

January 15, 1981

LB 2, 223-228

all voted? Clerk will record the vote.

CLERK: 33 ayes, 0 nays on the advancement of LB 2,
Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is
advanced to E & R for Initial. That concludes General
File. Mr. Clerk, do we have other items on the desk?

CLERK: Mr. President, I have nothing further to read in.

SPEAKER MARVEL: Senator Lowell Johnson, do you want to
adjourn us until 9:30 tomorrow? Do you have a bill?
The Legislature will stand at ease until 3:00 o'clock.

EASE

SPEAKER MARVEL: The Clerk has some business to read
into the record and then we will adjourn.

CLERK: Mr. President, new bills: LB 223 (Title read).
LB 224 (Title read). LB 225 (Title read). LB 226
(Title read). LB 227 (Title read). LB 228 (Title read).
(See pages 195 and 196 of the Legislative Journal.)

Mr. President, finally, the Education Committee wants
to hold an Executive Session in Room 1517 on Monday,
January 19 at 9:00 o'clock a.m.

SPEAKER MARVEL: Since there is no other business, I will
now recognize Senator Lowell Johnson to adjourn us until
9:30 tomorrow morning.

SENATOR L. JOHNSON: Mr. Speaker and members of the Legis-
lature, I move that the Legislature adjourn until 9:30
a.m. Friday, January 16, 1981.

SPEAKER MARVEL: All those in favor of the motion say
aye. Opposed no. We are adjourned until tomorrow morning.

Edited by:

Marilyn Zank
Marilyn Zank

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.)

May 1, 1981

LB 441, 224

is one that needs to be controlled and this would provide the schools with an option that they have, if the federal program comes through like it should, to use the money as best they can to take care of the problem.

SPEAKER MARVEL: The motion is to advance 441 to E & F for review. All those in favor of the motion vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. We are now ready for 224.

CLERK: Yes, sir. Mr. President, LB 224 (read title). The bill was read on January 15, referred to Public Works, advanced to General File. There are committee amendments, Mr. President.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, the committee amendment is a technical amendment to this bill. It is a small change we just thought would be appropriate. I think Senator Maresh can then explain the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. All those in favor vote aye, opposed vote no. Record.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, members of the Legislature, presently, if the public wants to purchase one of these... buy purchased lands or easements that are acquired through the watershed, the small watershed control, flood control funds, they have to pay more than the original cost was while the public private ownership can purchase these for less than the cost of the flood control project. So this would put them on the same basis, that the local subdivisions of government could acquire this property without paying as much as the original cost so I think this is a good change for the bill to have the public purchase these watershed reservoirs and use them for public purpose. I move that the bill be advanced to E & R Initial, if there is no questions.

May 1, 1981

LB 224, 485

SPEAKER MARVEL: The motion is to advance the bill to E & R for review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. The next bill, LB 485.

CLERK: Mr. President, LB 485(read title). The bill was read on January 20, referred to Public Works, advanced to General File. There are committee amendments by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Yes, these amendments are merely technical amendments to the bill that makes some grammatical changes so there shouldn't be any problem. I move their adoption.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 485. All those in favor vote aye, opposed vote no. Have you all voted? Senator Sieck voting aye. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced. The committee amendments are adopted. Senator Sieck, do you want to explain the bill?

SENATOR SIECK: Yes, Mr. President, members of the body, I want to warn you. Don't play with my button. Yes, the intent of this bill was we had 611 here a year ago and we worked it through quite thoroughly and we need to correct some of the things that happened with that bill. They are mostly minor in correction. With the committee amendments it will allow the public power districts, the NPPD, the Nebraska Public Power District to build lines, extension lines, without going through a lot of red tape and that is what this is about. It is just correcting some minor...house-keeping amendments. That is what this bill is. I move we adopt the bill.

SPEAKER MARVEL: The motion is advancement of 485 to E & R for review. All those in favor vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on the motion to advance the bill.

May 7, 1981

LR 75
LB 181, 224, 316, 396, 441,
485, 487, 543, 544

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Bob Chitwood of Capitol City Christian Church here in Lincoln.

REVEREND BOB CHITWOOD: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence? We are going to have to suspend in order to take up some of these bills, so I hope everyone has registered their presence so we can see if we have 30 people here. Mr. Clerk, why don't we record the presence and at least get started on the early things we have got.

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

PRESIDENT: All right, quorum being present, Mr. Clerk, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal stands correct as published. Are there any messages, reports, announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 181 and recommend that same be placed on Select File with amendments; 396, Select File with amendments; 543, Select File with amendments; 487, Select File with amendments; 316, Select File with amendments; 441, Select File with amendments; 224, Select File; 485, Select File with amendments; 544, Select File with amendments. All signed by Senator Kilgarin, Chair. (See pages 1809 through 1811 of the Legislative Journal.)

Mr. President, your committee on Education gives notice of hearing on gubernatorial appointments for May 21. (See page 1812 of the Legislative Journal.). And, Mr. President, LR 75 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 75. The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President. The Lincoln Journal on Monday, May 4th, printed an inaccurate article regarding an interview about the Treasurer's office vacancy which will occur June 15th. I should have moved to correct the misstatement immediately, which stated: "State Senator Shirley Marsh of Lincoln said Monday she will ask Governor Charles Thone to appoint her to the soon to be vacated post

May 8, 1981

LB 224, 303, 316, 441,
485

SENATOR KILGARIN: Mr. Speaker, the introducer wishes to pass over LB 487 at this time.

SPEAKER MARVEL: Then the next bill is 316.

SENATOR KILGARIN: I move the E & R amendments to LB 316.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The E & R amendments is adopted.

SENATOR KILGARIN: I move we advance LB 316 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 441.

SENATOR KILGARIN: I move to adopt the E & R amendments to LB 441.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted.

SENATOR KILGARIN: I move we advance LB 441 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. LB 441 is advanced. LB 224.

SENATOR KILGARIN: I move we advance LB 224 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. LB 485.

SENATOR KILGARIN: I move the E & R amendments to LB 485.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The E & R amendment is adopted.

SENATOR KILGARIN: I move we advance LB 485 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Then we go next to LB 303, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 303.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted.

LB 118, 129A, 165, 181, 224, 234, 234A,
273, 273A, 303, 326, 336, 360, 394,
396, 411, 459A, 485, 551 - 554

May 12, 1981

favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

SENATOR CLARK: Is there any discussion on the advancement of the bill? If not, all those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

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LB 224

CLERK: Mr. President, Senator Beutler would move to return LB 224 to Select File for specific amendment. (Read Beutler amendment found on page 2097, Legislative Journal.) That is offered by Senator Beutler.

SPEAKER MARVEL: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I again apologize for not getting to this before Final Reading but a very important public policy question is involved in this particular bill and the question is basically this. When an NRD takes a farmer's land and improves it for these small watershed projects, then under the particular fund we are talking about they are required to sell that land after a ten year period and the question is simply this. When they sell the land, they can sell it to public entities or they can sell it to private entities. Should they sell it at the same price to both entities or should they give the public entity a price break, even as much as fifty percent on the land that they took originally from the local farmers? Okay, let me go back a little bit. You have a chart passed out to you and I hope you will follow on this because I want to illustrate to you what is happening with this bill the way it is right now and why I think it prejudices public or private landowners. If you look at the chart there are three situations outlined. There is a number one up in the upper left-hand corner and then below that, below the solid line, two, and below that, three. These are different hypothetical situations but I would ask you to switch down to number three which is where the fault lies in the bill. Now this situation anticipates that the fund pays as you will see a hundred thousand dollars for the property. Let's say they go through their improvements and then they come back ten years later and they have to sell it under the law. The price under the hypothetical at that time is \$150,000. Now if we are talking about any recent ten year period, the price would be a heck of a lot more than that. It would probably be double the \$100,000 quite possibly. So remember that this hypothetical outlines a conservative differential. Okay, now if you will skip over to the right you will see what happens under the current law. The public would pay \$100,000 for that land and the private owner would pay \$150,000 for the land. The private owner is prejudiced under the current law. He would have to pay more. Now if you switch over further to your right in the column that is under LB 224 you will see that that situation is retained under LB 224. Then if you look over to your right a little further under the column called "Beutler Proposal", you will see that the situation, what my amendment does, it says that the public

must pay \$150,000 and the private would pay the same. Both would pay the fair market value of the property at the time of sale. That is the basic policy decision that I ask you to make on the basic question. Now just to give you a little more background, I don't want to confuse you, the reason the bill came in in the first place was because in some situations instead of the value going up as we all know it generally does today, it occasionally would go down because of where the improvement is made and the way the land is divided up, it might destroy the value of the land. And in that case because of a quirk in the law, the public was actually prejudiced, that is, the public would have had to pay more than a private owner would have had to pay to buy back the land because of a curiosity in the structure of the law and that is what the NRC, the NRD, the NRC brought the bill in to correct, the situation where the price falls after the date of acquisition. Well, as we all know that is not the general situation. The general situation is that the price will rise, and what I am saying to you is in that general situation the private owner is prejudiced from buying back his own land because he is going to have to buy back, in some cases, at double the price in which they could sell it to another NRD which might be interested in retaining it as a park or to Game and Parks or to any other public agency for that matter. So with that I will leave off the explanation and I would be glad to entertain questions. Thank you.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I can't think of any more fundamentally fair and proper public policy amendment and procedure than what is proposed here.

SPEAKER MARVEL: Senator Schmit, do you wish to be recognized?

SENATOR SCHMIT: Mr. President, I think that I agree with Senator Beutler that the private individual ought to be treated equitably with the public. I believe that is what his amendment does and I think that...I discussed this briefly with Senator Kremer, and I think he will speak for himself, but I believe that we need to adopt the Beutler amendment.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Thank you, Mr. President. I would like to very briefly support in my brief statement Senator Beutler. This bill is Senator Maresh's bill. It went through our Public Works Committee and here again is an instance where

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LB 224

I think other of us should have caught this. I think what Senator Beutler is proposing to do is to make it equal and fair for all parties that may be interested in the purchase of land that is available under this provision in the law and I want to compliment Senator Beutler for picking up this issue at this point and I support him strongly in bringing the bill back and considering the amendment he has proposed. Thank you, Chris, thank you, Senator Beutler, for being diligent and picking up something the rest of us missed that we should have caught.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President, members, a question of Senator Beutler. Senator Beutler, I certainly approve of the concept but I do have one question though. Does this mean that the farmer or the public, not public, but individual is going to be bidding against a state agency? You mentioned Game and Parks or other public, and they could have more money than the land is worth and that is my question.

SENATOR BEUTLER: To my knowledge, Senator Cope, the answer to that is, yes. I am not aware of anything in the law that gives the first buyback privilege to the private owner but I can't say that I've researched that particular question thoroughly either.

SENATOR COPE: Thank you.

SPEAKER MARVEL: Senator Sieck.

SENATOR SIECK: Mr. President, members of the body, I have a question of Senator Beutler.

SPEAKER MARVEL: Senator Beutler, do you yield?

SENATOR BEUTLER: Yes, sir.

SENATOR SIECK: Yes, Senator Beutler, would this mean that the entity who bought the property and is paying it back, such as an NRD, and paying the State of Nebraska back in increments or saving the money to pay it back would also have to have the property appraised to get a fair market value on it?

SENATOR BEUTLER: If I understand your question correctly, the answer is, yes. Either way they would have to have it appraised because I assume they don't know...unless they know who is going to buy it but, yes, they would have to have it appraised.

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LB 224

SENATOR SIECK: Now this would be where the NRD would retain the property for its own use.

SENATOR BEUTLER: If they retained it for their own use?

SENATOR SIECK: Yes.

SENATOR BEUTLER: Then I wouldn't think any appraisal would be necessary since they are not going to be selling it.

SENATOR SIECK: And within the ten years they would pay back to the state (interruption).

SENATOR BEUTLER: Yes, under the original contract, right.

SENATOR SIECK: You would feel that that would be still in it?

SENATOR BEUTLER: Yes, yes, my amendment does nothing with regard to the original contract.

SENATOR SIECK: Okay, I will support the amendment. I think it is a good public policy.

SPEAKER MARVEL: Senator Schmit, do you wish to be recognized?

SENATOR SCHMIT: Mr. President and members of the Legislature, just to clarify the situation a bit. The Legislature provided a mechanism whereby the Natural Resource Districts could purchase land in the event it was deemed to be the most expeditious way to handle the development of a watershed or to provide for the construction of these water conservative structures, it provided that they would be able to buy the land and it was supposed to be resold again and under normal conditions the Natural Resource District would not have any use for the land after the structures were placed upon it. I think that Senator Kremer and I have also discussed briefly the fact that perhaps maybe we ought to change the statutes to give the original owner the right of first refusal or some attempt to provide an equity for the basis of repurchase. At the present time the statute does not provide for that. It is impossible for the Natural Resource District to go back to the original landowner and say we have now constructed the conservation measures and we will sell it back to you for this amount of money or even for an appraised amount or that perhaps we can agree upon an amount. There is no basis in the law for that. If we wanted to look at that, that might be something we could look at. It might encourage some development that we do not ordinarily get, but at the present time, the Natural Resource Districts

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LB 224

once having taken possession of the land under the present law would give a public entity a preferential right or preferential treatment when it came up for sale. I think the Beutler amendment places the public and the private individual upon the same basis regardless whether that individual was the previous landowner or not. I think perhaps that is the best we can do at this time. I would support the Beutler amendment. I would like to add, also, I do not think it was the intent of the Legislature that Natural Resource Districts should ever get into the real estate business on a major basis. I think that has been made clear plenty of times. I want to reiterate that. I think that the purchase of real estate by the Natural Resource Districts should be as a last resort and a last resort only. If there are those who disagree with me, I would hope they would say so at this time. I would support the Beutler amendment, ask that it be adopted and perhaps suggest that the Public Works Committee and others who are interested take a look at the possibility of changing the statute in order to give the right of first buyback to the original landowner. It is going to a touchy situation I am sure but one at which we could look at.

SPEAKER MARVEL: Senator Beutler, do you wish to close on your motion to return the bill?

SENATOR BEUTLER: Just one brief comment, Mr. Speaker, I might mention that the Natural Resources Commission, the overseer of these projects, generally, of water projects, of water, generally, in the state, I asked their Legislative Committee to take a look at my proposal and they recommended to the body as a whole by a 4-3 vote that it be adopted, and then it came through the commission as a whole and it split 6-6 on my proposal. So I just wanted to give you that feeling for where the commission was on it and ask that you adopt the amendment. Thank you.

SPEAKER MARVEL: The motion at the moment is to return the bill for a specific amendment. All those in favor of that Beutler motion vote aye, opposed vote no. Record.

CLERK: 32 ayes, 0 nays on the motion to return the bill, Mr. President.

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

SENATOR BEUTLER: I would move the adoption of the amendment, Mr. Speaker.

SPEAKER MARVEL: All those in favor of that motion vote aye,

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LB 224, 234

opposed vote no. This is the adoption of the amendment.
Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption
of the amendment.

SPEAKER MARVEL: Now the motion is the rereferral of the
bill. All those in favor of that motion say aye, opposed
no. The motion is carried. The bill is rereferred. Next,
LB 234, the Clerk will read.

CLERK: Mr. President, Senator DeCamp moves to return LB 234
to Select File for a specific amendment. The amendment is
on page 2077 of the Journal.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature,
I made a promise and I hope that others will do the same
thing. I'm not going to offer amendments on Final at this
late time that we can't have pretty well both sides working
for or that won't take a very limited amount of time. I
tried to talk to the various labor people that were interested
in this bill and suggested that the ten dollar increase amend-
ment put on by Senator Fowler should be stricken. I did every-
thing I could to convince them. I failed in that, I'm going
to withdraw the amendment but I would submit that I still
think the bill will fail without that stricken. Do whatever
you want, I will withdraw the amendment but I think you
would be better off to take half a loaf in this case which
is the balance of the bill, choose not to do that, throw
all your marbles on the bill. Maybe it will pass, maybe
not. I think that you risk the whole bill this way. I
ask to withdraw the amendment.

SPEAKER MARVEL: Okay, read the bill Mr. Clerk.

CLERK: Read LB 234 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, those opposed vote no. LB 234. Senator Maresh,
is this your bill? Okay, have you all voted? Have you all
voted? Senator Fowler. Six excused.

SENATOR FOWLER: We haven't had a roll call this morning,
I'll ask for a roll call vote.

SPEAKER MARVEL: Record your presence. Senator Newell would

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LB 98, 134, 224, 326, 360
LR 186, 187

I can assure you that next year there is going to be legislation, whether or not this agreement is reached by May 30th.

SPEAKER MARVEL: Senator Kremer, do you wish to close on the resolution? Okay. All those in favor of the adoption of LR 186 vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the resolution.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Now we go to LR 187.

CLERK: Mr. President, LR 187 offered by Senators Fowler, Wesely, Vard Johnson, DeCamp, Wagner, VonMinden and Fitzgerald is found on page 2109. (Read.)

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: This resolution was brought to me and the other legislators by a Vietnam veteran's organization that is working across the state to gain attention for the issues that are raised in this resolution. This resolution would be a statement of support for the issues of concern indicating that the Legislature finds these to be important and significant public issues that Congress should review. The Vietnam veteran has often been called the forgotten veteran. I think that more attention now is being focused on the needs, the issues that surround the Vietnam veteran and their families. With that, I would move for adoption of the resolution.

SPEAKER MARVEL: The motion is the adoption of LR 187. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of LR 187.

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

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 134 and find the same correctly engrossed; 224 correctly engrossed; 326 correctly engrossed and 360 correctly engrossed, all signed by Senator Kilgarin, Chair.

Mr. President, one other item, I have a request from Senator Wesely to add his name to LB 98 as coinroducer.

SPEAKER MARVEL: No objections, so ordered. Will the Legislature please, will you return to your seats so that we can

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LB 224, 326, 360

PRESIDENT: LB 134 passes. The next bill on Final Reading is LB 224.

CLERK: (Read LB 224 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 224 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2248 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 224 passes. The next bill on Final Reading is LB 326.

CLERK: (Read LB 326 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 326 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 2249 of the Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 326 passes with the emergency clause attached. Before we come to the last bill on Final Reading this morning, the Chair takes great pleasure in introducing some twelve legislators from Imo State in Nigeria visiting the Unicameral in Lincoln today accompanied by Bill Brown and John Buckwater. Would the legislators from Imo State in Nigeria please stand and be recognized by the Nebraska Unicameral Legislature? Welcome, gentlemen. We will now proceed with the final bill on Final Reading, LB 360, Mr. Clerk.

ASSISTANT CLERK: (Read LB 360 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 360 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2250 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

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LB 218, 134, 224, 326, 360

on the bill? I will be happy to answer them, but I move that we advance the bill.

PRESIDENT: All right, are there any further discussions then on LB 218? Hearing none, I guess that is your opening and your closing. The question now is, the motion is to advance LB 218 to E & R Initial. All those in favor vote aye, opposed nay. Have you all voted? We are under Call. The House is under Call so I guess we will have to start rounding up some people if we don't get the votes. Or have a roll call vote, whatever you want to do. We will accept call ins. There are quite a number of people that are not here. Sergeant at Arms, do you want to start finding somebody? There's no tie, or I would, I'll tell you. If I could contrive this into a tie, I would sure vote. You are tied up, huh? Record the vote.

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

PRESIDENT: The motion carries. The LB 218 is advanced to E & R Initial. Do you have some matters to read in, Mr. Clerk?

CLERK: Mr. President, I don't believe I do, no.

PRESIDENT: That will conclude the General File portion of the agenda. I don't know what...whether the Speaker wants to start with Select File. I would suggest too because they will probably want to continue their meeting. Just be at ease for a moment, we will see if we probably will just recess at this time, and then come back right after lunch to continue with Select File, but we will check with the Speaker. We have one matter to take care of and then we will recess for lunch.

CLERK: Mr. President, LBs 134, 224, 326 and 360 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 134, LB 224, LB 326 and LB 360. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: Senator Marsh, would you recess us?

SENATOR MARSH: I move we recess until 1:30.

PRESIDENT: Motion to recess until 1:30. All those in favor signify by saying aye. Opposed nay. We are recessed until 1:30.

May 26, 1981

LB 551, 134, 224, 326, 360

SENATOR HEFNER: Mr. Chairman, members of the body, this is correct. Senator Fitzgerald, you are correct and I do have a corrective amendment up there, after we pass this.

SENATOR FITZGERALD: (Mike not turned on.) I want to know what I am voting on. I mean I'm voting six miles and, my golly, I will be going down into some other county.

SENATOR HEFNER: Okay, the amendment changes this to three.

SENATOR FITZGERALD: Oh.

SENATOR CLARK: The Clerk will call the roll.

CLERK: (Roll call vote taken. See pages 2263 and 2264, Legislative Journal.) 24 ayes, 19 nays, Mr. President.

SENATOR CLARK: The motion failed. What else is on the bill? Any other motions?

CLERK: Senator Hefner, do you want to offer that? No. I have nothing further on the bill, Mr. President.

SENATOR CLARK: The question before the House is the advancement of the bill. Is there any discussion? All those in favor vote aye, all those opposed vote nay. Record the vote.

CLERK: 30 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. LB 552.

CLERK: Mr. President, Senator Stoney would like to be excused Friday, June 5.

Mr. President, I have an Education Committee report regarding gubernatorial appointments. (See pages 2264-2265 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor the bills that we read on Final Reading this morning. (Re: LB 134, 224, 326, 360. Page 2264 of the Legislative Journal.)

Mr. President with respect to 552 I do have E & R amendments.

Quite honestly, the only one that I am concerned about of (a), (b), (c), (d) and (e) is (d) and I think that is the one that the majority of the people of the State of Nebraska are concerned about. How is it going to affect our water, both surface and underground water in the State of Nebraska. I think there could be probably an answer to that. We could probably find out as to whether or not it interferes with the unreasonable hazards for the use of the right-of-way as (a) calls for. I think probably the state engineer is qualified to do that. (b) where it talks about whether it serves the transportation interests and needs of the state. I don't know who in the world would be able to answer that question. Where it talks about under (d) whether the pipeline can reasonably be expected to have a significant adverse effect upon the state's economy. Again, I don't know where you are ever going to get an answer to that question. I think that this is a perfect example of using a sledge hammer to kill a fly on the last moment of the session and even though, as I indicated, I am strongly opposed to the coal slurry pipeline and I certainly have a lot of sympathy for the cause that Senator Cullan has so adequately carried over the years. I do believe that there is a lot of problems with this particular method that is being used at this point in time.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: I yield to Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I told Senator Nichol when I initiated this process that I would withdraw the amendment if it became a problem. More than thirty members of this Legislature told me or Senator Wesely or others that they supported this concept and so I still don't believe that there is a problem but I agreed to Senator Nichol that I would do that if he believed a problem was developing and so I will withdraw it but I think it should be an indication to those who...well, I guess that is enough. Thank you.

PRESIDENT: Thank you, Senator Cullan. He has withdrawn the motion to return so we are...there is a further motion I believe though, so the Cullan motion is withdrawn. Is there...? Go ahead.

CLERK: Mr. President, if I may, right before that, I have a communication from the Governor addressed to the Clerk. (Read communication re: LB 134, 224, 326 and 360.) (See page 2329 of the Legislative Journal.)