

January 16, 1981

LR 5

Taiwan, and to answer Senator Wesely's question, is it going to make Red China unhappy? Are they going to call me or Senator Remmers naughty names for voting for it? I don't think so but they are going to be aware of the fact, they are going to be aware of the fact that this particular state which they have to rely on for agricultural products, too, isn't going to play the game of, we want to be your friend so we stab our old friend in the back. We will export grain to any of them and food, but not on terms of tit for tat, stab old friends for new friends. I urge you to support the resolution.

PRESIDENT: The question before the House is the adoption of LR 5. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 35 ayes, 3 nays on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution is adopted. Anything to be read in before we go into introduction of bills?

CLERK: Well one thing, Mr. President, your committee on Urban Affairs would like to have an executive session for Monday, January 19, 1981, upon adjournment.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit gives notice of public hearing in Room 1520 for Friday, January 30. (See page 199 of the Legislative Journal.)

PRESIDENT: We are ready then for agenda item #5, introduction of new bills. Mr. Clerk, you may proceed with the reading of the new bills to be introduced today.

CLERK: Read title to LR 229-233 as found on pages 198-200 of the Legislative Journal. Mr. President, in conjunction with that bill we have a communication from the Governor advising the Legislature as to the intent of the bill and the supplemental appropriations required by various state programs. That will be inserted in the Legislative Journal. (See pages 203-204.)

Read title to LR 233-246 as found on pages 200-203 of the Legislative Journal.

Mr. President, your committee on Public Works gives notice of hearing for January 30 and February 6 and that is signed by Senator Kremer as chairman.

February 6, 1981

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

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

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

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

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

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

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

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

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

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

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LB 188A, 234

advanced. Now we go to 188A.

CLERK: Mr. President, LB 188A was offered by Senator Nichol. (Read title).

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

SENATOR NICHOL: Mr. Chairman, I move the advancement of the A bill, 188A.

SPEAKER MARVEL: All those in favor of advancing the bill to E & R for Review vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 7 nays, Mr. President, on the motion to advance the A bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Are we ready for 234?

CLERK: Mr. President, LB 234 was offered by the Business and Labor Committee and signed by its members. (Read title). The bill was read on January 16. It was referred to the Business and Labor Committee. It was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, what this does it increases the burial costs of the people that die while they are working, the Workmen's Compensation benefits from \$1000 to \$2000. We had a study on this during the interim and we found that this rate hasn't been increased for a long, long time and it was proper to increase this to \$2000. The average burial is about \$2500, we were told, and so this is proper to increase it to \$2000. I move that the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor vote aye, opposed vote no. LB 234. Have you all voted? Record the vote.

CLERK: 32 ayes, 0 nays on the motion to advance LB 234, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. We now go to the A bill.

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

PRESIDENT LUEDTKE PRESIDING

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

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

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

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

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

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

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

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

PRESIDENT: Any objections? If not, so ordered.

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

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LB 188A, 234

CLERK: 25 ayes, 0 nays on the adoption of Senator Nichol's 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 Kilgarin, 188A.

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

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is LB 234.

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 234 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Senator Schmit, your light was on. Do you want to speak?

SENATOR SCHMIT: Mr. President, members of the Legislature, I would like to ask a question on LB 234, if I could please.

SPEAKER MARVEL: Do you want to ask Senator Maresh a question?

SENATOR SCHMIT: Yes, if I could.

SPEAKER MARVEL: Senator Maresh, do you yield?

SENATOR MARESH: Yes, Senator Schmit.

SPEAKER MARVEL: We are on 234.

SENATOR SCHMIT: Senator Maresh, how much are we increasing those compensation payments, can you tell me that?

SENATOR MARESH: From \$150 to \$180, that is the way the bill is amended now.

SENATOR SCHMIT: We are going up \$20.

SENATOR MARESH: \$30, \$150 to \$180, yes. The original bill

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LB 234, 234A, 143

called for \$200 a day. Excuse me, Senator Schmit, this is increasing the burial benefits from \$1000 to \$2000. I thought we was talking about the other bill.

SENATOR SCHMIT: I see, yes. Is this the maximum payment you can receive for burial if an employee is killed on the job?

SENATOR MARESH: That is correct.

SENATOR SCHMIT: And that goes up to \$2000?

SENATOR MARESH: Yes, and there is an average of two deaths like this per year so the fiscal impact is only \$2000.

SENATOR SCHMIT: Yes. That is been quite a little while since that has been raised, right?

SENATOR MARESH: It has been a long time, right. That is correct.

SENATOR SCHMIT: Okay, thank you, Senator.

SPEAKER MARVEL: Okay, the motion is the advancement of the bill. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 234 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 234A.

CLERK: I have nothing on the bill, Senator.

- SENATOR KILGARIN: I move we advance LB 234A 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 LB 110.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move we advance LB 110 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. Bill is advanced. The next bill is LB 143.

CLERK: There are E & R amendments, Senator.

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

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

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

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

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

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

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

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

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

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

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

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

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

I have a report of registered lobbyists for February 12

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LB 207, 207A, 234

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 1914 of the Legislative Journal.) 33 ayes, 12 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read 207A (E). This also requires 33 votes.

CLERK: (Read LB 207A on Final Reading.)

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

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 1915 of the Legislative Journal.) 33 ayes, 13 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 234.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Mr. President, Senator Fowler moves to return LB 234 to Select File for a specific amendment.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, members of the Legislature, the amendment is to raise the weekly Workmen's Compensation benefit maximum from \$180 a week to \$190. It is the same as the provisions of a bill that was voted out of the Labor Committee. It is kind of a compromise figure. I guess it is fairly straightforward as to what we are talking about, simply to raise the weekly benefit maximum which is now \$180 to \$190. It is a 5.5% increase. Right, the people are asking Senator Maresh if he voted. Senator Maresh did not support this in the committee but a majority of the Labor Committee did. With that, I would move to return the bill for this specific amendment.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support Senator Fowler in this motion to return LB 234 for this amendment. I would simply point out to the body that as Senator Fowler had indicated that this is a compromise that was worked out in committee on another bill. The \$10 increase is on the top side only. There is no increase on the bottom figure as the original bill was drafted. The original bill was drafted with a \$20 increase. It was amended down to \$10 only on the top side. I would also remind the body that in 394 we are increasing by the identical amount, \$10, the amount of funds that unemployment compensation, the top figure on that schedule and it seems to me that it is no more than right to increase for those people that have been hurt on the job on Workmen's Compensation a 5.5% increase as Senator Fowler pointed out is a relatively low figure and I would urge the body's adoption of this amendment.

SENATOR CLARK: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President, I, too, as a member of the Labor Committee supported this increase on another bill but unfortunately we won't be hearing it so I am urging the members of the body to support the amendment. It is only on the top end. It does not mean that everyone that is hurt on the job will receive that amount and \$10 as Senator Fowler indicated is only a 5½% increase and I think that since the bill did come out of committee that we are attaching this amendment onto LB 234, since the other probably would not be heard. I urge the adoption of the amendment.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, am I the last speaker or is there a lot of other speakers in this regard?

SENATOR CLARK: Pardon me?

SENATOR NEWELL: Are there a lot of other speakers on this issue?

SENATOR CLARK: We have got two more.

SENATOR NEWELL: Okay, I will just let somebody else talk.

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President and colleagues, I normally take a pretty hard stance on increasing these benefits but

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LB 234

I think in the area of Workmen's Compensation we have to remember that there is a trade off whereby if the benefits are paid, employers gain certain immunities against certain suits. I think we have to be fair in this and try to adjudicate this frequently to make sure that everything is in balance. I think the increase is reasonable. I don't think it is exorbitant. I think we have to remember we are talking about Workmen's Compensation now. We are not talking about employment compensation and I support the motion to bring the bill back.

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: I don't need to talk now, thank you.

SENATOR CLARK: The question before the House is the return of the bill for a specific amendment as explained by Senator Fowler. Did you want to close, Senator Fowler? All those in favor vote aye. All those opposed vote nay. Have you all voted? It takes 25 votes. Once more, have you all voted? Record the vote.

CLERK: 27 ayes, 10 nays on the motion to return the bill, Mr. President.

SENATOR CLARK: The bill is returned. Senator Fowler.

SENATOR FOWLER: I would move for adoption of the amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment. Is there any discussion? Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I rise to oppose this. I think it was just last year or two years ago that we did raise this and I think this increase is coming on the heels of just an increase of several years ago and of course every time the benefits go up it costs somebody more money and business and employers, industries are having a rough time of making a go right now. Therefore, I would urge you to oppose this amendment. I think this is about the same increase that was presented to the committee in LB 115 and the committee did not see fit to move this out or at least nobody had it as their priority bill. Now we are coming at the last minute when a bill is on Final Reading and we are attempting to put it on a bill so that it will take effect this session. I think we ought to let LB 115 take its course and see if the body wants to increase it. Therefore, I would urge you to oppose this amendment.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman and members of the Legislature, I rise to support this amendment. We are talking about employers who are paying for an employee who is injured on the job. This is one of the best reasons for having a safe working environment. We are not talking about every person who is hurt on the job. We are only talking about those who are high paid employees now. Why should they, if they are hurt on the job, be asked to take a remarkable reduction simply because the State of Nebraska is not keeping current with the increases in the work place? This is less than a 6% increase. It is a reasonable figure. It in itself is a compromise figure. I urge your support of this amendment.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the body, I just call to your attention that last week we voted on the Carsten-Landis amendment in LB 3, a sizeable benefit to existing industries and new industries. We have made some good faith attempts to make life easier for industry in this state this session. We also have been moving along LB 394 out of the Business and Labor Committee which represents a very fair and evenhanded approach to the unemployment compensation legislation. It, in fact, restricts certain kinds of benefits. It cuts benefits in half. We have also passed on the small forms consolidation bill which is going to consolidate paperwork essentially for business so that we have a series of proindustry initiatives this session that have been moving along very well. It seems to me that there is no incentive for somebody to injure themselves so that they can draw unemployment compensation. Nobody does that I believe so that we are not talking about some program with a lot of abuse. A 5% increase in one year when, in fact, wages are increasing at 9, 10 and 11% per year means simply that Workmen's Compensation will not be gaining at the same rate as wages. They will continue to lag behind and fall behind the average weekly wage so that there is no incentive there for abuse but, in fact, there is an attempt to make some kind of hedge against the effect of inflation for people that are out of work, who can't work because they are injured on the job. We are not talking about malingerers here or anything like that. We are talking about active parts of the state, the labor market who have been injured on the job and I think they are entitled to some kind of relief. We are talking about a less than 1% increase in the businessman's contribution rate or insurance rate to cover unemployment compensation, pardon me, Workmen's Compensation, with this measure. I think against the background of proindustry initiatives that have been moving along very well this session, this is a reasonable action to take to make sure that injured parties receive at least adequate compensation for their loss. I move the adoption of the amendment.

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SENATOR CLARK: I would like to announce that Mr. and Mrs. W.I. Steiner from Genoa, Mr. and Mrs. Leonard Meissner from Baraboo, Wisconsin, are under the South balcony and they are guests of Senator Dworak. Would you rise and be recognized, please? There is also 10 students from the eighth grade of Millard North Junior High at Millard, Nebraska. The teacher is Terry Welte. They are in Senator Wiitala's district. Would you rise and be recognized, please? Welcome, all of you, to the Nebraska Unicameral Legislature. Senator Higgins is the next speaker.

SENATOR HIGGINS: Mr. President, Senators, I would like to ask Senator Maresh, I understand he is the Chairman of this committee, a couple of questions.

SENATOR CLARK: Senator Maresh, will you respond?

SENATOR HIGGINS: For clarification, is this bill the bill that is going to provide another thousand dollars for burial for people?

SENATOR MARESH: That is correct. That is the original bill.

SENATOR HIGGINS: Okay, that was the original bill.

SENATOR MARESH: Yes.

SENATOR HIGGINS: Is it also going to increase weekly benefits \$10 a week?

SENATOR MARESH: Not the original bill. 234 does not...that is LB 115 does.

SENATOR HIGGINS: In other words, I have been hearing people talking about increasing benefits here and I am trying to just get a point of clarification. Is this bill, LB 234, strictly to increase burial benefits from \$1,000 to \$2,000? Nothing else?

SENATOR MARESH: That is correct.

SENATOR HIGGINS: So we are not talking about weekly benefits?

SENATOR MARESH: No. They are putting 115 into this bill. They are combining the two bills.

SENATOR HIGGINS: You mean, you are amending this bill to include that?

SENATOR MARESH: That is right.

SENATOR HIGGINS: I see. So we are going to increase weekly benefits and burial benefits.

SENATOR MARESH: Both.

SENATOR HIGGINS: I would have to say that I think it is very fair to increase the burial benefits from \$1,000 to \$2,000. I don't think you could bury somebody in a gunny sack today for \$1,000 but Senator Landis made the statement that nobody is going to go out and injure themselves just to collect a paycheck every week. Senator Landis, right now one of the companies that I insure has paid out so far, \$13,000 to a man who got injured working on the job, strained his back, and that was several months ago. So the company went to interview him to see how he was doing and he has moved back to Missouri and when they went to Missouri to interview him, he is now driving a tractor. So the company is now making an adjustment in which they are paying him. Where they had been paying him total disability and already it has cost, we say the insurance company \$13,000 but his employer is going to get one heck of an increase in his Workmen's Compensation insurance rate next year and yet this man has been driving a tractor we don't know how long. So there are many instances. We have had instances where people have left work on Friday feeling fine. They come back to work Monday and they say, oh, I wrenched my back Friday and I forgot to tell you. Checking it out we found out they painted their house over the weekend and fell off the ladder. So, I grant you, nobody injures themselves intentionally on the job but, believe me, we do have abuses of it. I would support the part of the bill that would raise the burial benefits from \$1,000 to \$2,000 but the weekly benefits from my own personal experience, and I have seen this most recently when inflation has been going on and where there has been a lot of unemployment, that I have seen a lot of abuses of Workmen's Compensation and it is a shame that we don't have enough people to investigate every claim to weed out legitimate claims for the bad, but speaking for the small businessmen, I have to say that I could not support this amendment, giving them an extra \$10 a week in view of the fact that I have seen too many employees abuse what they are being given. Thank you, Senators.

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, I will oppose the amendment for several reasons. Senator Hefner gave very good reasons. I think that our unemployment compensation benefits are fair and I think they are comparable to other states. I think it is too late to bring this amendment back. It could kill the bill which I think is a good bill. I can support

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that. So I would ask you to oppose the amendment.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President, are there many more speakers on this issue?

SENATOR CLARK: Yes, we have five more.

SENATOR NEWELL: Five more speakers. It may be appropriate to call the question and I would like to do that.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 10 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Fowler, do you wish to close?

SENATOR FOWLER: Mr. President, several times on the floor this year Vard Johnson has stood up and given us some economics lessons and I very much appreciate those. One of the things he has talked about is to realize that we live in inflationary economy, in inflationary society and to try and adjust our psychology accordingly and it gets to the point that on many of these benefit levels that if you do not adjust them some small amount for inflation, in fact, then you have reduced them and there is no way it seems that we can automatically index these things to the cost of living and, therefore, we have to come in and pick a dollar amount and try and adjust it. Essentially that is all we are doing with this amendment and, in fact, it is probably less than an inflationary adjustment, less than an actual indexing. If we had an automatic cost of living, automatic CPI adjustment, these things would be going on just higher, at a higher level than we are talking about here. So I don't think we are even keeping up with the rate of inflation as far as the benefits. I think Senator Dworak has addressed some of the questions about the need for equity in this system. We have asked employees to surrender a certain right. To sue we have set up an administrative system and an insurance system and I think we have to maintain some equity. Nebraska is very low as far as what it pays as the maximum benefit versus the average weekly wage. Most states are above the average weekly wage. Nebraska is

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LB 234, 273

below it. This is a small increase, \$10 a week, 5.5%, less than the rate of inflation, something that I think we ought to do just even to try and keep pace with where we are with inflation. I would move for adoption of the amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment as explained by Senator Fowler. All those in favor vote aye. All those opposed nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? We are on Final Reading. Record the vote. Senator Fowler.

SENATOR FOWLER: I would ask, oh, we are under Call. I guess I would ask people to punch in and have a roll call vote.

SENATOR CLARK: Clear the board. Would everyone check in, please? Would everyone check in, please? We are supposed to be in our seats. We have four excused. Senator Goodrich, Senator Cope, Senator Koch, Senator Dworak, would you all just check in please? Senator Haberman, would you check in, please? Senator DeCamp. Do you want to call the roll? Call the roll.

CLERK: (Read roll call vote as found on page 1919 of the Legislative Journal.) 25 ayes, 20 nays, Mr. President, on adoption of Senator Fowler's amendment.

SENATOR CLARK: The amendment is adopted. Senator Fowler.

SENATOR FOWLER: I will move to readvance the bill to Final Reading.

SENATOR CLARK: The motion is to readvance the bill to F & R. All those in favor say aye, opposed. The bill is readvanced. The Clerk will read 273. Do you have a motion on that?

CLERK: Yes, sir, I do. Mr. President, I have a series of motions on 273.

SENATOR CLARK: Read the first motion.

CLERK: The first is offered by Senator DeCamp and there was one on 856 you want to withdraw, Senator? Mr. President, he wishes to withdraw that one. The one following that is offered by Senator DeCamp and that is found on page 913 of the Journal, Mr. President.

SENATOR CLARK: Senator DeCamp.

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

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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 3, 234, 248, 248A,
366, 427, 427A, 561

eight o'clock which means you can come in at eight o'clock and not make too much noise and there will be a general turn-over and it won't really affect anybody too much.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 3, 248, 248A, 366, 427, and 427A. See page 2077, Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 234 in the Legislative Journal.

SENATOR CLARK PRESIDING

SENATOR CLARK: I would like to announce Senator Remmer's guests, Merle Prior from Falls City, Gladys Koeppel from Auburn and Muriel Scott of Auburn. They are under the South balcony. Would you stand and be recognized? Senator Dworak has 26 fourth grade students from Highland Park, Columbus with two adults. Mr. Dennis Smith and Dale Brinkman are the teachers. They are in the North balcony. Will you raise your hands and be recognized please? Also Al Boettcher from Fairbury and Stephen Songster from Exeter, Mr. and Mrs. Boettcher are from Senator Burrows' District. He was the Speaker of the Silver-haired Legislature. Stephen Songster is from Senator Maresh's Office and he was a member of the Silver-haired Legislature also. I don't know where they are but will you stand and be recognized please? Welcome to the Legislature, all of you. The first motion under #5.

CLERK: Mr. President, Senators Dworak, Fowler, Stoney, Lowell Johnson, Cope and Marsh, pursuant to Rule 6, Section 4 move to override the Governor's line-item veto of the Department of Public Institutions, Program No. 424 - State Aid - Community Mental Retardation, including the final budget for each mental retardation region shown in Section 11 on pages 10 and 11 of the bill. (LB 561.)

SENATOR CLARK: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I find myself in a role this afternoon I am not too often in and that is advocating a veto override. I might mention the reason I am speaking instead of Senator Warner is that the Appropriations Committee was split on action or on the Governor's vetoes and Senator Warner voted in the minority. I might also suggest that I think many of those minority votes were not necessarily on the specific issues but rather in just a general philosophical approach to sustaining the Governor all the way across the board. My personal opinion is this seven hundred and seventy some thousand dollars that five

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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 234, 303, 326, 336

you record your presence. Senator Burrows, would you record your presence. Will all legislators please take your seats so we can proceed with the roll call vote. Call the roll.

CLERK: Roll call vote. 18 ayes, 24 nays, 1 present and not voting, 6 excused and not voting. Vote appears on pages 2098-2099 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Clerk will read on Final Reading LB 303.

CLERK: Read LB 303 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. LB 303 on Final Reading. Have you all voted? Record the vote.

CLERK: 43 ayes, 0 nays, 6 excused and not voting. Vote appears on page 2099 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, 326E, if there are no objections the two principal's are working out an agreement and they would like to have the bills passed over for one time. Is that right Senator Hoagland? Okay, if there is no objection we will go then to LB 336 on Final Reading.

CLERK: Read LB 336.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass, LB 336. Those in favor vote aye, opposed vote no. Senator Stoney.

SENATOR STONEY: I have a question of the Clerk. It was my understanding when I offered an amendment to this bill that we were changing the date of December 31, 1983, to correspond with the fiscal year of June 30, 1984. Now I think that should be consistent in LB 336 as it is in 336A, and I would like a ruling on that please.

SPEAKER MARVEL: Record the vote.

CLERK: 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting. Vote appears on page 2100 of the Legislative Journal.

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LB 529A, 234, 389, 544, 561

CLERK: (Read record vote as found on page 2136 of the Legislative Journal.) 42 ayes, 4 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senators DeCamp and Maresh move to reconsider the body's action on failing to pass LB 234 yesterday.

Mr. President, Senator Kremer would like to print amendments to LB 544. (See page 2137 of the Legislative Journal.)

Mr. President, Senator Koch moves to override the Governor's line item veto of the state aid monies as set forth in LB 561.

Mr. President, I have a reference report from Senator Lamb referring a gubernatorial appointment for confirmation hearing.

Mr. President, that is all that I have, Mr. President.

SPEAKER MARVEL: Okay, are we ready for item #6? Senator Wesely, do you wish to be recognized on item #6? Okay.

SENATOR WESELY: Mr. Speaker, members of the Legislature, there is a motion pending to return LB 389 from Final Reading to Select File for a specific amendment. That amendment is an amendment cosponsored by Senator Schmit and myself, the cosponsors of this bill to delay the operative date of this bill, LB 389, which provides for disabled family members to be served in their home. This program would be delayed until July 1, 1982. This would effectively eliminate the need for an A bill this year and this provision in this amendment is one which has been worked out in cooperation with the Welfare Department and with the budget office. I think you have on your desk a handout that was presented by me. It is a letter from John Knight to myself concerning LB 389 and his support for the concepts and aims of that legislation. He talks a bit about the Minnesota program. I would urge you to take a look at that. Also attached is a sheet showing some of the cost savings. There were questions before about, well, can you be more specific on cost savings on this program. The handout will give you some idea of where we can save money depending on the certain facilities we are talking about in providing that assistance. So I think it clearly is a program that has a lot of support. The concerns that were in the past was the fact that we just did not have the money this year with the budget as it was and so we are asking to delay implementation and, thus, not have any need for an A

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LB 234

We should either accept defeat gracefully or accept winning just as gracefully. Thank you Mr. President.

SPEAKER MARVEL: The motion is the Vickers rule change. All those in favor of that rule change vote aye, opposed vote no. Senator Vickers.

SENATOR VICKERS: A record vote Mr. President.

SPEAKER MARVEL: Record the vote.

CLERK: 9 ayes, 24 nays, 14 present and not voting, 2 excused and not voting. Vote appears on page 2191 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Before we go to the next item in the....from Senator Rumery's district, 18 students seventh and eighth grade from Our Redeemer Luthrean, North Platte, Nebraska, Steve Claussen is the teacher. Will you show us where you are so we can welcome you to the Unicameral. Now Mr. Clerk, I think we go back to motions, right?

CLERK: Mr. President, the first motion I have is offered by Senator DeCamp and Maresh and that is to reconsider the body's action on Final Consideration of LB 234.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, real quick. The business people and the labor people got together and agreed they would take the ten dollars off and pass the barrel part of the bill. My motion is to reconsider it and then I have an amendment up to take the ten dollars off. As I say, the two sides got together and agreed on it.

SPEAKER MARVEL: All right, Senator Vickers, the floor is yours.

SENATOR VICKERS: Mr. Chairman and members, very briefly, I just want to make a statement for the record. I was in favor of this bill, I voted for it, but I am going to vote against any attempt to bring it back as I'm going to vote against any attempts to bring any other bill back the rest of this session, because of the reasons I outlined earlier. Once they get back we are going to be right back in the state of debate that I don't think is a good policy question.

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LB 234

SPEAKER MARVEL: Senator DeCamp, do you wish to close on your motion?

SENATOR DeCAMP: No.

SPEAKER MARVEL: The motion before the House is reconsideration. All those in favor vote aye, opposed vote no. Do you want to tell them what the motion is Pat.

CLERK: Mr. President, the motion is to reconsider the body's action in failing to pass 234.

SPEAKER MARVEL: Okay, record.

CLERK: 32 ayes, 2 nays, Mr. President. Mr. President, Senator DeCamp would now move to return LB 234 to Select File for a specific amendment. That amendment being, (Read DeCamp amendment as found on page 2191 of the Journal).

SENATOR DeCAMP: Just strikes the ten dollars.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: The motion is now before us to return for a specific amendment. All those in favor vote aye, opposed vote nay. Voting aye.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record Mr. Clerk.

CLERK: 28 ayes, 3 nays Mr. President on a motion to return the bill.

SENATOR NICHOL: Do you want to speak on the. . . .

CLERK: We are voting on the adoption of the DeCamp amendment, Mr. President.

SENATOR NICHOL: All those in favor of adopting the DeCamp amendment vote aye, opposed vote nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record Mr. Clerk.

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LB 234, 394

CLERK: 27 ayes, 7 nays Mr. President on the adoption of the DeCamp amendment.

SENATOR NICHOL: All those in favor of advancing the bill please say aye, opposed nay. . . A machine vote has been requested. All those in favor push your button. Record.

CLERK: 34 ayes, 4 nays Mr. President on the motion to readvance the bill.

SENATOR NICHOL: We will go on to 394, Senator Vard Johnson.

CLERK: Mr. President, Senator. . .first of all Mr. President, Senator Johnson moves to reconsider the action in failing to pass LB 394 on Final Reading.

SENATOR NICHOL: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I had to do a little court case in Omaha, I believe Tuesday, when this bill was heard on Final Reading and when I got down to the Legislature at noon, Senator Maresh who of course sits right behind me and who was one of the sponsors of the bill said that a terrible thing had happened, that this bill had failed to move on Final Reading. He couldn't understand it because it was a sound bill. I said, well I wasn't here Dick so I will file a motion to reconsider and we will see if we can get the thirty votes and get the bill readvanced. A couple of hours later Senator Maresh said, well Vard he said, I would like to have that bill reconsidered but when it is reconsidered and brought back I want to strip out a section of the bill. I said, well Senator Maresh, I said Senator Maresh, I happen to like the bill as it was. I don't want any section stripped out, so I am going to remove my....or withdraw my motion to reconsider. I said in the meantime you had better get your own motion up to reconsider, because you are still within time. I think Senator Maresh has done it, but, Senator Maresh isn't here this afternoon to carry his own motion to reconsider. I think Senator Hefner will carry it for him. In the meantime, I ask unanimous consent of this body, so I can withdraw my motion to reconsider.

SENATOR NICHOL: No objection, so ordered. Mr. Clerk I will wait until I say that. The motion is withdrawn. We will move on to LB 529.

May 22, 1981

LB 213, 234, 243, 16, 318,
394, 472, 506, 506A

CLERK: Mr. President, Senator Maresh would move to reconsider the body's action in their failure to pass LB 394 on Final Reading. That will be laid over.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. the bills that we read on Final Reading this morning. (Re. LB 316, 506, 506A, 472.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 213 and find the same correctly engrossed; 234 correctly engrossed; 318 correctly engrossed, all signed, Senator Kilgarin.

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

SENATOR SCHMIT: Mr. President, have we had the reading of the vote yet? Have you read those who have voted?

SPEAKER MARVEL: Sorry. Say it again.

SENATOR SCHMIT: Has the Clerk read the report of those who have voted yet?

SPEAKER MARVEL: Yes.

SENATOR SCHMIT: Did you read the names? I'm sorry if I missed it.

SPEAKER MARVEL: Which names are you talking about? You mean a roll call vote? I don't understand your question.

SENATOR SCHMIT: Well the usual procedure I believe is to read those who have voted aye and those who have voted nay. As I understand, Senator Warner indicated that he had voted aye and he is not recorded as having voted and I would like to have the record read as we usually do.

SPEAKER MARVEL: Mr. Clerk, do you have the record?

CLERK: Mr. President, the vote on the advancement of 243 was as follows: (Read record vote again as found on page 2224 of the Legislative Journal.)

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

SENATOR WARNER: Mr. President, is it in order for me to move to reconsider as shown as having not voted? Pat could

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LB 172, 218, 234, 234A, 285

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 172 passes. The next bill on Final Reading, Mr. Clerk, is LB 218.

CLERK: (Read LB 218 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 218 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2392-2393 of the Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 218 passes. The next bill on Final Reading is LB 234, Mr. Clerk.

CLERK: (Read LB 234 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2392 of the Legislative Journal.) 49 ayes, 0 nays, Mr. President, on adoption of LB 234.

PRESIDENT: LB 234 passes. The next bill on Final Reading, Mr. Clerk, is LB 234A.

CLERK: (Read LB 234A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 234A pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 2394 of the Legislative Journal.) 47 ayes, 0 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 234A passes. The next bill on Final Reading, skipping over then, 242, is LB 285.

ASSISTANT CLERK: (Read LB 285 on Final Reading.)

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want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.