

January 8, 1981

LB 20-30

many in today as you can prior to the time of our recess until this afternoon. Proceed, Mr. Clerk.

CLERK: Read LB 20-30 for the first time as found on pages 80-82 of the Legislative Journal. Read LR 1 as found on pages 82-83 of the Journal. Mr. President, pursuant to our rules LR 1 will be laid over.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: The first motion I would like to make is that committee chairmen please get with the members of your committee before ten o'clock tomorrow morning at which time you can turn in a report to the Clerk as to who the other officers of your committee may be, by ten o'clock tomorrow morning. You can do it now if you want to. Is that enough of that?

PRESIDENT: All right, are there any questions by any of the committee chairpersons on that? As I understand it, Mr. Speaker, you are asking the committee chairpersons to call the committee together between now and tomorrow morning to get that done?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, any questions? Anything further, Mr. Speaker?

SPEAKER MARVEL: Now do you want me to read the escorts for this afternoon?

PRESIDENT: That will be fine if you would like to do that. If the members of the Legislature would listen. The Speaker is going to advise you as to who will be selected to escort the various people on the ceremonies this afternoon.

SPEAKER MARVEL: The green sheets indicate the inaugural ceremonies and if you will turn to that particular sheet we will give you the recommendations that we have for escorts. So we start with the Board of Education and Senator Landis will escort his father. Senator Koch will escort Mr. Monahan. Senator Goll will escort Mr. Thompson and Senator Warner will escort Mrs. Greene. The second category, escorting Mr. Payne led by Senator Cope, also including Senator Chronister and Senator Pirsch. So there will be three escorting Mr. Payne and of the three escorts, since Senator Cope comes from Kearney he will lead the parade. The third category has to do with Public Service Commission and Eric Rasmussen will be escorted by Senator Maresh and Jack Romans will be

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

January 30, 1981

LB 7, 20, 28, 42,
43, 46, 81, 429.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Henry Bradshaw, Ralston United Church of Christ, Ralston.

REVEREND BRADSHAW: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? 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: The Journal will stand as printed. Any other messages, reports or announcements?

CLERK: Yes, sir. Mr. President, your Committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 28 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 429 advanced to General File with amendments; LB 42 to General File with amendments; LB 43 to General File. (Signed) Senator Nichol, Chairman. (See pages 368 through 370 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 7 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 46 reported to General File with amendments; LB 81 General File with amendments. Those are signed by Senator Kremer. (See pages 371 through 375 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 20 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Maresh, Chairman. (See page 375 of the Legislative Journal.)

Mr. President, hearing notices: Your Committee on Public Works gives notice of public hearing for March 11. That is signed by Senator Kremer as Chairman. Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp schedules a hearing for February 9, and your Committee on Government, Military and Veterans Affairs schedules public hearings for

Affairs for the Republic of China, and with him Secretary of the Coordination Council, Mr. L. P. Wang (Phonetic), and the correspondent for the Central News Agency, Mr. P. C. Wu (Phonetic). These gentlemen are under the North balcony. Would they just kind of step forward and be recognized by the Legislature and we welcome you to the nation's only Unicameral, gentlemen. I might just give you some information about Mr. Chen. Mr. Chen has a long record of service in the foreign service of his country. He was Chancellor of the Chinese Embassy in Manila. From 1959 on he was Second Secretary, First Secretary to the Chinese Embassy in Rio de Janeiro, Brazil. He was advisor at the International Monetary Fund at World Bank at the Rio de Janeiro, Brazil meeting in 1967. From there on he has held various foreign service offices in Taipei; in the Ministry of Foreign Affairs, Chinese Embassy in Argentina; in Bolivia; was the Counsel General of the Atlanta, Georgia, office for the Republic of China and with the Coordination Council Chairman in that office before he went to Chicago, to now hold his position which he has held since May of 1980. Gentlemen, again we welcome you to the Unicameral and hope that you can stay with us a little while to observe our procedure. Thank you. We will proceed with LB 28, Mr. Clerk.

CLERK: Mr. President, LB 28 was offered by Senator Bill Barrett. (Title read.) The bill was first read on January of this year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. President, members of the body, I move that LB 28 be advanced to E & R Initial. LB 28 is a bill which will repeal the language in Section 26-214, correction, 76-214, which requires real estate conveyances, in this case deeds, shall state the actual consideration paid for a piece of property, actual consideration meaning the amount of money paid. Presently failure to state such actual consideration in a deed or in a conveyance subjects the grantee or the buyer to a misdemeanor which is punishable by a fine of no less than \$10, no more than \$500, as found in Sections 76-215. As the law now stands, failure to state such actual consideration does not constitute a cloud on the title. I repeat, it simply subjects the grantee or the buyer to a misdemeanor which frankly is seldom if ever enforced. So it might safely be said and fairly be said that one of the primary purposes of LB 28 is simply to purge the statutes from outmoded and outdated language. Should a person desire to determine the actual consideration paid for a piece of property,

February 3, 1981

LB 28

he or she still may check the revenue stamps, this documentary stamp tax paid for the property which is determined on the basis of 55¢ for \$500 of consideration. So it is possible to determine that amount paid within \$500. I think it is important to know that the Nebraska Real Estate Commission, the Nebraska Real Estate Association, the State Bar are all in support of the bill. The State Revenue Department has expressed no objections to the bill. I would, therefore, urge the body to support the moving of LB 28 to E & R Initial.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Warner, your light was on. Do you want to turn it off? Senator Koch, your light is on. Senator Wesely, do you wish to be recognized?

SENATOR WESELY: I have a question for Senator Barrett, please.

SPEAKER MARVEL: Senator Barrett, do you yield?

SENATOR BARRETT: I do.

SENATOR WESELY: Although I am not very familiar with this issue, it just appears to me that the bill would strike language that would disclose on a conveyance exactly the consideration of the amount due on the transaction. It seems like a public disclosure that would seem reasonable. I understand the group supporting it, and it seems to me fair, but I just wonder why having that written on there and open is not a positive thing to have.

SENATOR BARRETT: Senator Wesely, as I indicated in my opening remarks, actual consideration is not shown at the present time in so many cases. However, in answer to your question and as a safeguard, a real estate transfer statement is now required by the Revenue Department, the Tax Commissioner. A copy is also supplied to the County Assessor upon which the actual consideration is to be shown on the transaction. Another safeguard I alluded to a moment ago is the amount of documentary stamp tax which is affixed to the face of the deed, calculated again on the basis of 55¢ per \$500 of consideration paid, so it is always possible to determine the consideration paid for a particular piece of property within \$500. So there are two safeguards.

SPEAKER MARVEL: Does that answer your question? Okay, the motion is to advance the bill to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

February 3, 1981

LB 28

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

SPEAKER MARVEL: The motion is carried. The bill is advanced.
Next bill, LB 29.

February 5, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: ...this morning by Rabbi Mark J. Bisman, Tifereth Israel Synagogue, 3219 Sheridan Boulevard, Lincoln, Nebraska.

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Roll call, please record your presence.

CLERK: Mr. President, Senators Wagner, Carsten, Warner, Carsten and Wagner would like to be excused all day, Senator Fenger and Higgins until they arrive. Mr. President, Senator Vard Johnson would like to be excused until he arrives.

SPEAKER MARVEL: Will you please record your presence if you haven't already. Okay, record.

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

SPEAKER MARVEL: Item #3. Do you have anything to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 156 and recommend that same be placed on Select File with amendments; LB 28 Select File; LB 29 Select File; LB 42 Select File with amendments, (Signed) Senator Kilgarin, Chairman. (See page 440 of the Legislative Journal.)

Mr. President, I have LRs 4, 9, 10, 13, 14 are ready for your signature as well as engrossed LBs 1, 2, 60, 71, 57 and 141.

SPEAKER MARVEL: While the Legislature is in session I am about to sign and do sign LR 4, LR 9, LR 10, LR 13, LR 14, LB 1, LB 2, LB 60, LB 71, LB 57 and LB 141.

CLERK: Mr. President, I have a reference report referring LB 543 and LR 12; rereferring LB 526 as well as a number of gubernatorial appointments. (See pages 441-442 of the Journal.)

Finally, Mr. President, I have a report from the Thurston County Sheriff's Department pursuant to statutory section 23-362.

SPEAKER MARVEL: Senator Warner is excused today so we are going to pass over #4, item #4 and move to item #5 which is General File and the first order of business is LB 165A.

CLERK: Read LB 165A.

SPEAKER MARVEL: Senator Lamb.

February 9, 1981

LB 28, 29, 42

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 28.

CLERK: There are no E & R amendments, Senator.

SENATOR KILGARIN: I move LB 28 be advanced to E & R for engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 29.

CLERK: No E & R amendments, Senator.

SENATOR KILGARIN: I move LB 29 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 42.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 42.

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

CLERK: Mr. President, I now have an amendment from Senator Nichol. (Read Nichol amendment as found on page 470 of the Legislative Journal.) That is offered by Senator Nichol.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Well as I get it from the attorneys the statutes should all be changed to thirty days but the old statutes remain at one month and in a different section it should be thirty days to be commensurate with the rest of the statute and that is why I understand we need this. I didn't think there was all that much difference between thirty days and one month but this is the way they say it should be done. Perhaps Senator Hoagland might want to speak to this, perhaps not, but I think that is the rationale on it. Ask for the adoption of the amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment as explained by Senator Nichol. All those in favor say aye... okay machine vote. All those in favor vote aye, opposed vote no. We are voting on the adoption of the Nichol amendment to LB 42. Record the vote.

CLERK: 30 ayes, 0 nays on adoption of Senator Nichol's amendment.

February 10, 1981

LB 29, 28, 42, 156

tight than if the word "asbestos" was inserted as I had indicated, that perhaps it should be when this bill was on General File. By including the language that Senator Beutler has pointed out to you "asbestos composed of" ahead of these chemical or minerals outlined in the bill, it does satisfy my concerns and the rest of the amendments, I think, also are very good amendments and certainly do address to the concerns that I had with LB 29. I urge the body's adoption of this amendment.

SPEAKER MARVEL: Okay, the motion is to adopt the Beutler-Fitzgerald amendment to LB 29. All those in favor of the motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to adopt the amendment, Mr. President.

SPEAKER MARVEL: All those in favor of readvancing LB 29 say aye, opposed no. Motion is carried. The bill is readvanced. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, Senator Wagner offers an explanation of vote.

Senator Johnson would like to announce that the Administrative Rules and Regulations Committee hearing regarding child care regulations which was scheduled for tonight is cancelled. The same hearing is reset for Wednesday, February 25 at 7:30 p.m.

Mr. President, I have an Attorney General's opinion addressed to Senator Vard Johnson.

Finally, Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 28 and find the same correctly engrossed; 42 and 156 correctly engrossed.

SPEAKER MARVEL: Senator Chronister, do you want to adjourn us until nine o'clock tomorrow morning?

SENATOR CHRONISTER: I move we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: The motion is to adjourn until 9:00 a.m. tomorrow morning. All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until tomorrow at 9:00 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

February 19, 1981

LB 28, 42, 156, 194, 196

CLERK: Mr. President, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 194 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File: LB 196 Indefinitely postponed. (Signed) Senator Landis, Chair.

PRESIDENT: As soon as the legislators are at their desks, we will commence with Final Reading. Proceed with Final Reading, Mr. Clerk. LB 28 is the first bill on Final Reading.

CLERK: Mr. President, LB 28. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 28 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 568, Legislative Journal.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 28 passes. The next bill on Final Reading is LB 42.

CLERK: Mr. President, LB 42. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 42 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 569, Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 42 passes. The next bill on Final Reading is LB 156.

CLERK: LB 156. (Read on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 156 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 570, Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 156 passes with the emergency clause attached and that will conclude Final Reading at this point today. Do you want to read some things in, Mr. Clerk?

February 20, 1981

LR 17, 18
LB 9, 20, 21, 27-30, 37, 156,
38, 42, 43, 67, 77, 124,
186, 206, 206A, 244, 345, 354

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Father Dale Harges, Sacred Heart Catholic Church here in Lincoln.

FATHER DALE HARGES: (Prayer offered).

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, the Journal is without error this morning.

PRESIDENT: Ah, that is good news. The Journal stands correct as published. We go on to any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and reviewed LB 21 and recommend that same be placed on Select File with amendments; 186 Select File with amendments; 124 Select File; 206 Select File; 206A Select File; 67 Select File; 77 Select File with amendments; 9 Select File with amendments; 38 Select File with amendments; and 345 Select File. Those are signed by Senator Kilgarrin as Chair.

Mr. President, I have an Attorney General's opinion addressed to Senator Haberman regarding delegation of legislative authority; and one addressed to Senator Beyer regarding LB 354.

Mr. President, I have a report from the Department of Administrative Services, State Building Division regarding the Request for Program Statement/Preliminary Plan Approval. It will be on file in my office.

Mr. President, a communication from the Governor. (Read: Re 244. See page 593, Legislative Journal.)

Mr. President, LBs 28, 42, 156, 20, 27, 29, 30, 37, 43, LR 17 and 18 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 28, LB 42, LB 156, LB 20, LB 29, LB 30, LB 37, LB 43, LR 18 and LR 17. We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will make sure that all unauthorized personnel

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

February 20, 1981

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

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

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

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

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

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

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

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

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

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

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

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

I have a report of registered lobbyists for February 12

February 23, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Palmer of the Westminster Presbyterian Church.

DR. PALMER: (Prayer offered).

SPEAKER MARVEL: Roll call.

CLERK: Mr. President, Senators Hoagland and Beutler would like to be excused until they arrive. Senator Beutler has arrived, Mr. President.

SPEAKER MARVEL: Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, first of all, I have a correction in the Journal.

Senator Sieck offers an explanation of vote.

Communication from the Governor addressed to the clerk. (Read. Re: LBs 20, 28, 29, 37, 42, 43, and 46. See pages 619 and 620, Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:30 p.m. presented to the Governor the following bills: 45, 46, 81, 82, 130, 140, 14, 18, 41, 64, and 121.

Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and engrossed LB 65 and find the same correctly reengrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: The next item is #4, Final Reading. Will all legislators please take your seats. The first order of business is LB 24.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman moves to return LB 24 to Select File for a specific amendment. That amendment is to add the emergency clause to the bill, Mr. President.

SPEAKER MARVEL: Okay, you have heard the motion. Senator Haberman.