

May 8, 1981

LR 171 - 179
LB 3, 12, 257A, 404

SENATOR CLARK: The motion is to advance 404. All those in favor say aye. All those opposed. The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, study resolutions. LR 171 by Senators Schmit, Wiitala, Wagner, Maresh, Remmers, calls for a study to provide a review of the effects of a corporate structure of farm ownership and the economic and sociological impacts of such a structure on the surrounding community, the agricultural sector, and the general economy of the state. LR 172 offered by the Ag and Environment Committee. The purpose and intent of the resolution is to provide for an interim study of the practices and operations of various Natural Resources Districts and their impacts and inter-relationships with agricultural and environmental issues in the state. LR 173 by Senators Maresh and Kahle, the purpose being to provide for an interim study of the cases and effects of the rising incidence of pseudorabies among swine in Nebraska. LR 174 by Senator Newell calls for a study of the state and federal highway systems and the effect of these systems on the growth and development of the metropolitan areas in the state. LR 175 by Senator Newell, the purpose being to study the problem of deteriorated areas of Nebraska cities and villages and to analyze the sufficiency of our present community development laws. LR 176 by Senator Newell. The purpose of the resolution is to study the effect of the present tax structure on community development and of tax incentives to encourage redevelopment of substandard areas in our cities and villages. LR 177 offered by Senator Newell, the purpose being to study the effects on the tax base and revenue collection in nearby incorporated municipalities of Sanitary and Improvement Districts bondings and assessments. LR 178 by the Public Works Committee. The purpose of the study is to examine the issues related to the management, conservation, and beneficial uses of Nebraska's water resources. LR 179 by Senator Beutler, the purpose being to consider soil erosion as it relates to water quality problems. (See pages 1889 through 1894 of the Legislative Journal.)

Mr. President, new A bill, LB 257A, introduced by Senator Fowler. (Read title to LB 257A for the first time as found on page 1895 of the Legislative Journal.)

Mr. President, Senator Wiitala would like to print amendments to LB 3 in the Legislative Journal. (See page 1895 of the Journal.) That is all that I have.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, the next bill is LB 12.

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LB 165, 506A, 541A, 257A

CLERK: 29 ayes, 2 nays, Mr. President, on the advance of 506A.

SENATOR CLARK: 506A is advanced. The next bill is 541A.

CLERK: (Read.)

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move that LB 541A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 541A? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted on the advancement of 541A? Record the vote.

CLERK: 27 ayes, 2 nays, Mr. President, on the motion to advance the A bill.

SENATOR CLARK: The bill is advanced. We are going to take 257A if there is no objection to it now. This is a bill that has to catch up with the main bill. Senator Wesely.

CLERK: (Read.)

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Move it be advanced.

SENATOR CLARK: The motion before the House is the advancement of 257A. Is there any discussion? If not, all those in favor vote aye. All those opposed vote nay. The advancement of 257A. Have you all voted? Have you all voted on the advancement of 257A? Record the vote.

CLERK: 27 ayes, 2 nays, on the motion to advance the A bill, Mr. President.

SENATOR CLARK: The bill is advanced. We will now go to item #5 on the agenda, Final Reading. LB 165. Is everyone in their seat? We are on Final Reading. All unauthorized personnel will leave the floor. All senators will be in their seats. Read the bill.

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

SENATOR CLARK: Read the motion.

CLERK: Senator Warner would move to return LB 165 to Select File for a specific amendment. The amendment is on page 567 of the Journal.

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LB 95A, 257A, 389A, 396A,
477A, 506A, 541A, 556

Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 95A and recommend that same be placed on Select File; 389A Select File; 396A Select File; 477A Select File; 506A Select File; 541A Select File and 257A Select File, all signed by Senator Kilgarin as Chair.

SENATOR CLARK: LB 556.

CLERK: Mr. President, with respect to 556, the bill was introduced by the Speaker at the request of the Governor. (Read.) The bill was read on March 30 of this year. It was referred to the Appropriations Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR CLARK: Senator Warner, on the committee amendments.

SENATOR WARNER: Mr. President and members of the Legislature, LB 556 is the bill that reflects the increased premiums when the health insurance that is provided for state employees, other than higher education, when those new bids were opened and those dollar amounts will be explained. The committee amendment that is offered merely, well, back up. The amendment was offered at the committee hearing requesting that the legislation require that coverage for abortion be made available at the employee's expense and the presentation was based upon the testimony by those who appeared that the prohibition or the requirement for this, for an abortion to be paid for by the individual employee had been suggested when the legislation that prohibited state funds was being considered and enacted and they wanted some assurance that, in fact, that would occur. If you look on page 1877 of the Journal there is a letter which I requested of the Attorney General requiring two things relative to the amendment, first, whether or not whether it would be constitutional and I think you can summarize the response on that, that if the original legislation prohibiting it is constitutional then this is probably constitutional or if LB 125 is not constitutional then neither would this be either. So that seems to be a draw. The other request for an opinion, however, was whether or not we would jeopardize by the adoption of this amendment the coverage that the state might have for its employees under the new bid and it would be my understanding from the Attorney General's letter that if the amendment is adopted, that then it would be expected that the state would find someone who would provide that coverage for those who wanted it and provided they could find some company of some kind that would provide this kind of coverage then the conditions would be met and

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LB 561, 95A, 389A, 477A,
506A, 541A, 257A, 556A

in more clarity, with more clarity any detail on the sheet.
Thank you.

SPEAKER MARVEL: Thank you, Senator Warner. Senator Kilgarin, are you ready? There are seven bills that have no amendments pending so we are going to advance the bills. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 95A to E & R for engrossment.

SPEAKER MARVEL: The motion is the advancement of 95A to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one is 389A.

SENATOR KILGARIN: I move we advance LB 389A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The next one is 477A.

SENATOR KILGARIN: I move we advance LB 477A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one, 506A.

SENATOR KILGARIN: I move we advance LB 506A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill, 541A.

SENATOR KILGARIN: I move we advance LB 541A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 257A.

SENATOR KILGARIN: I move we advance LB 257A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Last bill, 556.

SENATOR KILGARIN: I move we advance LB 556A to E & R for engrossment.

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LB 95A, 257A, 389A, 477A,
506A, 541A, 556

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The legislator chaplain today is Senator Rumery.

SENATOR RUMERY: Prayer.

PRESIDENT: Roll call. Has everyone registered your presence so we can begin the days activities. Record the presence Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on E & R respectfully reports they have carefully examined and engrossed LB 95A and find the same correctly engrossed, 257A correctly engrossed, 389A, correctly engrossed, 477A correctly engrossed, 506A correctly engrossed, 541A correctly engrossed, 556 all correctly engrossed (signed), Senator Kilgarin, Chair.

Mr. President an Attorney General's opinion addressed to Senator Carsten regarding section 4 and 10 of 284, be inserted in the Journal (pages 2060-2062).

Mr. President, I have received from the State of Tennessee a Joint resolution regarding Vietnam veterans. That will be on file in my office.

Mr. President, a communication from the Governor addressed to the Clerk regarding LB 190. See page 2062 of the Legislative Journal.

Mr. President, I have a report from the Department of Roads pursuant to Section 5(4) of LB 722 of 1980 Legislative Session. That will be on file in my office as well.

PRESIDENT: We are ready then for agenda item number four. Final Reading. If the Sergeant at Arms will secure the Chamber, all members will get to your desks. As soon as everyone is at their desks we will commence with Final

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LB 346, 257, 257A, 466

SPEAKER MARVEL: All provisions of law having been complied with, the question is shall the bill pass? All those in favor vote aye, opposed vote no. We are voting on LB 346 on Final Reading. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 2173 and 2174, Legislative Journal.) 44 ayes (sic), 0 nays, 5 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 257 with the emergency clause.

CLERK: (Read LB 257 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. With the emergency clause attached, 257E. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 2174, Legislative Journal.) 38 ayes, 11 nays, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 257A with the emergency clause.

CLERK: (Read LB 257A 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. 257A. Have you all voted? Record.

CLERK: (Record vote read. See page 2175, Legislative Journal.) 35 ayes, 14 nays, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The next bill, LB 466 with the emergency clause.

CLERK: Mr. President, Senator Labeledz moves to return LB 466 to Select File for specific amendment.

SPEAKER MARVEL: Okay, Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Speaker. I apologize also for having to bring this bill back, but as you recall on Select File, there was some questions brought up by Senator Johnson and in this last week or ten days we have gone over

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the