

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 20, 1981

LB 17, 22, 86, 123, 151,  
155, 169, 171, 190,  
220, 247, 294, 482,  
537-540, 175

and February 19.

Your committee on Urban Affairs reports LB 175 (sic. 171) to General File with amendments; LB 220, General File with amendments, (Signed) Senator Landis.

Government Committee reports LB 247 to indefinitely postpone; 29<sup>th</sup> indefinitely postponed.

Your committee on Miscellaneous Subjects report LB 482 indefinitely postponed.

The Appropriations Committee reports LB 155 advanced to General File with amendments.

Your committee on Revenue whose chairman is Senator Carsten reports LB 17 to General File with amendments; 169 to General File with amendments and LB 86 indefinitely postponed.

The Public Works Committee whose chairman is Senator Kremer reports LB 22 to General File with amendments; 190 to General File with amendments; 123 indefinitely postponed.

Your committee on Revenue reports LB 151 to General File with amendments. (See pages 612-615 of the Journal.)

Mr. President, Senator DeCamp makes a motion to withdraw LB 537, 538, 539 and 540 and cancel the public hearings on those bills. So in order to do that we will need to suspend rules to cancel those hearings which were scheduled for next week and I understand we are going to lay that motion over.

SPEAKER MARVEL: We will lay the motion over until next Monday. Senator DeCamp. Senator Marsh, for what purpose do you arise?

SENATOR MARSH: I have misplaced my black purse briefcase. Thank you.

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

SENATOR DeCAMP: Mr. President, members of the Legislature, you all heard what the motion was. Senator Marvel asked that we take it up next week rather than today and I would agree to that. I would simply point out that a couple of these hearings are set for next week and so I would hope that we could take it up right away Monday morning and at that time detail the future of the Task Force and so on and so forth.

March 10, 1981

LB 190, 220

this is a tax on the railroads which is then passed on by the railroads to the citizens in the south receiving the coal for their generating plants in the southern states because those citizens in the south are benefiting by using Nebraska as their coal corridor and we feel they should help pay for the overpasses that are going to be occasioned and made necessary as a result of this increased coal traffic. With regard to the increasing the length of the train to avoid the tax, there are practical impossibilities there because of the existing structure of the tracks. They can have about so many cars. They can have about so much weight, or they can build new railroads. They have chosen at this point to use about so many cars and about so many trains. If we, in fact, saw the other route being attempted, we have a simple solution. We increase the tax. We alter it, and we will have the information to know that. I urge you to advance the bill and when the other issue comes up on 103, 105, I will be asking your support to recover that tax money that was lost through no fault of mine certainly.

SPEAKER MARVEL: All those in favor of advancement of 190E vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion carried. The bill is advanced. The next bill, 220.

CLERK: Mr. President, LB 220 was introduced by Senator Richard Maresh. (Read.) The bill was read on January 15, 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: Senator Landis, the committee amendments to LB 220.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 220 introduced in behalf of the League of Municipalities by Senator Richard Maresh, it allowed and empowered the purchase or financing of buildings and allows for a bond issue to be utilized...I'm sorry, if financing other than a bond issue is utilized, that there is a certain amount of building that can be done without an election and the bill originally provided for totals of a petition and we reduced the amount of the petition necessary to have the signers for an election from 30% of the electors of that city or village to 15% of the electors of that city and we put a maximum on

this kind of building without bonds and without election up to \$7,500. The intent was to make sure that, number one, the petition method was viable with a reasonable number of signatures and, secondly, that the bill would be utilized for really small construction projects and that is the committee amendments. I move their adoption.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: I have a question of the sponsor of the bill, Senator Maresh, if he will yield for a question. Senator Maresh, in reading this bill over the other day, I just wondered if this committee amendment won't gut the bill in effect because I wonder if \$7,500 isn't so low a ceiling that it is going to leave virtually no flexibility.

SENATOR MARESH: Yes, Senator Hoagland, I think you are correct in a way because with the present inflation this would be sort of meaningless in the future. \$7,500 doesn't buy much of a building any more and although sometimes you have to take less than you aim for, I would hate to see this amount. If you wish to increase it, I would sure support that.

SENATOR HOAGLAND: Well if you are talking about constructing a building by one of these villages, why \$7,500 sure isn't going to construct very much.

SENATOR MARESH: Senator Hoagland, what brought this bill about, last year the City of Crete, all they had to do was approve this, the city council had to approve this to allow the federal funds to be used for a program for Region V, a workshop, and the bill got almost to General File but because of the length of the session we didn't act on it and so I came back with the bill again. Although the City of Crete had the election and approved it but this would allow where federal funds are allocated for something like I told you about this Region V building. It doesn't include any city funds and I would hate to see this amount if there would be another case like this in some other town, that they would have to have an election. It is sort of meaningless but to have this \$7,500 I think we should probably increase that. I would agree that it is a small amount with the present day cost of buildings.

SENATOR HOAGLAND: Thank you, Senator Maresh, for your comment.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Unicameral, I rise to support the committee amendment. What we are doing here now is we are giving them the power to go ahead and build

a building and then the citizen has to turn around and they asked for a 30% and we have reduced it to a 15% petition to stop them from doing it. Instead of having them say to the citizens, we would like to build this building, what do you think, we are just doing it around the other way and putting the proof upon the citizens which is wrong and the committee felt that for the type of building they wanted to build in this particular instance, \$7,500 would sure cover it. If we start with bills like this and don't have a limit, then where are we going to end up? I feel that, Senator Maresh, we haven't damaged your bill too much. \$7,500 is a considerable amount of money for the type of building that we were told it was to be used for. So I would like to support the committee amendment. It doesn't gut the bill at all. It just reduces from 30% to 15% petition because 30% is quite a few and it just puts a cap of \$7,500 on it so I would ask that you do support the committee amendments. We discussed it very thoroughly and as you see nobody in the committee voted against it, so I would ask for your support. Thank you, Mr. President.

**SPEAKER MARVEL:** Senator Maresh, you have an amendment to the committee amendment.

**CLERK:** Mr. President, Senator Maresh moves to amend the committee amendments by striking \$7,500 and inserting \$25,000.

**SENATOR MARESH:** Mr. Speaker, this is a Maresh-Hoagland amendment to my bill. This would increase it to \$25,000. I know we argued the NRD building proposition and we didn't even consider a vote of the people there and here the city, it is done by the city council and it gives the public a chance to put it on the ballot. With only 15% we reduced that amount of needed percentage of the last election so I think we are giving the people a chance to be heard on this and I think \$25,000 with the present rate of inflation we should go along with the \$25,000.

**SPEAKER MARVEL:** Senator Kremer, do you wish to speak to the Maresh amendment?

**SENATOR KREMER:** I don't know. If we have to settle with something then I would support his amendment, however, I am opposed to imposing any kind of regulations on what we call giving the local elected officials the right to exercise their judgement. Here again we seem to have the attitude that we are more intelligent than they are. They are responsible to those that elected them in their local districts and I have always tried to respect their judgement because they are close to the issue at hand. I guess I am opposed

to all of the amendments. I feel that the bill gives the local elected officials the right to exercise their judgment which in no way is inferior to ours. I feel strongly about that. Now look what has happened in the past. They have been forced to rent inadequate facilities and as a result they have spent more on rental than they have if they would have built their own building in the first place. Now here again we are putting limitations on them. We are telling them what we think they should do and we are trying to say to them, well, I think we know more about it than you do, consequently you have got to live under our rules. So it is my strong opinion, let's give these local elected officials a right to exercise their best judgment and if they do not perform like the citizens want them to perform, all they have got to do is vote them out the next time. So I oppose all of the amendments.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, let me just further explain two items which might be helpful in understanding the committee amendments and the Maresh amendment. In committee it was described to us that this kind of financing was utilized and necessary for very small and minor construction. They didn't want to put on the ballot questions like the building of small tool sheds, small metal buildings for the keeping of park equipment, lawn mowers and the like that might be utilized in that kind of a situation and that was what the purpose of the bill was meant to cover. That was the understanding the committee had when it was looking at LB 220, that we were talking about minor projects designed actually as some kind of convenience for local political subdivisions. So we were not talking about the constructions of a city hall. We were not talking about the constructions of a community recreation center. We were talking about a small quonset hut, a small metal building for the keeping of tools and the like. That is what the committee was under the impression of. Now if that is not Senator Maresh's impression, I think the committee was entitled to have heard that and to be told that at the time of the hearing. Secondly, the League of Municipalities heard and supported the maximum of \$7,500 and it is on their behalf that this bill was introduced. That figure was thrown out at the hearing to the League representative. They agreed that that was a reasonable figure. We are not springing this on anybody and finally, let me conclude by saying that the normal rule is found in 17-953. The standard rule is that for the construction of facilities, of major facilities in a village or in a city of this class, that there is an election and that standard rule is found on lines 20 through 25 of page two of

the bill. We are creating an exception to that general rule. Now if we want to create that exception and we want to do away with that language, we should strike that language and strike the idea of an election but that election has been there for years. It has been part of the standard operating procedure for villages and cities. It was not sought to be repealed by the League of Municipalities. They are willing to live with that requirement and if they are then, I think we should live with what the intent of the committee heard at the time of the public hearing. If we want a new bill, if we want to review that policy, if we want to talk about doing away with the election idea which is the normal policy in this situation, fine, but we should have had that at the hearing. We should have addressed that situation and we weren't faced with that question. I think at this time to change the nature of the issue on the ground that we are covering with LB 220 would be unfair to the committee and to the committee hearing process because these are not the kind of factual systems that we were talking about in the hearing. For that reason I will oppose the Maresh amendment although in principle, if we are ever faced with that question, next year before the committee I may support the idea advanced by Senator Kremer.

**SPEAKER MARVEL:** Before we go to the next speaker, in the North balcony it is my privilege to introduce from Senator Richard Peterson's district 50 students from Northeast Tech, Norfolk, Nebraska, Roger Schafer the teacher. Will you hold up your hands so we can see where you are. Okay, Senator Hoagland.

**SENATOR HOAGLAND:** Mr. Speaker and colleagues, I would like to endorse this particular amendment that Senator Maresh and I have offered and endorse as well the comments by Senator Kremer. As Senator Kremer pointed out, we have locally elected boards who are responsible to their own constituents and I really think it is senseless for us in this Legislature time and time again to pass laws that curtail or hamper the exercise of their discretion. They are much more knowledgeable about local problems than we are. If the voters in their towns or villages don't like the decisions they make they can always vote them out of office. I really have to differ with my colleague Senator Landis about what was heard and what was not heard at the committee. The bill as introduced and presumably all the testimony directed to the bill dealt with the issue of whether the cap should be removed entirely for funds other than funds raised through a bond issue. I think to attach a \$7,500 lid to Senator Maresh's bill renders it essentially meaningless because what kind of building can you construct for \$7,500. This amendment that we are offering is still very conservative. I'm not sure what kind of

March 10, 1981

LB 220

building you can construct for \$25,000 either, but in any event, let's leave the discretion with the local boards to make those decisions. They are just as responsible to their constituents as we are to ours. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, in response to Senator Kremer, Senator Kremer, there has not been a stronger supporter of local government in this Unicameral in the last two years than myself. So I say to you two things. Number one, why the 30%? If the local governments felt that this was an insignificant bill, why would they put such a healthy penalty on the citizens of a 30% to stop this sort of thing? I take issue with Senator Hoagland. The League of Municipalities went along with \$7,500. This was in the hearing. I support Senator Landis in saying that. We heard this. I heard it with my own ears. They were supporters of the bill. Senator Hoagland, this is a city of the second class problem. I don't think it is a municipality problem. Now let's talk about infringement upon local government. I have heard a couple of people stand up here and say we shouldn't curtail or hamper local government decisions. We shouldn't be sticking our nose into local government. Let local government make those decisions. You know, I wondered how long we are going to have to wait for this to come out because I think we are sticking our nose into local government's decision on LB 125 but you see thirty to thirty-four votes up there. Now you explain to me the difference. Sticking your nose in local government on a bill like this or sticking it on setting salaries and fringe benefits on local government salaries. Explain that to me so that I can vote for the bill. Will you please? So, let's don't stand up here and say local government when you want a bill passed on something like this and then turn around a few days later and say, well, we are not going to pay any attention to local government. So I will get off of that. It was explained to us that this wasn't a major building project that they wanted and \$7,500 was accepted. So I will support Senator Landis. Let's go along with what they told us in the hearing. Let's go along with the \$7,500. Next year if they want to come back and present another case in another bill, let them do it and we will listen. We don't have closed minds. So that is the issue. We had a hearing on this bill. Everybody had their say-so. So I ask you to defeat Senator Maresh's amendment and adopt the committee amendments. Thank you.

SPEAKER MARVEL: Senator Vickers and then Senator Maresh.

SENATOR VICKERS: Mr. Speaker and members, I reluctantly rise to support Senator Maresh in his amendment because I



philosophically feel very much as Senator Kremer indicated, that these people are elected to serve those small municipalities and in spite of Senator Haberman's eloquent dissertation of local control and how he is a staunch supporter of it, I think each of us in our own way are staunch supporters of local control. That being the case I am also a strong supporter of locally elected officials, be they school board members, be they city councilmen or whatever. You will notice that on the new language on page 3 it says that if these funds are available only other than through a bond issue. If there is going to be a bond issue no matter what the cost, there has to be an election. I think Senator Landis pointed that out. For those of you that perhaps think \$7,500 is a large amount, go build a building. Go build a tool shed and I will suggest to you that about the only type of tool shed these little communities is going to be able to get is the type that you put in your backyard to stow your lawnmower in. If it is going to be a tool shed that is going to be large enough to store a maintainer or any sort of equipment that the village or Class II city might own, it is certainly not going to be built--probably the cement floor is going to cost more than \$7,500. But I would ask, Mr. Speaker, that the question be divided after the Maresh amendment has been either adopted or rejected, that the committee amendments be divided because I believe that the second part of the committee amendments where it is dealing with the 15% to 30% of the electors, I believe 15% is a more logical figure and it seems to me that we should divide the question of the committee amendments and address those two at a time. So I would ask that that division take place, Mr. Speaker. Thank you.

**SPEAKER MARVEL:** Senator Dworak and then Senator Maresh to close.

**SENATOR DWORAK:** Well, Mr. President and colleagues, I just want to bring up one point and I am not so sure I am really comparing apples with oranges but I remember a couple of years ago when we put a \$100,000 restriction on the Community Technical Colleges. Oh, yes, the \$100,000 was just for machine sheds and just for repairs and just for a few minor incidental little construction and a lot of people on this floor remember that. Well Southeast Technical Community College through five little old buildings at a \$100,000 apiece has been able to implement a new course of instruction in agriculture. It is so effective that it is now competing with our East Campus at the University of Nebraska because they are screaming about it, just a little old \$100,000 limitation, just a little building not big enough to put a lawnmower in and now we have got another Ag School in Beatrice, Fairbury. I also see now we have

got 2 million dollars of bonds being issued by the Community Technical College. So I think you have to be a little cautious and I kind of agree that maybe those board members do not quite have the public profile that Milligan does, that Crete does, so maybe there is a difference. I am not so sure in my own mind. I really, really find it very difficult to believe that the voters at Crete, that the voters of Milligan would turn down a construction project of \$7,500 or \$25,000 if the need were made but I know when we start putting cracks in the restrictions people find a way of getting around them. I don't know what is wrong with going to the people on any capital construction item. I really think those taxpayers are smart enough to make the decision and I think if the case is well made before those taxpayers, they will make that decision affirmatively, if the case is good. I don't think what we have right now is a severe restriction to any kind of growth of local subdivisions of government. I just think it forces local subdivisions of government to be more accountable to their people and I see nothing wrong with that. I know, it is just \$25,000 and you can't buy anything with \$25,000 but just remember the same argument on the tech schools. It was just \$100,000 and you can't buy anything with \$100,000 but look what they bought.

SPEAKER MARVEL: Senator Maresh, do you want to close?

SENATOR MARESH: Yes, Mr. Speaker. Senator Landis said that this is an entirely different issue that was before them. I would like to remind him that when this bill was considered there was no limit at all and the committee saw fit to restrict this to \$7,500 and the original bill called for a 30% of the last election eligible voters. This is cut down to 15% and as far as Senator Dworak arguing the case of the Southeast Community College, there is no vote of the people there. Here we have a vote of the people as a real small percentage, 15%, so I think it is real easy to strike this down and get it on the ballot if the city council does go along with constructing the building up to \$25,000. So I hope we can amend the bill to do this.

SPEAKER MARVEL: The motion is the advancement of LB 220. Okay, it is the adoption of the Maresh amendment. All those in favor vote aye, opposed vote no. Have you all voted? One last time, have you all voted? Okay, record the vote.

CLERK: 14 ayes, 18 nays, Mr. President, on adoption of Senator Maresh's amendment.

SPEAKER MARVEL: The motion lost. Senator Landis, the committee amendments.

SENATOR LANDIS: Mr. Speaker, I would move the committee amendments. I do note that Senator Vickers asked for the question to be divided but I am not sure they appear separately and can be divided, although I would not object if they were divided.

SPEAKER MARVEL: Senator Vickers, do you still want the bill divided? The committee amendments?

SENATOR VICKERS: I would prefer they were, Mr. Speaker.

SPEAKER MARVEL: The Clerk will read the two items which indicate that the amendment is divisible.

CLERK: Mr. President, the first portion of the committee amendment that will be considered is as follows: (Read. See page 831 of the Legislative Journal.)

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I just want to signal to the body that the Urban Affairs Committee will be open and happy to consider the issue of the doing away with elections, the doing away with restrictions on local political subdivisions making these kinds of decisions when that question is framed to us with the bill, with some study and with a public hearing. However, in my opinion it is not the case that we were faced with in this instance and I hope the body will approve of what the committee agreed to and reacted to the testimony that was given to us when we heard LB 220. I think that policy is worthy of study and worthy of consideration but that is not the issue framed in 220 now and I would proceed with the committee amendments and move the adoption of this section.

SPEAKER MARVEL: Okay, the first vote is the amendment as read by Senator Landis. That is the first part of the amendment. All those in favor of that amendment vote aye, opposed vote no. Do you want it read again?

CLERK: (Read amendment.)

SPEAKER MARVEL: Have you all voted? Okay, record the vote.

CLERK: 10 ayes, 11 nays on adoption of the first committee amendment, Mr. President.

SPEAKER MARVEL: The motion lost. The amendment is not adopted. Now read the second one.

CLERK: (Read second committee amendment as found on page 831 of the Legislative Journal.)

March 10, 1981

LB 220

SPEAKER MARVEL: All those in favor of the adoption of that amendment vote aye, opposed vote no. Have you all voted on that amendment?

CLERK: 25 ayes, 8 nays on adoption of the second committee amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

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

SPEAKER MARVEL: Senator Maresh, do you want to move the bill?

SENATOR MARESH: Mr. Speaker and members of the Legislature, the bill as amended will allow 15% of the voters, qualified voters to strike down action taken by the city council so I move that this bill be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed no. We are voting on the advancement of the bill. Have you all voted? We are voting on the advancement of LB 220 to E & R for review. Does anybody else wish to vote before we close the vote? Record.

CLERK: 25 ayes, 10 nays on the motion to advance the bill, Mr. President.

March 12, 1981

LB 51, 104, 150, 151, 154, 179, 190,  
195, 204, 204A, 205, 220, 272, 409,  
403.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)...Tom Huxtable who is the Minister of the Eastridge Presbyterian Church.

REV. TOM HUXTABLE: Prayer offered.

SPEAKER MARVEL: Will you all record your presence, please.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives. Mr. President, Senator Burrows would like to be excused until he arrives. Senator Wagner and Senator Labeledz until they arrive.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: A record attendance, please. A record vote on attendance, please.

SPEAKER MARVEL: Record the vote.

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

SPEAKER MARVEL: Do you have any other items on your desk?

CLERK: Yes, sir, I do. Mr. President, I have several matters to read in. Mr. President, LBs 51, 150, 195, 272, 409, and 154 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 LB 51, LB 150, LB 195, LB 272, LB 409, LB 154.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports LB 104 is correctly engrossed and LB 205 correctly engrossed. (Signed) Senator Kilgarin as Chair. (See page 874 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and recommend that same be placed on Select File with amendments; 220 Select File, 151 Select File with amendments; 179 Select File with amendments; 204 Select File with amendments; 204A Select File. (Signed) Senator Kilgarin, Chair. (See page 873 of the Legislative Journal.)

Your Committee on Banking reports LB 403 to General File

March 19, 1981

LB 190 , 220

CLERK: He has not arrived. Okay. Mr. President, I then have a motion to indefinitely postpone the bill offered by Senator Schmit. Again pursuant to our rules that would lay that bill over.

PRESIDENT: It will lay over. So that will lay over anyway. So 190 also lays over. We will go to LB 220. We will proceed with LB 220.

CLERK: Mr. President, there is nothing on LB 220.

PRESIDENT: All right. Senator Kilgarin.

SENATOR KILGARIN: I move LB 220 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 220 to E & R for engrossment. Any discussion? All those in favor of advancing LB 220 to E & R for engrossment signify by saying aye, opposed nay.

March 23, 1981

LB 17, 47, 56, 79, 84, 151,  
220, 224, 313, 446, 485, 544.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence?

CLERK: Mr. President, Senators Fitzgerald, Koch, Howard Peterson, Wagner excused; Beutler, Cullan, Gc11, Hoagland and Vard Johnson until they arrive.

PRESIDENT: While we are waiting for those to register their presence, the Chair would like to recognize from Senator Sieck's District, seven students from Benedict High School, Bud Exstrom, their teacher. They are up here in the north balcony. Would you folks stand up and be recognized. Welcome to your Legislature. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: No, sir, there are no....

PRESIDENT: The Journal then stands correct as published. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, the committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 17 and recommend that LB 17 be placed on Select File, LB 446 Select File with amendments. (Signed) Senator Kilgarin. (See pages 1050 and 1051 of the Legislative Journal.)

Mr. President, your committee on Public Works whose Chairman is Senator Kremer, reports LB 224 to General File with amendments, 485 General File with amendments, 544 General File with amendments and LB 79 indefinitely postponed. (Signed) Senator Kremer as Chair. (See pages 1051 and 1052 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 47 and find the same correctly engrossed; 56, 84, 151, 220, 313, all correctly engrossed. (Signed) Senator Kilgarin.

I have a report from the Legislative Accountant regarding legislative employees. It will be inserted in the Journal. (Page 1052 of the Journal.)

March 31, 1981

LB 56, 84, 151, 220, 313

return.

PRESIDENT: The motion fails. Anything further on the bill? It is right there, it is on E & R for engrossment. We are then ready, Mr. Clerk, for Final Reading on LB 84.

CLERK: (Read LB 84 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 84 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1206 and 1207, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 84 passes. Next bill on Final Reading is LB 151, Mr. Clerk.

CLERK: (Read LB 151 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 151 pass? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1207, Legislative Journal.) 27 ayes, 21 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 151 passes. The next bill on Final Reading is LB 220.

CLERK: (Read LB 220 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 220 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1208, Legislative Journal.) 46 ayes, 1 nay, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 220 passes with the emergency clause attached. Before we take up the last bill for this morning on Final Reading, the Chair would like to introduce some guests of Senator Wagner, Harry Knecht, Bonnie Dzingle, Elaine Reiter, all from Loup City. They are in the South balcony. Would you folks stand and be recognized by the Nebraska Unicameral? Welcome to your Legislature. The final bill on Final Reading this morning is LB 313.



April 1, 1981

LB 44, 47, 56, 84, 113, 151,  
173, 218, 220, 308, 313, 331,  
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item #3?

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal foundon page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

April 1, 1981

LB 17, 40, 47, 84, 151, 220,  
245, 245A, 313, 478

particular bill. I will get another shot on Select. But I hope you mark well what you are doing this morning, and I hope the impact of it will not be lost on you. So, Mr. Chairman, I am making that request for a Call of the House and a roll call vote.

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

CLERK: 17 ayes, 11 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Senator Beutler, Senator Newell, Senator Schmit, Senator Hoagland. Mr. Sergeant at Arms, will you see if you can find Senator Schmit, please?

CLERK: Mr. President, while we are waiting for Senator Schmit, I have an Attorney General's Opinion that is addressed to Senator Carsten and one addressed to Senator Haberman. (See pages 1247 through 1252 of the Legislative Journal.) Senator Pirsch would like to print amendments to LB 17, and Senator Landis and Howard Peterson to LB 478, and your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval the following bills: 47, 84, 151, 220, and 313.) (See pages 1252 through 1256 for amendments to LB 17 and 478 in the Legislative Journal.) And your Committee on Enrollment and Review respectfully report that they have carefully examined and engrossed LB 245 and find the same correctly engrossed, and 245A correctly engrossed.

SENATOR CLARK PRESIDING

SENATOR CLARK: Do you want to continue, Senator Chambers, or do you want to wait for Senator Schmit? Call the roll.

CLERK: (Read the roll call vote as found on page 1246 of the Legislative Journal.)

SENATOR CARSTEN: Mr. President, may we have the motion restated. I am not quite sure that anybody knows....

SENATOR CLARK: The Clerk will restate the motion.

CLERK: Mr. President, the motion is to overrule the Speaker's agenda by removing LB 40.

SENATOR CLARK: If you want to support the Chair, you vote no.