

in fact, they didn't think they were responsible. It attempts to set in some...in the statute some language to give them some guidance as to what responsible is. All of the public power districts that testified at the hearing were in favor of this language. They seemed to think that this would, in fact, give the directors a little bit more authority as far as rejecting low bids if for some reason or other it would appear that the low bid was probably not in the best interest of the district. The best example I guess that I can give is what took place at Gerald Gentleman Station at Sutherland, Nebraska, and I think that many people were aware or had become aware that there was, in fact, a problem with Unit I, and I think if this language had been in the statutes at that point in time a lot of that problem wouldn't have come about and that the total amount of dollars expended would not have been nearly as much. The rest of LB 34 is simply language that I think is important to make certain that the board of directors are aware and it is set in statute that they are responsible for dollars expended. That is the intent of Section 4 of the bill. And, again, there was no opposition from the districts. Most of those directors I think feel that they are responsible already but I just think it is important that we clarify and make certain that they are, in fact, responsible and are, in fact, aware of all monies expended by the districts. I would just in closing mention the fact that as rates go higher in this state and obviously they are going to with energy costs getting higher and higher, the concern of the rate payer or the concern of the general public is going to increase right along with those rates and if we as the Legislature put in all the help that we can in the statutes in regard to the directors and their responsibilities, it seems to me that will be a help in the end. I would urge the body's adoption of LB 34.

PRESIDENT: The question before the House is the advance of LB 34 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 32 ayes, 2 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 34 is advanced to E & R Initial. Do you want to read some stuff in? Go ahead.

CLERK: Mr. President, if I may briefly intercede. New bill, LB 273A, offered by Senator DeCamp. (Read title to LB 273A for the first time.)

February 25, 1981

LB 273, 273A

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, for your information this is one of the major proposals of the Governor's Task Force and one of the ones he has a very keen interest in, and I would hope you would support the proposal, but I did want to alert you to the fact that it was one of those Task Force proposals. It redoes essentially the whole system of how the state handles its exposure and potential liability for its property and its entities. And it creates something known as a risk manager, same thing as insurance companies have for the way they handle their exposure. The amendments themselves are in truth a correction of typographical errors and other things made in the bill. I move adoption of the amendments and then we can maybe discuss the bill a little further.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 273. All those in favor of adopting those amendments vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now what do we do with the bill?

SENATOR DeCAMP: I move the bill be advanced, Mr. President. I repeat again, this changes the way the state handles its insurance exposure, or I should say its liability exposure, and we are going to basically operate in the same way and with the same efficiency that insurance companies do by having a centralized risk manager program. It initially is going to cost some money because it is going to alter things. In the long run by every study we have been able to do and by every bit of information we have been able to come up with and other states, it should save major amounts of money in the future. I move the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of LB 273 as amended. All those in favor vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 273A.

February 25, 1981

LB 273A

CLERK: LB 273A offered by Senator DeCamp. (Read title.)

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I move advancement of the bill. All it is is money, and the Governor said he would sign her even though its more money, because this is a Task Force bill and he knows it needs to be done.

SPEAKER MARVEL: The motion is to advance 273A to E & R for Review. All those in favor vote aye, opposed vote no. Record.

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

February 27, 1981

LB 34, 58, 114, 125, 144,
195, 205, 246, 272, 273,
273A, 325, 355, 359, 388,
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

March 3, 1981

LB 195, 272, 273, 273A

SENATOR WARNER: I'm sure it's...this would I am sure is the bill that several small insurance companies are concerned about and that deals with the licensing of insurance agents,

SENATOR KAHLE: I believe that is correct, so....

SENATOR WARNER: I would be glad to explain this bill again but I don't think this one is the one that....

SENATOR KAHLE: Well we slide things by pretty fast when we get going here and I want to make sure that I wasn't slipping one by here, one wasn't being slipped by me and I understand it now. Thank you.

SENATOR WARNER: I understand.

SPEAKER MARVEL: The motion is the advancement of the bill, 195 to E & R for engrossment. All those in favor of that motion ... Senator Warner, do you want to move the bill? The motion is to advance the bill to E & R for engrossment. All those in favor say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 272.

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 272 be advanced 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. LB 273.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 273.

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

CLERK: Nothing further on the bill, Senator.

SENATOR KILGARIN: I move LB 273 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced. 273A.

March 3, 1981

LB 273A, 355

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 273A be advanced 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, 355.

CLERK: Mr. President, I have a series of amendments on LB 355. We do have E & R amendments, however, first, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 355.

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

CLERK: Mr. President, the first amendment I have is from Senator Kilgarin. (Read Kilgarin amendment found on page 734 of the Legislative Journal.)

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: Mr. Speaker and members of the Legislature, if you will turn to page 5 on LB 355 you will note that after the word "act" it says, "unless the policyholder agrees in writing to the applicability of such provisions." Now, I don't feel that any policyholder who has acquired their policy before the date this act takes effect should, even by agreeing in writing, have to comply with the variable interest rate provisions in this bill. Now with this, unless the policyholder agrees in writing is stricken and taken out, there is a chance that policyholders who acquired their policies before the effective date of this act will be held to the variable interest rate provision. So I feel we should amend this particular statement out of the bill.

SPEAKER MARVEL: The motion is the adoption of the amendment to LB 355. All those in favor of that motion vote aye, opposed vote no. Yes.

SENATOR DWORAK: A point of clarification. What are we voting on?

SPEAKER MARVEL: We are voting on the Kilgarin amendment to LB 355.

SENATOR DWORAK: Well, Mr. President, did you ask for to close debate?

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

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

PRESIDENT: A quorum being present, is there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

May 11, 1981

LB 165, 273, 273A, 336, 459A

SPEAKER MARVEL: I am referring to item #5 on your agenda. In setting up item #5 we have run into some conflicts and the conflicts basically, and Senator Warner has this motion, but the motion indicates that bills with General File implication or containing General File characteristics should not be considered until the main line appropriation bills have been acted upon by the Governor and the Legislature has had a chance to react to the Governor's action. Therefore, and if you have any questions I wish you would refer them either to the Chair or to the Chairman of the Appropriations Committee, we would change the agenda so that we would take up those bills starting on item #5, those bills, we would take up those bills which have motions to return and those bills, if you are interested I will give them to you. 165, 336, 273, 273A and 459A. So the agenda would be changed in that particular category. Do you want them again? Okay, once more, 165, 336, 273, 273A and 459A.

PRESIDENT: Is that 459A, Mr. Speaker, or 459?

SPEAKER MARVEL: It is on the sheet that Pat gave me. It is 459A.

PRESIDENT: 459A, that is what I thought. I didn't hear you say the A. 459A, okay. So those would be the only five bills taken up then under agenda item #5. Is that correct?

SPEAKER MARVEL: Yes, I think the thing that screws this deal up is the fact that we had it set up to read 204 and 204A because of the length of the bill and we were going to do this over the noon hour. I understand the conflict. This is not possible so we will have to devise another time to take up that particular item. So we are not ignoring it, Senator Wagner. It simply will come up at a different time.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, I discussed this with Senator Warner a few days ago and he indicated to me that this has been done both ways, that under the identical amendment which or identical motion of Senator Warner's, we have other years had the A bills after they have been passed by this body but before the Governor has acted on them, even though the motion, I agree, states that should not be the case but we have in this body, gone ahead and done that and so I would just ask Senator Warner to comment on that fact.

PRESIDENT: Did you want Senator Warner to comment? Senator Warner.

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

May 11, 1981

LB 273, 273A

urge you to advance the bill and whatever.

SENATOR CLARK: The motion is to advance the bill to E & R. All those in favor say aye, opposed. The bill is readvanced. I would like to announce 9 students from Arcadia Public Schools, Senator Wagner's district. The teacher is Jill Lafleur. They are in the North balcony. Would you rise and be recognized, please. Welcome to the Legislature. The Clerk will now read LB 144(E). Oh, 273A. I'm sorry. We've got a motion on that one.

CLERK: Mr. President, Senator Warner would move to return LB 273A to Select File for a specific amendment. (Amendment may be found on pages 1920-1921 of the Legislative Journal.)

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be returned for the amendment. Inasmuch as the emergency clause has now been added, the bill would go into effect upon the signature of the Governor and the A bill as written reflected a July... assumed a July 1 implementation time and in order that the position will be funded and operational upon the signature, why the appropriation makes a '80-'81 appropriation as well. It is in the amount of \$5,000 for the salaries and the equipment for the location of the individual in this office. I move the bill be returned.

SENATOR CLARK: The motion is to return the bill to add the emergency clause. Senator DeCamp.

SENATOR DeCAMP: Just to concur with Senator Warner. Since we have added the E clause to the other one we have got to pay some money. To answer another question, now that I got an answer, Senator Higgins, the reason why you can't have it in the Insurance Department if you are going to set up this system is the Insurance Department, as I stated, is the regulator of the insurers. As the risk manager, he is going to have the obligation to try to get the best deal possible for the state. Therefore, he is going to be in a position of just absolute conflict, regulating and putting pressure on one end and saying I want the best deal over here. So that is why we had to separate them out.

SENATOR CLARK: The question is the return of the bill to add the emergency clause. All those in favor vote aye. All those opposed vote nay. Voting aye, Mr. Clerk. Record the vote.

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

May 11, 1981

LB 273, 144, 144A

SENATOR CLARK: The bill is returned. Senator Warner.

SENATOR WARNER: Mr. President, I move adoption of the amendment as I explained it earlier.

SENATOR CLARK: Is there any discussion on... Senator DeCamp, and I am going to hold you to one thing, the emergency clause only. Senator DeCamp. That is the only thing we have before us.

SENATOR DeCAMP: Hmmm. Then I can't say what I was going to say about the bill, but it is real important. Okay.

SENATOR CLARK: All those in favor of adopting the emergency clause vote aye. All those opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to adopt the Warner amendment.

SENATOR CLARK: The amendment is adopted. Senator Warner, will you readvance the bill?

SENATOR WARNER: (Mike not turned on.) ...Mr. President.

SENATOR CLARK: The motion is to readvance 249...273A. All those in favor say aye. All opposed. The bill is readvanced. The Clerk will now read 144.

CLERK: (Read LB 144 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 144(E) pass with the emergency clause attached. All those in favor vote aye. All those opposed nay. It takes 33 votes. Have you all voted? Record the vote. Voting aye.

CLERK: Senator Clark voting aye. (Read record vote as found on pages 1921-1922 of the Legislative Journal.) 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read LB 144A, with the emergency clause.

CLERK: (Read LB 144A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. Well it says it on my sheet, there is an emergency clause but if there is no emergency clause on it,

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

May 12, 1981

favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

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

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

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

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

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

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

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

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

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

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

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

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

May 21, 1981

LB 273, 273A, 346

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. Have you all voted? Clerk will record the vote.

ASSISTANT CLERK: (Record vote read. See pages 2171 and 2172, Legislative Journal.) The vote is 42 ayes, 7 nays, 0 not voting.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Before we continue, it is my privilege to introduce to you underneath the North balcony the Dean of the Iowa Legislature, Joseph Coleman representing Clare County, Iowa and he has been in the Legislature according to this information for 25 years. Let's give him a hand. We are now ready on Final Reading for the Clerk to read LB 273A with the emergency clause attached.

ASSISTANT CLERK: (Read LB 273A 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? All those in favor vote aye, opposed vote no. LB 273A. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Record vote read. See pages 2172 and 2173, Legislative Journal.) The vote is 39 ayes. 9 nays, 1 present and not voting.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 346.

ASSISTANT CLERK: (Read LB 346 on Final Reading.)

SENATOR KOCH: There is considerable confusion over the popcorn stand and I can't hear the Clerk read and it is an important piece of legislation and I want to make sure I vote correctly.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Thank you, Senator Koch, we are just about through with the bill so if you will take your seats please. We are very close.

CLERK: (Final Reading of LB 346 continued.)

SPEAKER MARVEL PRESIDING

May 21, 1981

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

May 22, 1981

LR 188
LB 179, 181, 252, 273, 273A, 303, 322,
346, 376, 381, 384, 389, 441, 451, 470, 472A
485, 497, 501, 543, 512, 552, 545, 553, 554.

Senator DeCamp. All those in favor vote aye. All those opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator DeCamp.

SENATOR DeCAMP: How many are excused? Eleven?

SENATOR CLARK: Two.

SENATOR DeCAMP: Two? Okay, we still stand a shot, so I would ask for a Call of the House and take call in votes if that would be okay. But I would ask for a Call of the House first.

SENATOR CLARK: Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 19 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats, and if all Senators will check in, please. The Clerk would like to read some things while we are trying to get everyone registered in here.

CLERK: Mr. President, while we are recording our presence, I have a communique from the Governor addressed to the Clerk. Engrossed LBs 181, 252, 303, 381, 441, 451, 470, 485, 497, 543, 179, 346 and 384, 273, 273A, 501 and 545 were signed by me May 22 and delivered to the Secretary of State. Sincerely, Charles Thone, Governor.

Mr. President, I have an Attorney General's Opinion addressed to Senator Barrett on 376; one to Senator Hefner on 552. (See pages 2228 through 2233 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined 406 and recommend that the same be placed on Select File with amendments; 551 Select File; 552, 553, 554 all on Select File with amendments. (See pages 2233 through 2234 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 322 and find the same correctly engrossed; 376, 389 and 512 all correctly engrossed.

Mr. President, new resolution, LR 188 by Senator Wagner.