, the committee amendments are essentially technical in nature although they affect how the bill is applied, and there are essentially two changes, one adds people to the bill, one deletes people to the bill. Those who are added, and I should say that is premised on their suggestion that they be added to the bill, include people involved with agents and brokers writing life insurance, annuities and variable annuities, agents, brokers and consultants. These people are added to the bill by the committee amendments. Secondly, we changed the term in the exclusion clause which is Section 3, subsection (2), to include credit, accident and health. This is a technical amendment on behalf of the Insurance

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LB 180, 180A, 198, 359,
387, 687, 688, 689

Senator Fowler would like to print amendments to LB 387.
(See page 142 of the Journal.)

Senator Warner would like to print amendments to LB 198.
Senator Landis to 180 and 180A. (See page 143 of the Journal).

Mr. President, two new bills. LB 687 offered by Senators Haberman, Nichol, Kahle and VonMinden. (Read title). LB 688 offered by Senators Fowler, Landis and Wesely. (Read title). LB 689 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title). (See page 144 of the Legislative Journal).

SPEAKER MARVEL: Next take up LB 359.

CLERK: Mr. President, LB 359 was a bill introduced by Senator Newell. (Read title). The bill was introduced on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I am not sure how to proceed procedurally and would ask the opinion of the Chair. There is before the Clerk a substitute amendment which would, in effect, gut all of 359, at least as it is written, and rewrites much of the same provisions placing all responsibility for elections rather than with the SID as it is now currently with the Election Commissioner. Much of what was to be accomplished by the committee amendments and the terms of LB 359 would be accomplished under this substitute amendment but ultimate responsibility would be shifted, and I think since that is what the introducers want to approach now, I would ask that we not handle the committee amendments at this time but proceed to the substitute amendment and since that is in effect the LB 259 incarnation that the introducers want to talk about perhaps we should pass over the committee amendments at this time.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, I was going to suggest to Senator Landis that perhaps since they have changed the bill considerably they might wish to take it back for another hearing. I notice it changes it substantially, whatever that means and I wonder if you would consider that,

January 18, 1982

LB 32, 198, 215, 264, 274, 274A,
347, 413, 431, 465, 664, 848-851

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. Senator Fenger, do you want to hit the button so we can get started? Thank you. Now we will start. Record the presence.

CLERK: There is a 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 committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 198 and recommend that same be placed on Select File with amendments; LB 274 Select File with amendments; LB 274A Select File with amendments; LB 413 Select File; LB 32 Select File with amendments; LB 215 Select File with amendments; LB 347 Select File with amendments; LB 465 Select File with amendments; LB 264 Select File with amendments; LB 431 Select File with amendments. Those are all signed by Senator Kilgarin, Chair. (See pages 311 through 316 of the Legislative Journal).

Mr. President, I have a Reference Report referring LB 839 through 847. (See page 316 of the Journal).

Mr. President, communication from the Governor addressed to the Clerk. The Governor has signed LB 664.

PRESIDENT: Ready then for agenda item #4, introduction of new bills, Mr. Clerk. Are there any bills to introduce?

CLERK: Yes, sir, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, new bills. LB 848 offered by the Public Works Committee and signed by its members. (Read title). LB 849 offered by the Public Works Committee and signed by its members. (Read title). LB 850 by the Public Works Committee and signed by its members. (Read title). LB 851 offered by the Public Works Committee and

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LB 274, 606, 829, 198

whose Chairman is Senator Cullan, reports LB 606 to General File and LB 829 to General File, both signed by Senator Cullan as Chair.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker.....

SPEAKER MARVEL: 198.

SENATOR KAHLE: Senator Warner had indicated the other day that he had an amendment for 198, and his office called this morning, he is not here, of course, today, and he wants to rewrite that amendment, so I ask that we pass over 198 for the present time.

SPEAKER MARVEL: Any objections? This goes to the passover file. Okay, next, LB 274.

CLERK: Mr. President, there are E & R amendments on 274.

SPEAKER MARVEL: We are adopting E & R amendments to 274. The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 274 be adopted.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I now have an amendment offered by Senator Sieck that is found on page 392 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I do have an amendment here but Senator Remmers also has an amendment on the same subject and I feel his amendment covers the issue better than the one that I submitted, so I will ask that mine be withdrawn and that we consider Senator Remmers' amendment.

SPEAKER MARVEL: Okay, hearing no objections, so ordered. The amendment is withdrawn.

CLERK: Mr. President, Senator Remmers would now move

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LB 347, 198, 454, 592,
239, 618

want to withdraw yours? All right. Senator Chambers, do you withdraw yours? All right. Those two are withdrawn and we are back to the original amendment as amended. Is there anyone that wants to talk?

SENATOR L. JOHNSON: Mr. President, on behalf of Senator Sieck and myself we would withdraw our amendment at this time.

SENATOR CLARK: Is there any objection to Senator Johnson withdrawing the amendment as amended? If not, so ordered. Now we are back to the original bill. Do you have any further amendments on the original bill?

CLERK: I have nothing further, Mr. President.

SENATOR CLARK: Senator Kilgarin, do you want to move 347? Maybe we will get one bill off of here before noon.

SENATOR KILGARIN: I move to advance LB 347.

SENATOR CLARK: You all heard that. All those in favor say aye, opposed nay. The bill is advanced. Senator Johnson, would you like to adjourn us until tomorrow morning at nine o'clock after the Clerk reads in.

CLERK: Mr. President, committee on Revenue gives notice of hearing for February 1, 2, and 3.

Senator Warner would like to print amendments to LB 198; Senator Carsten and Warner would like to print amendments to LB 454; Senator Lamb to print amendments to LB 592; Senator Vickers would like to print amendments to LB 239; and Senator DeCamp would like to print amendments to LB 618.

That is all that I have, Mr. President.

SENATOR CLARK: Senator Johnson.

SENATOR L. JOHNSON: Mr. President, I move that the body stand adjourned until 9:00 a.m. tomorrow morning.

SENATOR CLARK: You heard the motion, all those in favor say aye, opposed nay. We are adjourned until tomorrow morning at nine o'clock.

Edited by:

Marilyn Zank
Marilyn Zank

January 29, 1982

LB 198, 263, 353, 370

have an amendment on 305. Pat, why don't we pass over that one and we will go down to the others and we will come back to that one and the amendment. Let's go to LB 263.

CLERK: There are E & R to 263.

SENATOR KILGARIN: I move the E & R amendments to LB 263.

SENATOR CLARK: What did you say?

SENATOR KILGARIN: I move the E & R amendments to LB 263.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 263.

SENATOR CLARK: The motion is to advance LB 263. All those in favor say aye, opposed. The bill is advanced. LB 370.

SENATOR KILGARIN: I move the E & R amendments to LB 370.

SENATOR CLARK: The E & R amendments to be adopted. All those in favor say aye, opposed. The E & R amendments are adopted.

SENATOR KILGARIN: I move we advance LB 370.

SENATOR CLARK: The motion is to advance 370. All those in favor say aye, opposed. The bill is advanced. LB 353.

SENATOR KILGARIN: I move we advance LB 353.

SENATOR CLARK: The motion is to advance LB 353. All those in favor say aye, opposed. The bill is advanced. We will now go back to LB 198.

CLERK: Mr. President, with respect to LB 198, I have first of all E & R amendments to the bill, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 198.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. The next amendment.

CLERK: Mr. President, the next amendment I have is offered

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LB 198

by Senator Warner. It is found on page 143 of the Legislative Journal, Senator.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I withdraw that and I have a substitute one, I believe.

SENATOR CLARK: You withdraw that one and use a substitute amendment?

SENATOR WARNER: Yes, they are virtually the same though.

CLERK: Mr. President, Senator Warner's second amendment is on page 441 in the Journal.

SENATOR CLARK: Senator Warner.

CLERK: Okay, Senator, I don't think that is the one. There was one on 441 but that is not the one you gave me this morning.

SENATOR WARNER: Yes, I withdraw that one.

CLERK: Withdraw that one, too. Okay. In that case, Mr. President, Senator Warner would move to amend. It is Request #2588.

SENATOR WARNER: There we go. Essentially we are dealing with a similar thing, the bill and the amendment was dealing with the ability of the people to vote on, generally whose residence was on the fringe area of a service area of a power district, and the problem has been for some years there were a few people who were not eligible to vote the way the system was. What the amendment proposes, and as far as I know is acceptable to power districts, a number of Senators who had a similar problems as my district, I believe it is acceptable, and what it would require is that the power district would certify to the appropriate election officials, the county clerk or the election commissioner, those people who were served by that power district outside of their charter area so that for election purposes these people could both run for a board as well as vote on the election of the board. The process that the amendment requires is that the power district would by mail notify those people who they believe to be in those service areas and are customers that they needed to by return mail certify their desire to file, to vote and then the power district would submit that list to the appropriate election officials, so when those individuals came into vote,

they would receive the appropriate ballot. Now the reason for the mail going back and forth, there are instances, not in my district but further out in the state, where there may be temporary residences that are served but do not live there full time, full year around registered perhaps somewhere else but the electricity is on the year around. In order to not have duplication or simplify some indication from the individual being served by the power district should be made as well as the power district having the responsibility. So what the amendment does, it will clear up an area that has existed for some years. It will provide a method for all people served by a particular power district to vote on the election of those individuals, that is if it is a power district, this does not affect municipal systems. Also it affects NPPD. The amendment also has the emergency clause so that for REA Districts they will be able to vote this year, individuals will be able to vote for primary this year, but the emergency clause will not affect NPPD in their election. They are subject to the same provisions but it would not take effect until the general election in that case, and again, it is because of a time element that would have to be completed and there would not be time to notify that many people that their time frame requires but it will correct the problem that has existed for a great many years and I think will provide everyone an opportunity to vote that is being served by a power district where now some of them have not been able to.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I might ask Senator Warner a question just for clarification. I believe it also states that they are part of the district as far as being able to run for director. I don't believe you mentioned that. I think this is an excellent idea. I don't believe any of us want to deny people the right to vote for the people that govern them, either in a Legislature, in a power district, or what have you, and sometimes we have had some hard feelings over this so I think this is a good amendment and it will be a good bill and will help the situation over the State of Nebraska. So I support the amendment.

SENATOR WARNER: I need to make one (interruption).

SENATOR KAHLE: Senator Warner wants to make another statement.

SENATOR WARNER: If I could, I think I stated NPPD would not be affected in the primary. They would not be affected this

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LB 198

whole election year because they do have people running in the primary and other areas do not have the similar situations. But anyway it straightens that one out for the next election.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, I wonder if Senator Warner would respond to a question please.

SENATOR CLARK: Senator Warner.

SENATOR VICKERS: Senator Warner, I apologize. I wasn't listening. I was working on some other things when Senator Kahle asked me a question and maybe you already answered this. You are attempting to add the emergency clause you said with your amendment...well, maybe first I should ask you, is your amendment printed in the Journal that we are discussing right now?

SENATOR WARNER: In substance it is...

SENATOR VICKERS: It is somewhat different than the one on page (interruption).

SENATOR WARNER: ...on page, what, 441. The significant difference dealt with how the mailing notice was handled. Senator Wagner and I think maybe...had expressed the concern because it was all required billings to be sent first class mail and the effect of it would have been, and this was altered slightly because some power districts, I understand, may use bulk mailing at some point. They would still have to use first class to notify about the voter but they wouldn't be compelled to send billings first class should they change.

SENATOR VICKERS: Okay, but I guess the question I was wondering, you mentioned the emergency clause in order to help those rural districts in the primary this year, but with the requirements in the amendment as I read it in the Journal, they have to have the notices mailed sixty days in advance. Is that going to cause a problem?

SENATOR WARNER: Yes, there is in that NPPD is the only one that I understand that is affected by the primary and they could not meet that sixty day notice.

SENATOR VICKERS: So you took the sixty days out?

SENATOR WARNER: No, it is in there but I understood the REAs didn't have that same problem.

SENATOR VICKERS: In other words, the section of the statutes that refers to that sixty days applies only to NPPD, is that correct?

SENATOR WARNER: Yes. The specific answer is that NPPD must certify by February 1, the other power districts are July 1 and that is why they couldn't possibly meet...the sixty days is still in there but it is impossible for NPPD to certify by February 1 where the power districts can certify. The other districts would have ample time.

SENATOR VICKERS: In other words, not for the primary though.

SENATOR WARNER: Not for the primary.

SENATOR VICKERS: Oh, I thought you said for the primary in your opening remarks. That is the reason I was asking the questions about the sixty days. Now the directors...

SENATOR WARNER: I understand they don't have primaries.

SENATOR VICKERS: Okay, yes, I didn't think the directors did either, at least in my district, but another question, I was wondering will this address the situation where an individual right now is getting ballots from another district that doesn't serve them, and if they file these notices, they will get the ballot for the district that does serve them, will they also get to vote on the other district's directors at the same time? Will they wind up voting on two different boards of directors?

SENATOR WARNER: Apparently they could vote on two.

SENATOR VICKERS: Is there a way to your knowledge that this could be amended so that they would only vote for those boards of directors that actually serve them, that they ought to vote on?

SENATOR WARNER: I won't say there isn't. As much trouble as there was to arrive at this one, I don't know.

SENATOR VICKERS: Okay. Well, maybe we can look at it between now and Final Reading. Thank you, Senator Warner. I support the Warner amendment. I think Senator Warner... and I support the bill...the intentions of this bill is very noble. As a matter of fact I think I am the one that suggested to the Government Committee that they introduce such a bill. So I am in full support of what Senator Warner is attempting to do and the intentions of LB 198.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I had a concern about the Warner amendment that was passed around here a day or so ago and this related to any of the mailings, particularly bulk mailings might have this notice in there. So working with Senator Warner, this has been cleared up and essentially what it says is that any mailing that has this election notice in there will be sent first class mail so I think it is a must and I think the amendment takes care of it and I certainly support the amendment.

SENATOR CLARK: Senator Warner, do you wish to close? No closing. The question before the House is the adoption of the Warner amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, and 1 almost aye, Mr. President, on the motion to adopt Senator Warner's amendment.

SENATOR CLARK: We will call that 26½. The amendment is adopted. Is there any further amendments?

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

SENATOR CLARK: Senator Kilgarin, do you want to move the bill? Senator Kilgarin, do you want to move the bill?

SENATOR KILGARIN: I move we advance LB 198.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 592.

CLERK: Mr. President, there are no E & R amendments. Senator Lamb had an amendment on 251 I understand he wishes to withdraw.

SENATOR CLARK: They are withdrawn.

CLERK: Did you want to withdraw that one on 592, Senator, or on 251, that amendment that you had had printed? Senator Lamb.

SENATOR LAMB: Mr. President, members, I do have an amendment to LB 592 which merely strikes the statutes which deal with

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,
263, 264, 270, 309, 347, 370, 403,
418, 423, 431, 448, 449, 490, 492,
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

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

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

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LR 220

LB 69, 192, 198, 423, 590

SENATOR MARSH: (Mike not activated).....purposes of reconsideration.

CLERK: 20 ayes.....I'm sorry, Senator, you are changing, is that right? I'm sorry. Okay, Senator Marsh changing from yes to not voting for purposes of reconsideration. 19 ayes, 26 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got a couple items on the desk and then we will go back to Final Reading.

CLERK: Mr. President, communication from the Governor addressed to the Clerk. (Read communication with regard to LB 423 as found on page 652 of the Legislative Journal).

Senator Kilgarin would like to print amendments to LB 590 in the Legislative Journal. (See pages 652 and 653 of the Journal).

I have a report of registered lobbyists for the week of February 5 through February 10. (See page 653 of the Journal).

New resolution, LR 220, offered by Senators DeCamp, Wagner, Hefner, Chronister and VonMinden. (Read LR 220 as found on pages 653 and 654 of the Journal). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Before we continue, in the north balcony it is my privilege to introduce from Senator Marsh's District 18 Fifth and Sixth Graders from Beattie School, Lincoln. Ann Jablonski is the teacher. Would you let us see where you are? Up here. Welcome to the Unicameral. Next on Final Reading LB 192. The Clerk will read.

CLERK: (Read LB 192 on Final Reading).

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

CLERK: (Read the record vote as found on pages 654 and 655 of the Legislative Journal). 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 198.

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LB 198, 231, 239, 263

ASSISTANT CLERK: (Read LB 198 on Final Reading).

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

ASSISTANT CLERK: (Read the record vote as found on page 655 of the Legislative Journal). The vote is 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading with emergency clause attached. The next bill is LB 231. The Clerk will read.

ASSISTANT CLERK: (Read LB 231 on Final Reading).

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with emergency clause attached? Those in favor vote aye, opposed vote no. Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 656 of the Legislative Journal). The vote is 47 ayes, 0 nays, 1 present and not voting and 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 239 on Final Reading.

ASSISTANT CLERK: (Read LB 239 on Final Reading).

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

ASSISTANT CLERK: (Read the record vote as found on page 657 of the Legislative Journal). The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 263.

CLERK: (Read LB 263 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass?

February 16, 1982

LB 192, 198, 231, 239,
263, 370, 448, 450,
465, 511, 592

Mr. President, Senator Barrett would like to have an executive session of the Business and Labor Committee tomorrow at ten-thirty, is that right, Senator, ten-thirty in the West Lounge. That is tomorrow morning, Business and Labor Committee.

Mr. President, Senator Duda asks unanimous consent to be excused all day February 17.

Mr. President, I have Legislative Bills passed on Final Reading 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 592, 511, 448, 370, 263, 239, 231, 198, 192, 450 and LB 465. We have one more guest that we would like to introduce. I believe he is under the North balcony, here as a guest of Senator Kremer, Mr. John Harris from Aurora. He has filed for the Legislature from the 34th District. Would Mr. Harris stand up and be recognized. Welcome to your Unicameral, Mr. Harris. And now the Chair recognizes the Honorable Senator Nichol from Scottsbluff, Nebraska.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I want you to know that western Nebraska is still in great shape. Since it is Valentines Day just past and you need a little sweetening up, I heard a few remarks while out west over the weekend and so I thought I would sweeten you up a little today. There is some sugar from the Great Western Sugar Company up in front of the podium and I would ask that you would please take a bag for yourself. I would like to take the credit for buying this but I didn't buy it. It was given to me to give to you, and in spite of what Senator Dick Peterson says, why it is still a good food to eat and if he wants equal time that is fine but I thought I would return good for evil and bring you a little sugar this morning. Thank you.

PRESIDENT: Thank you, Senator Nichol. Did Senator Richard Peterson have something to add or another point? Senator Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker, fellow colleagues, I would encourage my fellow colleagues to hands off all the sugar that is up there and you know the dentist and that are saying...I don't know, maybe Senator Nichol is being paid off by the dentist because you know this is bad for your teeth, so for gosh sakes go to honey.

LR 211, 224
LB 131, 192, 198, 211, 224, 231,
239, 263, 270, 274, 274A, 287,
314, 402, 440, 448, 450, 454,
465, 511, 547, 589, 592, 634,
646, 649, 669A, 672, 827

February 22, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page