

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

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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

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LB 83, 217

SENATOR V. JOHNSON: Okay, I just wanted to make sure I understood it. Thank you.

SENATOR STONEY: Thank you, Senator Johnson.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I don't want to waste the body's time because I don't think that this is a very controversial proposal. I simply want to compliment Senator Stoney on his presentation and on bringing this issue to the Legislature. I think he has done an outstanding job of addressing one of the more serious crimes or potential crimes in the State of Nebraska and I rise to support his concept and express my appreciation for the very excellent work that he has invested in this effort.

SPEAKER MARVEL: The motion is the advancement of LB 83 as amended. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now we go to LB 217.

CLERK: Mr. President, LB 217 was introduced by Senator Merle Von Minden. (Title read.) The bill was read on January 15. It was referred to the Miscellaneous Subjects Committee. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Von Minden.

SENATOR VON MINDEN: Mr. Speaker, members of the body, I introduced 217 so that you may have liquor on election day, not that you have to. I knew when I introduced this bill that there would be some people as soon as you mention the word "liquor", they cock their heads and say, "I am against it". If you will hear me out, I will try to explain to you why it is causing a harm to some of our businesses. Over a hundred years ago, in fact 1869, our lawmakers said that we shall not have liquor on election day, and for perhaps seventy-five or eighty years, that was a good bill. At that time, Senators, you could...you did vote in bars and saloons because perhaps there wasn't enough suitable places to vote. The saloons were probably the only place that had a floor in the building and I imagine at that time maybe some swaggering Senator like Senator DeCamp, I am looking, that

could walk up to the bar and slam his fist down and says, "Give everybody a round of drinks", and you might buy a vote but that today is outdated. We now vote in school houses, clubrooms, fire halls and other suitable public places. The reason that I introduced the bill is the harm that it causes to eating establishments in places like where I live, in my district in South Sioux City, Nebraska. One of my businesses up there on election day had gross receipts of \$3200. The very next Tuesday, he had gross receipts of \$10,700, not all on account of the liquor. I think perhaps the federal government with the IRS stating that we can wine and dine clients throughout Nebraska has brought on some of this. It is not uncommon for a businessman to take a client out and wine and dine him at a fancy high-priced eating place. So in Nebraska in South Sioux City, if the Caterpillar Company is taking a bunch of clients out for dinner that night and it is on election day and one man says "I am used to a cocktail with my dinner", where do we take these people? We take them over to Iowa. Senators, Iowa, South Dakota and Wyoming, they let people have a cocktail on election day. Nebraska does not. So we are taking business out of Nebraska over to Iowa and South Dakota and Wyoming. It is causing harm to our better eating establishments, such places as the steak houses which I am referring to. Just for instance, a year from now in May if this body was in session and election day came up and this body here was stationed in South Sioux City, Nebraska, and for instance, the new car dealers had taken all the Senators and their spouses out for dinner and maybe twenty-five to thirty of the car dealers and their wives, that would be approximately one hundred and fifty to two hundred people, and one of the Senators says, "Well, let's go into Sioux City, Iowa because I am used to a cocktail with my dinner". Where does the one hundred and fifty to two hundred people go? They go into Sioux City, Iowa so we are losing the revenue from that. Another good reason, Senators, in 1977, Senator DeCamp introduced a bill here abolishing liquor off on special election days, and as of now, and that went over in this body 32 to 12, as of now I have no letters from any election commissioner stating to me that they have had any drunks come to the polls, and beings you have to register now and you have to register in your precinct and you have to sign your name when you come to the polls, I can't see where it is going to interfere with election. The harm is to our eating establishments so, Senators, I wish we would advance this bill on to E & R.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I rise

to support this bill. I think that Senator Von Minden has brought this body a good bill. At the present time we allow the serving of alcoholic beverages on special elections so why not have it on the primary and the general election days. And this does not take away the local control. If the village or city still does not want to see alcoholic beverages served on election day, why they can pass an ordinance to this effect. So we are not taking away the local control. We are leaving that to the local citizens. This bill would also help some of the small retail establishments that we have that have eating places and do serve alcoholic beverages so I think we need to consider that. A lot of these businesses are having a rough time of it and this would just be another way that we could help them keep their head above water. I think Senator Von Minden said that we used to vote in saloons and bars and this is true and so I don't believe that this is occurring too much anymore and so, therefore, I would certainly urge your support in advancing this bill to E & R Initial.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am not a person who usually is bound by traditions and I don't develop a lot of sentiment for them but this tradition of having election day free of the influences of publicly sold alcohol has kind of caught my fancy and held my interest for a number of years, as a matter of fact, ever since I have been old enough to vote. To tell you how long ago that was for the youngsters who might be here, I had to be twenty-one which was a considerable number of years ago anyway before I was eligible to vote. And when I did register former Governor Tiemann wrote me a personal letter thanking me and congratulating me for taking this active participatory role in electoral politics, and from that day to this one, one of the things I have liked about election day is that it is one of those days when alcohol is not sold. I don't really think that a tradition like this which had a legitimate reason for its existence and can still be justified ought to be so easily scrapped. Senator Von Minden told me before he offered the bill or before it came to General File for discussion that he had not been asked to do this by the liquor industry so I would not bring that argument up but I will say this, the liquor industry, I am certain, has no objection to it. They would not be so crass, brazen and blatant as to have somebody offer a bill like this on their behalf but I am

sure they are all sitting in their stills just waiting with bated breath to see if this bill will slide through the Legislature without any discussion or being sidetracked. I doubt that not allowing the sale of alcohol, Senator Von Minden, on election day will break any establishment, whether it is an eating establishment or a tavern, bar or other joint. If you have a friend who wants to take you to dinner, then carry your own flask if you have just got to drink while you eat, but it seems to me that it should be possible for us to exercise enough self-control and restraint to go through one day of meals without having to consume alcohol. So for these reasons and others that are far more weighty than anything I have said thus far, I will not support this bill.

SENATOR CLARK: I would like to introduce to the Legislature guests of Senator Vickers, Mr. and Mrs. Kent Davis. They are from Farnam, Nebraska. They are up in the South balcony. Will you stand and be recognized please? Also guests of Senator Hoagland, Betsy Freeland and Terry Tegeder. Will you stand and be recognized? Thank you and "Welcome to the Legislature". Senator Fowler has 25 students, Merle Beattie School, Lincoln, Nebraska. Ann Kubr is the teacher, in the North balcony, will you stand and be recognized? Thank you and "Welcome to the Legislature". The next speaker is Jonathan DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I strongly support Senator Von Minden in his proposal. In a very real way what this proposal is is a completion of a test and the admission that indeed conditions have changed. A hundred years of election laws, election procedures developed, social change, have made it completely unnecessary to have prohibitions on the books such as we have now with respect to being allowed to take a nip of the brew on election day. A few years ago as he stated, I sponsored a bill that made it so that only on statewide elections days would this prohibition be in effect. It used to be that on any little election, any little election, in this area or that area, you were closing down everything and we repealed it. We changed the system and, sure enough, the elections are going just fine. We have no problems. Not one has been reported anywhere. There have been some people elected that I didn't agree with, but other than that, so I would urge you to support the proposal. I think it is only good common sense and it is an indication as so many Americans and Nebraskans have indicated, let government get out of our lives for awhile. Quit telling us how to live our moral lives, our social lives, our everything. Let us make that decision. And that is all we are doing with the legislation. We are getting government out of people's lives a little bit.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I think a great deal has been said on this already and I certainly do support Senator Von Minden on his bill here. He talks about in 1869 this law was put on the books. That was about...just a little plug...but that was a few years before we had Fort Hartsuff construction in our area. I think it is a good bill and I think it is time to change and, therefore, I support him on it.

SENATOR CLARK: Senator Newell. Senator David Newell.

SENATOR NEWELL: Yes, I am trying to decide whether we are going to call the question or not and Senator Higgins wants a few moments of my time. So let me just make a couple brief remarks and then let Senator Higgins talk. First of all, we had interim hearings on this issue this summer and most everyone was in favor. I don't think there was any opposition at those interim hearings to doing away with the prohibition on election day. Second of all, the Election Commissioner has had numerous calls and problems and he has brought this to my attention saying that the traffic to Council Bluffs is very heavy come about five o'clock and it does detract greatly from the turnout that we might have in certain areas. There has been a lot of concern in terms of the restaurateurs, et cetera. I think this is a good bill. I support it and, Senator Higgins, if you would like to have some of my time so that the very next person if they wanted to call the question, they could. Senator Higgins, you may have my time.

SENATOR HIGGINS: Thank you, Senator Newell. I just want to commend Senator Chambers for his lack of experience in restaurants that serve alcoholic beverages and particularly in your neighborhood bars. Anybody who has ever been to a cocktail lounge in Omaha, where I think we have more than any other city in the state, can tell you that Monday and Tuesdays, you could drop a pin in most of them and hear it because the business is so slow. So I don't think by lifting this just on election day is going to affect the bars or the liquor industry one iota and I rather imagine that is why the liquor industry is not here to oppose it or be for it because it isn't going to make hardly any difference in their receipts. Thank you, and I don't know if it is proper. I just return the time back to Senator Newell.

SENATOR CLARK: Senator Vickers is the last one we have to

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LB 217

speak. Senator Vickers.

SENATOR VICKERS: Mr. President and members, I wonder if Senator Von Minden would respond to a question please.

SENATOR VON MINDEN: Yes, Senator Vickers.

SENATOR VICKERS: Senator Von Minden, is it correct that the alcoholic...serving of alcoholic beverages is prohibited only until after the polls are closed? Is that correct?

SENATOR VON MINDEN: Yes, that is correct, Senator Vickers.

SENATOR VICKERS: Then these establishments would be able to, that you were referring to earlier, would be able to serve the cocktails and so forth with dinner if this businessman chose to take his client after eight o'clock then, is that correct?

SENATOR VON MINDEN: That is correct.

SENATOR VICKERS: Undoubtedly that probably happens quite a little then, too, doesn't it?

SENATOR VON MINDEN: But, Senator Vickers, I think I would be correct in saying that all your lunching and your nice eating places, I would say from fifty to seventy-five percent of the people are taken out by clients so you would lose the noon luncheon and then I don't think you would want to take a client out to dinner starting at eight o'clock. I believe you would want to take him at six.

SENATOR VICKERS: Okay, thank you, Senator Von Minden. Quite a few of the people take us out here a little bit later than six o'clock, however, but it seems to me that the point made by Senator Higgins might be applicable here also, that if Monday and Tuesday is such a quiet day that you could hear a pin drop in these establishments anyway, then what difference does it make whether we lift it or not. It would indicate to me that there is not a big problem and I would remind this body of the things that we have talked about many times, if it is not broken, why try to fix it. So I have a little hesitancy about allowing this procedure. Thank you very much, Mr. President.

SENATOR CLARK: The motion before the House is the advancement of the bill. Senator Schmit, do you want to talk on the bill, on the advancement of the bill?

SENATOR SCHMIT: I just support the bill, Senator Clark. That is all I have to say. Thank you.



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LB 217

SENATOR CLARK: The motion before the House is the advancement of 217 to E & R. Senator Von Minden, do you want to close?

SENATOR VON MINDEN: Yes, I would like to close. In answer to Senator Chambers, he would like to have two days when liquor is not being sold. That would be correct but I don't think he can say liquor is not being used. If you are a person, you do want to use the alcohol, you are going to buy it the day ahead of time. And in answer to Senator Chambers again, he says if you have to have a drink, take it with you. That is not the people I am concerned about, the people who have a drink. The people I am concerned about is my eating places on my side of the river that is just a stone's throw from Iowa. I think I stated to you that I had one eating establishment that had gross receipts of \$3,000 plus on election day and the very next Tuesday, \$10,700. That is the harm that I am trying to fix that is broken. So I urge you to advance this bill to E & R.

SENATOR CLARK: The motion before the House is the advancement of 217 to E & R. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting no. Senator Clark voting aye, excuse me.

SENATOR CLARK: Have you all voted? Have you all voted? Senator Von Minden, what do you want to do?

SENATOR VON MINDEN: I would like to have a House Call...a roll call...I mean a Call of the House.

SENATOR CLARK: You want a Call of the House.

SENATOR VON MINDEN: I am learning, Senator Chambers.

SENATOR CLARK: The question before the body is should the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 17 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Will the Senators please check in? All Senators please check in. Do you want to authorize call ins?

CLERK: Senator Goodrich voting yes.

SENATOR CLARK: The Clerk is authorized to take call in votes.

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LB 217, 457

We only have thirty people checked in. If you are here, will you push your button please. Senator Chambers, will you push your button? Senator Schmit.

CLERK: Senator Vard Johnson voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 17 nays, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up 457. The Call is raised.

CLERK: Mr. President, 457 is a bill introduced by Senators Fitzgerald and Hefner. (Read title.) The bill was read on January 20. It was referred to the Miscellaneous Subjects. It was advanced to General File. There are no amendments on the bill, Mr. President.

SENATOR CLARK: Senator Hefner, do you want to take the bill or Senator Fitzgerald? Senator Fitzgerald, do you want to take the bill? 457.

SENATOR FITZGERALD: Mr. Speaker, this bill puts the Chairman of the Appropriations Committee on the Highway Advisory Committee. This is what it does because we have this new formula now on gasoline tax on the percentage and it is a necessity he is over there on the committee now.

SENATOR CLARK: Is that all you have?

SENATOR FITZGERALD: Yes.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. Chairman, members of the body, I would just like to explain the bill a little bit more. We feel that it is necessary for the Appropriation Committee chairman to be on this committee because we are involving a lot of dollars. We are involving a lot of tax dollars and I think it is very important that the Chairman of the Appropriation Committee be added to this. In previous years we have consulted with him and invited him to some of the meetings of the Highway Transportation Advisory Committee but this way he would be appointed to this committee, and so, therefore, I think it is real good that we pass this bill or advance this bill so that he will be a member of this committee. At the present time we also have the chairman of the Revenue Committee on this committee, also the chairman of the Public Works Committee, and so I think it is just real good business to add the chairman of the

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LB 5, 55, 76, 83, 128,  
136, 144, 150, 217, 279,  
354, 379, 457, 462

CLERK: Mr. President, Senator Kahle voting aye, Senator Wiitala voting aye, Senator Barrett voting aye.

SPEAKER MARVEL: Senator Goodrich, would you record your presence.

CLERK: Senator Vard Johnson voting aye.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 13 nays on adoption of Senator DeCamp's amendment to the Beutler amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Do we have other amendments? Senator Beutler.

SENATOR BEUTLER: (Mike not turned on.) ...now, I would move the amendment be adopted.

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

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

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is the advancement of the bill to E & R for engrossment. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Record.

CLERK: 27 ayes, 13 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion carried. The bill is advanced. Items on the Clerk's desk before we go to the next bill. I would suggest to you that in ten or fifteen minutes we will move into General File as per the agenda.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 144 and recommend that same be placed on Select File with amendments; 354 Select File; 55 Select File 76 Select File with amendments; 83 Select File with amendments; 217 Select File; 457 Select File; 136 Select File; 128 Select File; 462 Select File with amendments; 279 Select File and LB 5 Select File with amendments. (Signed) Senator Kilgarin. (See pages 728-730 of the Legislative Journal.)

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan reports LB 379 to General

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LB 76, 83, 217

SENATOR KILGARIN: I move LB 76 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. Motion carried, the bill is advanced. LB 83.

CLERK: E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 83.

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 a motion from Senator Stoney to add the emergency clause.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker and members of the Legislature, I have been contacted by the State Fire Marshal, Wally Barnett, who suggested and recommended that we add the emergency clause since it may be a tool to be helpful in them in passing it with the emergency clause. So I would offer that for your consideration.

SPEAKER MARVEL: The motion is the adoption of the emergency clause to LB 83. All those in favor of that motion say aye. All those in favor of the motion vote aye, opposed vote no. Record.

CLERK: 29 ayes, 0 nays on adoption of the emergency clause, Mr. President.

SPEAKER MARVEL: The motion is carried and the emergency clause is adopted. Senator Kilgarin.

SENATOR KILGARIN: I move LB 83 as amended be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. The next bill.

CLERK: Nothing on the bill, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 217 be advanced to E & R for Engrossment. I also call for a record vote.

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LB 217

SPEAKER MARVEL: Do you want a machine vote?

SENATOR KILGARIN: Yes, sir.

SPEAKER MARVEL: The motion is the advancement of the bill to E & R for Engrossment. All those in favor of the advancement of the bill vote aye, opposed vote no. Machine vote has been requested. Have you all voted? 217. Have you all voted? We're voting on the advancement of LB 217 to E & R for Engrossment. Have you all voted? House under Call, is that what you want to do?

SENATOR VON MINDEN: Yes.

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

CLERK: 9 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel please leave the floor. Okay, Senator Cullan, will you please record your presence? Senator Burrows, Senator Koch, Senator Warner, Senator Schmit, Senator Rumery, Senator Goodrich, Senator Hoagland, Senator Chambers, Senator Pirsch, Senator Von Minden, Senator Carsten. The Clerk is authorized to accept call in votes.

CLERK: Senator Vard Johnson voting aye. Senator Koch voting aye. Senator Chambers voting no.

SPEAKER MARVEL: Have you all voted?

CLERK: Senator Rumery voting no. Senator Hoagland voting yes. Senator Goll voting yes. Senator Beutler voting yes.

SPEAKER MARVEL: We are looking for Senator Cullan, Senator Warner, Senator Schmit, Senator Rumery.

CLERK: Record your presence, Senator. Record your presence.

SPEAKER MARVEL: Senator Chambers, will you please record your presence? Senator Goodrich. Senator Carsten. Senator Goodrich, Senator Carsten, Senator Schmit. I have four absent. Senator Von Minden, do you want to proceed with the roll call? We are still short about at least three.

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LB 217

Do you want to proceed with the roll call now....

SENATOR VON MINDEN: No, I will just raise the Call and try it another day.

SPEAKER MARVEL: Excuse me.

SENATOR VON MINDEN: I will just try it another day. I want to raise the Call and try it later on. Is that permissible?

SPEAKER MARVEL: Well, we have to report the vote as it is now.

SENATOR VON MINDEN: Yes, yes.

SPEAKER MARVEL: Okay. All right, go ahead, Mr. Clerk.

CLERK: Mr. President the vote was.....

SPEAKER MARVEL: Senator Lamb, for what purpose do you rise?

SENATOR LAMB: Well, I would guess I was just making a suggestion then and Senator Von Minden has nothing to lose by having the roll call at this point. Is that correct? And.....

SENATOR VON MINDEN: Okay, you can....I'll have the roll call then.

SPEAKER MARVEL: The Clerk will call the roll. All legislators please be in your seats.

CLERK: Mr. President, Senator Barrett.....

SPEAKER MARVEL: Let's see now what's the....

CLERK: The motion is to advance the bill, Mr. President.

SPEAKER MARVEL: Okay.

CLERK: (Read the roll call vote as found on page 744 of the Legislative Journal.)

SPEAKER MARVEL: The House is still under Call.

CLERK: 25 ayes, 19 ayes on the motion to advance the bill, Mr. President.

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

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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.

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LB 55, 114, 128, 217

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading? Those in favor vote aye, opposed vote no. We are voting on Final Reading on LB 55. Clerk, record the vote.

CLERK: (Read the record vote as found on page 876 of the Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 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 114.

ASSISTANT CLERK: (Read LB 114 on Final Reading.)

SPEAKER MARVEL: All provisions of law subject to procedure 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.

ASSISTANT CLERK: (Read the record vote as found on page 877 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 3 excused and not voting, 2 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 128.

ASSISTANT CLERK: (Read LB 128 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. We are voting on LB 128 on Final Reading. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 878 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 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 217.

ASSISTANT CLERK: (Read LB 217 on Final Reading.)

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.



March 12, 1981

LB 217, 246, 279, 388

ASSISTANT CLERK: (Read the record vote as found on pages 878 and 879 of the Legislative Journal.) The vote is 27 ayes, 20 nays, 2 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 246.

ASSISTANT CLERK: (Read LB 246 on Final Reading.)

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

ASSISTANT CLERK: (Read the record vote as found on page 879 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 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 246. LB 279, sorry.

ASSISTANT CLERK: (Read LB 279 on Final Reading.)

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 279 on Final Reading. Announce the vote.

ASSISTANT CLERK: (Read the record vote as found on page 880 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 388.

ASSISTANT CLERK: (Read LB 388 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 881 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

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

March 13, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Larry Spader, Central Alliance Church.

REVEREND SPADER: Prayer offered.

PRESIDENT: Roll call. While we are waiting to get everyone checked in this morning we will take this opportunity to introduce from Senator Wesely's district some 9 students from Riley Elementary School here in Lincoln, Mrs. Barth and Mrs. Frogge, teachers. They are up here in the North balcony. Would you welcome Riley Elementary School up here in the North balcony. Welcome to your Legislature. Record the presence.

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

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 56 and recommend that same be placed on Select File with amendments; 313 Select File; 84 Select File; 47 Select File with amendments, (Signed) Senator Kilgarin, Chair.

Mr. President, engrossed LBs 55, 114, 128, 217, 246, 279, 388, 434, 462 and LR 33 and 34 are ready for your signatures.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 55, LB 114, 128, 217, 279, 388, 434, 462, LR 33 and LR 34. We will proceed then with Final Reading. The Sergeant at Arms will secure the floor. All members of the Legislature will please return to your desks and as soon as everyone is at your place we will commence with Final Reading. All unauthorized personnel, non-legislative personnel will leave the floor of the Legislature. We are on Final Reading. We are awaiting Final Reading then. All legislators will be at their desks. We will commence with Final Reading.

CLERK: Mr. President, while we are waiting...

PRESIDENT: Go ahead, Mr. Clerk.

March 17, 1981

LR 21, 30  
LB 24, 38, 51, 55, 83, 114, 128,  
136, 150, 154, 195, 217, 246, 250,  
272, 275, 279, 288, 302, 325, 354,  
388, 409, 434, 444, 457, 462, 515

SPEAKER MARVEL PRESIDING

REVEREND RON WASIKOWSKI: (Prayer offered. Microphone not on. See page 951, Legislative Journal.)

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

CLERK: Yes, sir, I do. Mr. President, first of all, the Journal is without error this morning.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, 462, 24, 38, and 51. See pages 951 and 952, Legislative Journal.)

Mr. President, I have a series of Attorney General opinions. One to Senator DeCamp regarding the Executive Board and the powers thereof; one to Senator DeCamp regarding payment of salary; one to Senator Nichol regarding LB 515.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 250 to General File with amendments; LB 444 to General File with amendments. Signed Senator Kahle as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 302 to General File with amendments and Public Works reports LR 21 back to the Legislature with amendments. Signed by Senator Kremer as Chair.

SPEAKER MARVEL: From Senator Barrett's District in the North balcony it is my privilege to introduce 19 senior high students from St. Ann's Catholic School, Lexington, Nebraska. Mr. Roger Lucas, Government teacher; Dr. Phillip Vreeland, English teacher. Will you hold up your hand so we can see where you are and greet you? Okay, we will go to item #4.

CLERK: Mr. President, the first resolution is offered by Senator Dworak. It is LR 28. It is found on page 737 of the Journal.

Mr. President, while Senator Dworak is missing, LR 30 by Senator Vickers. It is found on page 787. (Read.) That resolution, Mr. President, is found on page 787 of the Journal.