

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.

LB 48, 62, 98, 172, 179,
226, 239, 266, 299, 304,
332, 342, 343, 344, 360,
453, 454, 506, 545

March 24, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor Wayne Schroeder of the Calvary Lutheran Church and School, 28th and Franklin, Lincoln, Nebraska.

PASTOR SCHROEDER: Prayer offered.

SPEAKER MARVEL: Have you all recorded your presence? Is everybody here or are there still some missing? While we are waiting for the quorum you might be interested in the fact that our Clerk is hobbling around. The problem is that I was teaching him some dirty plays in basketball and got too vigorous. Record the vote.

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

SPEAKER MARVEL: Do you have some items under item #3?

CLERK: Yes, sir, I do, several in fact. Mr. President, I have a series of reports to read in. Your committee on Public Works whose chairman is Senator Kremer to whom was referred LB 98 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 226 to General File with amendments and LB 344 to General File with amendments, (Signed) Senator Kremer. (See pages 1082-1086 of the Legislative Journal.)

Your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 454 to General File; LB 172 General File with amendments; LB 304 General File with amendments; LB 360 to General File with amendments; LB 506 General File with amendments; LB 48 indefinitely postponed; LB 62 indefinitely postponed; LB 299 indefinitely postponed; LB 332 indefinitely postponed; LB 342 indefinitely postponed; LB 343 indefinitely postponed; LB 453 indefinitely postponed, all signed by Senator Carsten as Chair. (See pages 1086-1089 of the Legislative Journal.)

Mr. President, your committee on Administrative Rules and Regs reports, whose chairman is Senator Vard Johnson, reports LB 266 to General File with amendments.

Your committee on Government reports LB 239 to General File with amendments and LB 545 to General File with amendments, signed Senator Kahle as Chair. (See pages 1089-1093.)

Mr. President, LB 179 is reported correctly engrossed.

Mr. President, LR 40, 41 and 42 are ready for your signature.

May 1, 1981

LB 172, 239, 346, 547

carriers. Other states require quarterly, Nebraska requires monthly, and they have simply ignored the monthly reporting and it does put us in uniformity so that everybody will be doing the same thing at the same time. It also does the setting of the variable motor and special fuel tax rates that was established in LB 722 in 1980 and is changed from adjusting it monthly to adjusting it quarterly also. That, Mr. President, in addition to defining a special fuel dealer more clearly, is what the bill in its totality does. And I would move for the advancement of LB 172 as amended to E & R Initial.

SPEAKER MARVEL: The motion is to advance the bill as explained by Senator Carsten. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on advancement of the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. Do you have some items to read in, Mr. Clerk?

CLERK: Yes, Mr. President, if I may, Senator Schmit would like to print amendments to LB 547, Senator Kahle to 239, and Senator Vickers to 346. (See pages 1693 and 1694 of the Legislative Journal.)

Mr. President, Senator Koch, rather than have the Omaha delegation meet at 3:30, will meet upon adjournment in Room 1517. Is that right? Okay.

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

SENATOR GOODRICH: Members of the Legislature, could we have your attention for a couple of moments. Now, you all know by now that the Senators played a ball game last night with the Pages. Ordinarily, Senator Fitzgerald would be up here making a presentation. However, Senator Fitzgerald being the poor loser has declined the duty to make this presentation. However, now that we got that clear, why I am here instead of Senator Fitzgerald, now would Kitty assemble all the Pages because we have a rather unpleasant task here to perform. Are they all together, Kitty? They are all present? Okay. We have prepared something for the benefit of the Pages and I will read it to the members of the Legislature. It says: In Memoriam. Whereas the 1981 class of legislative Pages had the chautzpah to heap ignominy upon the distinguished Senators of the Nebraska State Legislature, the Unicameral Legislature of Nebraska extends its sincerest

January 13, 1982

LB 239

SENATOR NICHOL: Okay, we will take up LB 239.

CLERK: Mr. President, LB 239 was a bill introduced by Senator Labedz and Senator Lowell Johnson. (Read title). The bill was read on January 16 last year. At that time it was referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Government Committee.

SENATOR NICHOL: Senator Kahle, did you want to take the committee amendments, please.

SENATOR KAHLE: Mr. President and members, this bill deals with access to land and I don't know whether to take the amendment. The amendment that we provided eliminates Section 4 of the bill, and I suppose I had better try to explain that. We had bills before us a number of times since I have been in the Legislature dealing with the access to isolated lands, and this bill would require that the land owners if they wanted access to land could petition or request the county board to provide that road. The cost would be born by those adjacent land owners. The part that we are eliminating or that we are talking about in Section 4 is the school lands and funds. Now school lands and funds does also have some isolated land and the argument has always been that school lands and funds should be exempt from paying for the road into their property, that the county should bear that expense. I think you also know that school lands and funds does not pay any property tax to the county for road maintenance, bridge maintenance, anything else. All the land that's collected from school lands goes for school purposes. There is a small amount that goes to the local school district. The rest is put in a pot and distributed per capita per student over the whole State of Nebraska. So I have always been of the opinion that if the state school lands and funds were developing their land and needed access roads to it, they should be treated exactly as any other land owner. And what Section 4 does, it would require...it takes out the provision that they are exempt from paying for the road and they would be treated as any other land owner. I believe that in a nutshell is what the amendment does, and I move the committee amendments to LB 239.

SENATOR NICHOL: We are voting on the adoption of the committee amendments. All those in favor vote aye, opposed nay. Voting aye, Pat.

CLERK: Senator Nichol voting yes.

January 13, 1982

LB 239

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

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR NICHOL: Senator Labedz or Lowell Johnson, which one of you wishes to explain the bill?

SENATOR LABEDZ: We both will, I am sure.

SENATOR NICHOL: All right, we have an amendment I understand but we probably ought to understand the bill first. Senator Labedz.

SENATOR LABEDZ: Okay, fine. Thank you, Mr. Chairman. I would like to first explain what LB 239 provides. First of all, number one, if a person knowingly buys an isolated tract of land or sells off surrounding property leaving an isolated tract of land, he could not petition the county for a road. In other words, if he cannot obtain access rights from his neighbors then he is out of luck. Number two, if his land is isolated through no fault of his own, the county may at its discretion use its rights of eminent domain and acquire a right of way for an access to the isolated property. The access road could be a one-lane driveway or could be a two-lane public road at the discretion of the county board. All costs for acquiring the right of land and the building of the road would be paid by the person owning the isolated land. Of course, the owner would also have to pay for the upkeep. Under the present law, we provide that if, number one, a person owns a piece of land that does not have any access to a public road and is surrounded on all sides by real estate owned by others, and, number two, if he is unable to purchase from any adjoining landowner the necessary right of way to gain access, he may petition the county board to lay out a public road for his property. Also under the law...the present law, the county must obtain the necessary right of way through eminent domain and build the petitioner a road to his property. The petitioner then is required to pay for the right of way acquired. Under the existing law a person can buy a piece of property that is isolated or can sell off adjoining property leaving him with a piece of isolated land and then force the county to build a road to his isolated land. In the past few years counties have been getting a number of requests for providing access to isolated land and most of the requests are ridiculous. Many have to do with the small tracts of land along a river that someone wants to build a house or a cabin. Two examples I will give you are from Douglas County where a man came to

the county board asking for an access of a two acre tract along the Elkhorn River. He had purchased the property at a tax sale. It was in a floodway and he was not able to put up any buildings on the property but he wanted to use the property just to go fishing. The cost of building him a road would have been about a \$50,000 bill. The county board refused to act on his request and happily he didn't take it to court, but they tell me if he had gone to court, there is no doubt that he would have won. Another case shortly before that, a man came to the county board requesting access to a 15-acre tract that was isolated. He had sold off most of the surrounding property over the years without keeping an easement for the 15-acre tract. Again the neighbors refused him access rights. The cost to build this road would have been 40 to 50 thousand. Once again the county board refused and he was finally able to work out an agreement and if they would have gone to court with this he would have won. I would like to also say that at the public hearing the Nebraska Association of County Officials supported the bill. We had testimony from Douglas County, Dodge County, Cedar County, Custer County and it has been long overdue and that explains the bill, but I am sure that the Clerk does have another amendment before we take up passage or advancement of the bill.

SENATOR NICHOL: Mr. Clerk, would you read the amendment, please.

CLERK: Mr. President, Senator Kahle offers an amendment. He offered...well, he would offer a new section 7. "This act shall not apply if public access had been granted prior to the effective date of this act." And I believe copies have been distributed to the membership.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I think this is just a clarifying amendment, so that if access has already been provided that they can't come back and demand a different type of access. And I think this is a good amendment and should be adopted...attached to the bill. Thank you. I move for the adoption of the amendment.

SENATOR NICHOL: All right, we are voting on the adoption of the Kahle amendment. Senator Koch, did you wish to speak to this amendment?

SENATOR KOCH: I would like to speak to the bill when we get past the amending process.

SENATOR NICHOL: Okay. All those in favor of the Kahle

amendment vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record the vote, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Kahle's amendment.

SENATOR NICHOL: There are no other amendments so, Senator Koch, did you wish to speak to the bill?

SENATOR KOCH: Thank you, Mr. Chairman. I have a question of Senator Kahle if he would yield.

SENATOR NICHOL: Senator Kahle, would you respond, please?

SENATOR KAHLE: Yes.

SENATOR KOCH: Senator Kahle, I am not quite sure I understand the intent of this bill. I know the bill came out of Douglas County but my concern is where we get out in the greater part of Nebraska where you have a lot of school lands and say, for example, when a lease has expired on that school land and I buy it yet I know it is isolated and completely surrounded by possible school land and still under the ownership and lease of school lands, now then if I petition for a road to get to the isolated section that I buy or more, or 80 acres, or whatever it might be, would I pay the costs? Do I pay the costs then as the owner?

SENATOR KAHLE: That is right.

SENATOR KOCH: Now who is going to pay the maintenance of it?

SENATOR KAHLE: If the county takes over the road, they will pay the maintenance on it. If it is just an access road.... I guess we are talking about two different things, Senator Koch. If it is on the mile section line and it is opened up, I think the responsibility is on the county.

SENATOR KOCH: Right. But then say that is not the case.

SENATOR KAHLE: Then I think it is the responsibility of the landowner unless they negotiate with the county and it is proposed in that way. They could reject it, I am sure.

SENATOR KOCH: Okay, now then talking about the school land and funds, now if the school lands and funds trustees request

January 13, 1982

LB 239

a road for some reason then that is the responsibility of the school land and funds?

SENATOR KAHLE: Under the amendment that we took out just now requires that school lands and funds would pay their share.

SENATOR KOCH: But that would be at their request in the first place to get that road in there.

SENATOR KAHLE: That is correct.

SENATOR KOCH: Okay.

SENATOR KAHLE: I understand they would be treated no different than any other land owner.

SENATOR KOCH: Okay, thank you.

SENATOR NICHOL: There are no other lights on. Did one of you wish to close? Senator Lowell Johnson or Senator Labedz.

SENATOR LABEDZ: I believe Senator Johnson would like to close.

SENATOR NICHOL: Okay, Senator Lowell Johnson.

SENATOR L. JOHNSON: Mr. President, colleagues, I think the need has been expressed very well by Senator Labedz for access to isolated lands. The cases that she made in point were also illustrated by testimony from Dodge County, from Cedar County and from some of the other testifiers at the committee hearing. Therefore, to eliminate the potential for problems for counties in the future, this avenue of optional treatment by the counties is most important. Therefore, Mr. President, I move for advancement to E & R Initial of LB 239.

SENATOR NICHOL: Thank you. We are voting on the advancement of LB 239 to E & R Initial. All those in favor vote aye, opposed vote nay.

CLERK: Senator Nichol voting yes.

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

CLERK: 30 ayes, 2 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: LB 239 advances to E & R Initial. We will move on to LB 401.

January 19, 1982

SENATOR CLARK: The motion lost. The next amendment is amendment number two of Senator Vickers to Section one. He wants to read a few things in first.

CLERK: Mr. President, very quickly, new bills: (Read by title for the first time, LBs 895-914 as found on pages 343-347 of the Legislative Journal.)

Mr. President, I have a hearing notice from the Public Works Committee for January 29, February 10, 11 and 17. That is signed by Senator Kremer as Chair.

Mr. President, Retirement sets hearings for Wednesday, January 7 and Revenue sets hearings for January 25, 26 and 27, signed by the respective chairmen.

I have a reference report referring LBs 848 through 880.

Mr. President, your committee on Enrollment and Review reports that 511 be reported to Select File with amendments, 192 Select File with amendments, 231 Select File with amendments, 454 Select File, 304 Select File, 69 Select File with amendments, 139 Select File, 139A Select File, 305 Select File, 239 Select File with amendments, 410 Select File with amendments, 278 Select File with amendments, 126 Select File with amendments, all signed by Senator Kilgarin.

SENATOR CLARK: We are now ready for the second Vickers amendment to Section one.

CLERK: Mr. President, the amendment reads as follows: On page 2, line 13, strike the word "life" and insert "safe yield."

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President, since that is more of a technical one there the following amendment on Section two would be more applicable to take up and I think the Clerk has other amendments on Section one so if you would want to skip over this and go to the other amendments that are on Section one, that would be fine with me. You have other amendments and I think Senator Beutler and some other people might have amendments on Section one if you want to go ahead and take those up at this time.

CLERK: So are you withdrawing. . .you don't want this one then, Senator?

SENATOR VICKERS: That one is more of a technical one. It

January 27, 1982

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

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

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

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

CLERK: I have nothing further, Mr. President.

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

SENATOR KILGARIN: I move to advance LB 347.

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

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

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

That is all that I have, Mr. President.

SENATOR CLARK: Senator Johnson.

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

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

Edited by:

Marilyn Zank
Marilyn Zank

January 29, 1982

LB 69, 239

SENATOR MARSH: I simply will read the first paragraph. "We would like your help in exacting legislation to institute safety regulations for day care center vehicles used for the transportation of children." They have a concern even though they no longer have a five year old in a day care center.

SENATOR CLARK: All those in favor of the second Marsh amendment will vote aye, opposed vote nay. Have you all voted? Once more, have you all voted? I am going to call the vote and let her call for a Call of the House. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the second Marsh amendment, Mr. President.

SENATOR CLARK: The second amendment is adopted. Any further amendments?

CLERK: Nothing further on the bill.

SENATOR CLARK: Senator Kilgarin. Senator Marsh, do you wish to move the bill?

SENATOR MARSH: I move the bill be advanced.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. We go to LB 239. LB 239.

CLERK: Mr. President, 239, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 239.

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

CLERK: Mr. President, Senator Vickers and Koch move to amend the bill and their amendments are on page 432 of the Journal.

SENATOR CLARK: Senator Vickers, do you want to take it?

SENATOR VICKERS: Mr. Clerk, I think there was another amendment following that so we'd ask to ~~withdraw~~ that one and we will go with the next one.

SENATOR CLARK: That amendment is withdrawn. We will go to the next.

CLERK: Mr. President, Senator Vickers has an amendment on page 443 of the Journal.

SENATOR CLARK: Senator Vickers.

SENATOR VICKERS: Mr. President and members, the amendment clarifies that the provisions of this bill, 239, apply only to those lands that are purchased after January 1, 1982, purchased or otherwise acquired as you can tell by the language. It seemed to me that what we needed to do here was to make this apply to those individuals that now purchase a parcel of isolated land and then apply for a road to be built to it but we shouldn't slam the door on those people that in good faith bought some land earlier and had probably figured in on their cost that the county was going to provide a road into them and had it already filed and everything, that it seems to me that the provisions of this bill should be not retroactive but only to those people that now have isolated properties bought following January 1st. I am sure Senator Koch probably has some comments to make on this, too.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, this deals primarily with the school lands and I concur with Senator Vickers that this is the only fair way to handle it and I don't think we want to make any bill retroactive to isolate lands which might have occurred under which the law did not exist at that time for certain protections. So I agree with Senator Vickers. This is appropriate. School lands and management division of them also think it is appropriate and I ask for adoption of the amendment.

SENATOR CLARK: Is there any further discussion on the amendment? If not, all those in favor vote aye, opposed... Senator Lamb's light just now came on.

SENATOR LAMB: Mr. President, members, a question of one of the sponsors of the amendment. Does this apply, would this mean that if a lease changes hands, does that make this amendment applicable? A school land lease changes hands so then the situation is suddenly changed?

SENATOR VICKERS: No, Senator Lamb. It says purchased or otherwise acquired. The reason the "otherwise acquired" language was put in there was because obviously the school lands were not purchased, but the land itself when you lease the land, you don't have control of the land as far as the acquiring of the land is concerned. So the intention is

certainly not to make it apply following a lease change.

SENATOR LAMB: Then I guess I don't understand the purpose of the amendment because it would never...if it is aimed at school land, I don't see when it would ever apply because or are you talking about in the case when school land is sold, is that it?

SENATOR VICKERS: No, I am talking about what Senator Koch referred to. The bill itself says that isolated lands, then the person owning that land, if they want a road built to it, they have to pay for all the cost to build the road, engineering and so forth. Now much of the school land, that land that is isolated has been isolated for years and years and years, and the same thing is true for those people that are...and what I am saying with my remarks is I think this should apply to everybody. Somebody that bought a parcel of land out there that was isolated a couple, three years ago with the purpose of building a house on it and they assumed at that time that the county was going to build them a road. Now we are changing the rules and we are making it retroactive, anybody that bought the land in the past. What I am saying is that it should apply only after a certain date and it applies also to the Board of Educational Lands and Funds or any other state agency. If they had land before, then the same procedures that we have always used would apply. If anybody else, including the Board of Educational Lands and Funds, I am not sure they do or have the authority to, but if they would buy new land after January the 1st, then they should have to jump through the same hoops that we are applying on the individual that buys parcels of land now. They would have to pay for the road and the whole bit.

SENATOR LAMB: I guess the reason I am confused is because Senator Koch said that it was aimed primarily at school and I don't see how it can be aimed at school land at all unless there was some school land sold after your cut off date, because if you are saying that land acquired does not include leased land, then it would never apply to school land because it has already been acquired unless it is sold subsequent to the date in your amendment.

SENATOR VICKERS: The only way it would apply to school lands, as I understand it, Senator Lamb, would be if the Board of Educational Lands and Funds would buy some new land.

SENATOR LAMB: Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: I think my question has been answered, Mr. President. I, too, have a concern as to how this is going to work and, of course, when you put a termination date in it or if you grandfather in everything that is water under the bridge, why, of course, School Lands and Funds haven't changed ownership of land much in the last ten or fifteen years. Of course, my big beef in this thing is if a demand for a road is made that it should treat School Lands and Funds exactly the same way it treats an individual and I don't know exactly what your amendment does but I don't think they should be able to get a road built into them any cheaper than you or I if we owned the same land, and they object to that because they think they have some kind of an immunity but, Senator Koch, would you care to comment on that. Do you feel that way or do you feel they should be immune from (interruption)?

SENATOR KOCH: Senator Kahle, we had this bill before us on two previous occasions that I recall. As I recall, and you and I have had differences of opinion, I am willing to try to resolve that issue but I don't think it is fair if we go back to land that might have been sold isolated. Now that person developed that for, say, some recreational purposes and intends to use it commercially. I don't believe then the school lands should have to go back and put that up simply because at the time they sold it it was for other purposes. So we are saying, you know, we are not going to make this retroactive and it affects school lands and anyone else after January 1, 1982. They are going to have to do the same thing as anyone else would have to do. They are going to have to help support and pay.

SENATOR KAHLE: Okay, with that on the record, I feel better. Thank you.

SENATOR CLARK: Senator Vickers, do you wish to close? No closing. All those in favor of the Vickers amendment will vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have all those voted that wish to vote? We are voting on the Vickers amendment. Have you all voted on the Vickers amendment? Have you all voted? Record the vote.

CLERK: 27 ayes, 1 nay, Mr. President, on the motion to adopt the Vickers amendment.

SENATOR CLARK: The amendment is adopted. The next amendment.

January 29, 1982

LR 210
LB 239, 212, 585, 657, 662,
669, 729, 758, 448

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

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

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

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

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

February 4, 1982

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

SPEAKER MARVEL PRESIDING

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

PASTOR FRAZIER: Prayer offered.

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

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

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

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

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

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

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

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

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

February 11, 1982

LB 198, 231, 239, 263

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

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

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

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

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

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

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

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

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

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

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

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

CLERK: (Read LB 263 on Final Reading.)

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

February 16, 1982

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

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

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

Mr. President, I have Legislative Bills passed on Final Reading ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 592, 511, 448, 370, 263, 239, 231, 198, 192, 450 and LB 465. We have one more guest that we would like to introduce. I believe he is under the North balcony, here as a guest of Senator Kremer, Mr. John Harris from Aurora. He has filed for the Legislature from the 34th District. Would Mr. Harris stand up and be recognized. Welcome to your Unicameral, Mr. Harris. And now the Chair recognizes the Honorable Senator Nichol from Scottsbluff, Nebraska.

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

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

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

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

February 22, 1982

SPEAKER MARVEL PRESIDING

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

REVEREND PALMER: Prayer offered.

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

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

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

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

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

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

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

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

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

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