

March 25, 1981

LB 291, 253A, 311

SENATOR VON MINDEN: Our injuries and our litter is most. . .perhaps 95% beer cans and carbonated pop cans.

SENATOR WESELY: Okay, that is fine. That is all that I needed to know. Thank you.

SPEAKER MARVEL: Senator Nichol, do you wish the floor?

SENATOR NICHOL: Just for a moment your honor. Senator Dworak, sometimes timing is important. I remember your bill a few years ago but the time wasn't right. Senator Von Minden, as the song says, has learned when to hold them and when to fold them.

SPEAKER MARVEL: The motion before the House is the advancement of the bill. Do you wish to close, Senator Von Minden?

SENATOR VON MINDEN: Senator Haberman, I did promise him that I would throw this one away and wear one "you can't get off the can" tomorrow. Senator Sam Cullan out there, I think the football players would have enough strength to push the can in. I move to advance the bill.

SPEAKER MARVEL: All those in favor of the motion to advance the bill vote aye. Opposed vote no. Have you all voted? Record the vote.

CLERK: 34 ayes, 0 nays on a motion to advance the bill Mr. President.

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

CLERK: Mr. President, while we are waiting I have a report from the Judiciary Committee regarding gubernatorial appointments. (See page 1130 of the Legislative Journal).

Mr. President, a new A bill, LB 253A by Senator DeCamp. Read title.

SPEAKER MARVEL: Okay, the next bill is LB 311.

CLERK: Mr. President, LB 311 was introduced by Senator Larry Stoney. Read title of bill. The bill was read on January 19th, was referred to the Urban Affairs Committee for public hearing. Was advanced to General File.

SPEAKER MARVEL: Senator Stoney.

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LB 253, 253A

by Senator Sieck, Senator Sieck supports the bottle bill. I supported it in the past. Whether it can or cannot be passed next year or whether it is going to be needed is a separate issue. LB 253, this bill, funds the programs to collect and recycle litter, not just bottles and cans but all kinds of litter. It funds programs to educate the youth regarding litter problems, a litter consciousness. The alternative is for absolutely nothing to be done because there is no funding anywhere else. So you can say you want a bottle bill, but what you do have now is another alternative, a different type of program. At least it makes sense to me, I would think, to get as much money in that as you can to make it function as efficiently, to make it function with a minimum of harassment and that is what the bill does for you, gets some additional money and eliminates some of the problems of the smaller guy getting harassed. I think you should advance it.

SENATOR CLARK: The question is the advancement of 253. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 13 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. LB 253A. Senator DeCamp.

SENATOR DeCAMP: Is there an amendment?

CLERK: On what?

SENATOR DeCAMP: 253A.

CLERK: Yes, sir, from you. Mr. President, Senator DeCamp moves to amend the A bill. (Read amendment of Senator DeCamp found on page 1264, Legislative Journal.)

SENATOR DeCAMP: Is that a deal, huh? How many people come in and cut their A bills almost in half? The reason we are able to cut this is because when you went from the hundred thousand to I think it is three hundred or three hundred and fifty thousand, whatever, we all agreed on that one day, you made major cuts in the administrative costs and so you only need thirteen thousand instead of twenty thousand. So I move adoption of the amendment and so on.

SENATOR CLARK: Is there any discussion on the amendment to 253A? If not, the question before the House is the adoption of the amendment to 253A. All those in favor

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LB 253A, 271

vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays on the motion to adopt the amendment to the A bill, Mr. President.

SENATOR CLARK: Motion carried. The amendment is adopted.

SENATOR DeCAMP: I move it be advanced.

SENATOR CLARK: The motion before the House is the advancement of LB 253A. All those in favor vote aye, opposed vote nay. Senator Hoagland. A record vote. Record the vote.

CLERK: (Record vote read. See page 1264, Legislative Journal.) 25 ayes, 10 nays, Mr. President, on the motion to advance the A bill.

SENATOR CLARK: Motion passes. The bill is advanced. We will go to LB 271E.

CLERK: Mr. President, LB 271, (Read title). The bill was read on January 16. It was referred to the Banking Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK. Committee amendments.

SENATOR DeCAMP: I move adoption of the committee amendments, Mr. President.

SENATOR CLARK: Is there any discussion on the committee amendments?

SENATOR DeCAMP: The committee amendment is an amendment that clarifies that credit cards are not involved and can't be used and so that there will be no confusion. The second amendment...oh, that is Vard's, not mine. I move adoption of the committee amendments. The banking industry in the state insisted on this amendment so there is no confusion.

SENATOR CLARK: The motion is the adoption of the committee amendments to 271. All those in favor vote aye, opposed vote nay. Have you all voted on the committee amendments to 271? Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Are

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LR 50
LB 40, 22A, 158A, 317A,
298, 253, 253A, 271,
132, 466, 174, 351, 125,
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.
While we are in the process of the roll call may I indicate
to you that today is Senator Kahle's birthday. We wish you
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully
reports that we have carefully examined and reviewed LB 40
and recommend the same be placed on Select File. 22A, 158A,
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK:271, 132, 466 all placed on Select File, (signed)
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready
for your signature.

SPEAKER MARVEL: While the Legislature is in session and
capable of transaction business, I am about to sign and
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to
Select File for a specific amendment. That will be printed
in the Journal.

Your Enrolling Clerk respectfully reports that she has on
this day presented to the Governor for his approval the
following bill.

Mr. President, I have a report from the Department of
Administrative Services from the State Building Division.

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LB 253, 253A

It strikes one section of the bill, Section 19 and it also puts the severability clause in. Let me read you my little notation I handed out on the desk and I think that should about do it. An Attorney General's opinion indicates on page 1384 of the April 9 Journal to Senator Hoagland that Section 19 is constitutionally suspect. This conclusion is based upon the assumption that Section 19 is an unlawful delegation of legislative authority. Well I do not necessarily agree with this. I have submitted an amendment to strike Section 19. This section is no longer necessary due to the fact that we have a floor of \$350,000 for any fee assessment. This would result in a minimum fee of \$50. Section 19 was in the original draft of the bill last year and carried over to this year. Its purpose was to permit the Revenue Department to deal with businesses whose fees would be so small they would not be worth collecting. This matter is remedied with the new floor concept in the bill and hence, I offer the amendment to strike Section 19.

SENATOR CLARK: Is there any discussion on the DeCamp amendment to LB 253? If not, all those in favor vote aye, all those opposed vote nay. Have you all voted? Have you all voted on the DeCamp amendment to LB 253? It takes 25 votes. Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on the adoption of Senator DeCamp's amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin, do you want to move 253?

SENATOR KILGARIN: I move LB 253 be advanced to E & R for engrossment.

SENATOR CLARK: You have heard the motion. All those in favor say aye, all those opposed no. The bill is advanced. LB 253A

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 253A be advanced to E & R for engrossment.

SENATOR CLARK: You have heard the motion. All those in favor say aye...Senator Hoagland.

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LB 253A, 466, 243

SENATOR HOAGLAND: I would like to have a vote up on the board here on this bill if I might.

SENATOR CLARK: A record vote has been asked for, machine vote. All those in favor vote aye, all those opposed vote nay. Have you all voted? It takes 25 votes to move the bill. Once more, have you all voted? Record the vote.

CLERK: 25 ayes, 6 nays on the motion to advance the A bill, Mr. President.

SENATOR CLARK: The bill is advanced. LB 466.

CLERK: Mr. President, a series of amendments to the bill. First are E & R amendments.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to 466.

SENATOR CLARK: Move to accept the E & R amendments to 466. All those in favor say aye, opposed. They are adopted. What do you have on the bill?

CLERK: Mr. President, the next motion I have on the bill is to indefinitely postpone. That is offered by Senator Chambers. That will lay the bill over.

SENATOR CLARK: The bill is laid over for one day. We will go to item #6. Are you ready with yours? All right, we will just pass it over today then. We will go to #6, LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Loran Schmit. (Read.) The bill was first read on January 16. It was referred to the Ag and Environment Committee for hearing. The bill was advanced to General File. There are committee amendments by the Ag and Environment Committee, Mr. President.

SENATOR CLARK: Is Senator Schmit in the room? Senator Wagner, do you want to take the... Here he is, Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, the amendment, committee amendments change the provision of the requirement that eminent domain cannot be used in instances of 50% and more use of the structure to a terminology calling for a 50% benefit performance. That is the only change and I move the adoption of the amendment.

SENATOR CLARK: Senator Chambers, on the committee amendments.

April 13, 1981

LB 11, 17, 59, 132, 167,
LB 205, 253, 253A, 284,
LB 284A, 329, 333, 366,
LB 483

first one now and then see how we get along.

CLERK: Mr. President, if I may, right before we go to that, your committee on Enrollment and Review respectfully reports LB 132 correctly engrossed; 253, 253A, 284, 284A, and LB 483 all correctly engrossed.

A letter from the Governor addressed to the Clerk. (Read. Re: LB 59, 167, 17 and 205. See page 1446, Legislative Journal.)

Senator Wagner would like to print amendments to LB 11.

And your Enrolling Clerk has presented to the Governor LB 329 and 333.

Mr. President, LB 366 (Read title). The bill was first read on January 19, referred to Retirement for public hearing. The bill was advanced to General File. There are committee amendments by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler, do you wish to explain the committee amendments?

SENATOR FOWLER: I do. I move adoption of the committee amendments. LB 366 is a bill that deals only with police and fire in the City of Lincoln or that is cities of the primary class. The committee amendments are a compromise, a negotiated compromise, between the police, the fire and the city administration. It is acceptable to all sides and acceptable with an amendment that Senator Landis offers. The basic thrust and the reason for the agreement is that civilian employees if you want to use that term, the nonpublic safety employees, are currently being matched \$2 for every \$1 that they contribute. The city matches \$2 for every \$1 that is contributed. The city working with its actuary developed a proposal to improve the Lincoln Police and Fire system to the point that the same matching ratio would be used and that the 7% of employees salary contributed by the police and fire would be matched with a 14% of payroll contribution by the police. So these are amendments. 366, there is a companion bill, 367. That bill was killed. This integrates the proposals. It may be less than the public safety organizations initially wanted but it is something that provides equity and comparability between the systems. I would move for the adoption of the amendments.

SPEAKER MARVEL: The motion is the committee amendments to LB 366. Okay, the motion is to adopt the committee amendments. Senator Schmit, do you wish to speak to the committee amendments?

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LB 253A

SPEAKER MARVEL: The motion is carried, the bill passes on Final Reading. Now, you are going to read 253A with the emergency clause.

CLERK: Read 253A on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. Those in favor vote aye, opposed vote no. LB 113A (sic) I'm sorry 253A. Have you all voted? Record the vote.

CLERK: 33 ayes, 14 nays, 2 present and not voting. Vote appears on page 1961 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Higgins would you like to recess us until ten minutes till two.

SENATOR HIGGINS: Yes Mr. Speaker, I move that we recess until 1:50 p.m.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are recessed.

Edited by:


Mary A. Turner

May 12, 1981

LB 22, 22A, 157, 157A, 158, 158A,
168, 168A, 197, 197A, 245, 245A,
253, 253A, 292, 292A, 317, 317A,
427, 427A, 529

RECESS

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: The Clerk has some items on the desk that need to be read in for the record.

CLERK: Mr. President, I have for your signature LBs 197, 197A, 245 and 245A, LBs 168, 168A, LB 157 and 157A, LB 427 and 427A, LB 292, 292A, LB 317 and 317A, LB 22 and 22A, and LB 158, 158A, and 253 and 253A, Mr. President.

Mr. President, Senator Chronister would like to print amendments to LB 529 in the Journal. (See page 1963 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 197, engrossed LB 197A, engrossed LB 245, engrossed LB 245A, engrossed LB 168, engrossed LB 168A, engrossed LB 157, engrossed LB 157A, engrossed LB 427, engrossed LB 427A, engrossed LB 292, engrossed LB 292A, engrossed LB 317, engrossed LB 317A, engrossed LB 22, engrossed LB 22A, engrossed LB 158, engrossed LB 158A, engrossed LB 253, engrossed LB 253A. Before we begin with some other bills, it is my privilege to introduce a number of visitors from Senator Cope and Kahle's Districts, ten students, 1st to 10th Grade, First Church of God Christian Academy, Kearney, Pastor Larry Lautaret, Jane Perry, teacher and Chester Trew, sponsor. In the north balcony. Will you hold up your hands so we can see where you are? Okay. From Senator Howard Peterson's District, eight students K through 12th Grade, Calvary Academy, Grand Island, Nebraska, Agnes Rich, Louise Bonne and Bonnie Skala, teachers. Where are you located? Okay. From Senator Chronister's District, eleven students from District 9, District 43, Wisner, Nebraska. Miss Koester and Miss Kansier, teachers. North balcony. Where are you located? Okay. From Senator Dworak's District five students, 3rd and 7th Grade from Christian Liberty Academy, Leigh, Nebraska, Susan Turvy, teacher, also Barbara Hall, in the south balcony. Are you in the south or north? From Senator Beutler's District sixteen 4th Graders, Hawthorne Elementary School, Lincoln, Nebraska, Mrs. Stephenson and Mrs. Anderson, teachers, in the north balcony. Where are you located? From Howard Peterson's District seven students K through 12th Grade, York Christian Academy, York, Nebraska, Edward Moray, Irene Moray, teachers. Where are you located? Okay. From

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LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 22, 22A, 144,
LB 144A, 138, 188A,
LB 207, 207A, 253,
LB 466, 253A, 376, 548

SENATOR NICHOL: The amendment fails. Mr. Clerk, do you have anything else?

CLERK: I have nothing further, Mr. President.

SENATOR NICHOL: Senator Labedz, would you like to speak to the bill?

SENATOR LABEDZ: Thank you, Mr. President. I move for the advancement of LB 466 to E & R engrossing, and unless there is going to be some debate, I will offer further comments on my closing.

SENATOR NICHOL: Senator Cullan.

SENATOR CULLAN: Mr. President, just one thing for the record and that is I want to state for the record that I voted against the Marsh amendment, not because I believe that the concept of hospitalization is a bad one, but because we did not have adequate chance to review that amendment thoroughly and sufficiently at this point in time. We may very well sponsor some similar legislation in future years. Thank you.

SENATOR NICHOL: We are now voting on the advancement of LB 466. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 28 ayes, 9 nays, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Motion carried. The bill advanced.

CLERK: Mr. President, a few items to read in, if I may. I have an appointment letter from the Governor. That will be referred to the Executive Board for reference, Mr. President.

Mr. President, a communication from the Governor addressed to the Clerk. (Read: Re: LB 22, 22A, 144, 144A, 188, 188A, 207, 207A, 253 and 253A. See page 2049, Legislative Journal.)

Mr. President, Senator Maresh would like to print amendments to LB 548 in the Legislative Journal; Senator Dworak to print amendments to LB 376 in the Legislative Journal.

Your committee on Retirement gives notice of hearing on gubernatorial appointments for two, Thursday, May 12 (sic).