

January 19, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer this morning will be given by Reverend Roe, the United Methodist Minister affiliated with the Trinity Methodist Church in Lincoln, Nebraska. Reverend Roe.

REVEREND ROE: Prayer offered.

SPEAKER MARVEL: Roll call. Item #3. Will you please record your presence if you haven't already. Record your vote.

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

SPEAKER MARVEL: Ready for item #3?

CLERK: Yes, sir. Mr. President, first of all, corrections to the Journal. (Read corrections to the Journal as found on page 220 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Sieck regarding LB 58. (See pages 220 and 221 of the Legislative Journal.) I have a series of reports, the first from Frank Marsh, the State Treasurer, regarding the detailed statement of the condition of the State Treasury.

Mr. President, a communication from the Metropolitan Technical Community College regarding LB 1004; a communication from the State Department of Correctional Services regarding program evaluation of the therapeutic community at the Lincoln Correctional Center.

Mr. President, a deposit or communication from David O. Coolidge who is the Director-State Engineer of the Department of Roads pursuant to LB 722. Those will all be on file in my office, Mr. President.

Mr. President, your Committee on Constitutional Revision and Recreation gives notice of public hearing in Room 1019 for January 30, February 5 and February 6. (Signed) Senator Labeledz as Chairperson.

SPEAKER MARVEL: Okay, we now go to item #4, introduction of new bills.

CLERK: Mr. President, new bills: Read title to LB 284-309 as found on pages 223 through 228 of the Legislative Journal.

February 11, 1981

LB 54, 110, 154, 205,
275, 288, 409, 459.

SPEAKER MARVEL: Four excused. Have you all voted?
Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I guess numerically it
is possible so I will ask for a Call of the House and
a roll call vote, unless a couple of people would like
to.....okay, I give up.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 17 ayes, 22 nays, Mr. President. I have nothing
further on the bill, Mr. President.

SPEAKER MARVEL: Senator Schmit. Senator Schmit, we
are about to close up shop for noon. Your light is on.
Senator Wagner, do you wish to close on your bill?

SENATOR WAGNER: Mr. Speaker, I think enough has been
said. I would just kind of like to move the bill and
make it go on. Thank you.

SPEAKER MARVEL: Senator Schmit, did you wish the floor?
The motion is the adoption of the Wagner...let's see,
LB 110 as amended. All those in favor of that motion
vote aye, opposed vote no. This is the advancement of
the bill. Have you all voted? Record the vote.

CLERK: 29 ayes, 5 nays, Mr. President, on the motion
to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is
advanced. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, your committee on
Retirement Systems whose Chairman is Senator Fowler
instructs me to report LB 288 to General File with
amendments. (Signed) Senator Fowler. (See pages 503
and 504 of the Legislative Journal.)

Your Committee on Banking whose Chairman is Senator
DeCamp instructs me to report 275 to General File.
Retirement reports 459 to General File with amendments.
Banking, 154 to General File with amendments. Banking,
409 to General File with amendments. Judiciary, LB 54
to General File with amendments, and Judiciary, 205
to General File with amendments. Signed by the res-
pective Chairs. (See pages 504 through 507 of the
Legislative Journal.)

Mr. President, Senator Warner wants to note that the

SPEAKER MARVEL: The motion carried. The bill is advanced. Okay, the next order of business is LB 288.

CLERK: Mr. President, if I may, before that I would like to read in some matters. Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 125 and recommend that same be placed on Select File with amendments. Your committee on Constitutional Revision and Recreation whose chairman is Senator Labedz to whom is referred LB 138 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 531 General File with amendments. Your committee on Constitutional Revision gives notice of cancellation of hearing and Revenue sets hearing for March 3, March 4, March 9, (Signed) Senator Carsten, Chair. (See pages 645-646 of the Journal.)

Mr. President, LB 288 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 19. It was referred to the Nebraska Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending by the Retirement Committee, Mr. President.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: Mr. President, I move adoption of the committee amendments. The bill was brought in to enable members of commissions who are beyond the retirement age to receive a per diem. Now we are not talking about state employees as such. We are talking about people that serve on advisory boards and committees and so on. Because of an interpretation of state law, the Department of Administrative Services, although it would pay expenses to such commission members, would not pay a per diem even if it was authorized by law if the person was over 72 years of age which is the mandatory retirement age. Senator Rumery brought the bill to the committee based on a concern with regards to one commission but this could apply to any commission that pays per diems. The committee amendment basically picks what we think is the most appropriate section of the statute to provide the exception to the retirement age and basically what we are saying is that if you are a member of a commission, not a regular employee, but a commission member you can receive an authorized per diem even if you are over the mandatory retirement age, age 72. The committee amendment becomes the bill. It is essentially the same concept. It is just probably a more appropriate place in the statute, so I would move for adoption of that amendment.

SPEAKER MARVEL: Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, Senator Fowler, Chairman of the Retirement Committee, did an excellent job of explaining what the bill is. We have a number of boards and commissions who want certain people to serve on them and we want to make it possible for them to do that simply by legally being able to pay their expenses. I hope you will support the bill.

SPEAKER MARVEL: The motion first is the adoption of the committee amendments to LB 288. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays on adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion carried. The committee amendments are adopted. Senator Rumery, do you want to make some additional comments?

SENATOR RUMERY: Nothing further on the bill, Mr. President, and members of the Legislature. I would move its advancement.

SPEAKER MARVEL: The motion is the advancement of LB 288 to E & R for review. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried and the bill is advanced. The next bill is LB 275.

CLERK: Mr. President, LB 275 introduced by the Banking Committee and signed by its members. (Read title.) The bill was read on January 16. It was referred to the Banking Committee for public hearing. The bill was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeC MP: Mr. President, members of the Legislature, this is a bill introduced as a result primarily of the tornado that hit Grand Island. That was the first chance where the guarantee fund that the Legislature created was brought into operation. Following the experience of the Insurance Department and the public and the insurance companies in the use of this fund and the handling of claims, I asked the Department of Insurance and we held public hearings on the subject of whether there were any changes that needed to be made to this law that could make it operate more fair and more favorable to the general public who was afflicted and

February 26, 1981

LB 54, 150, 154, 274,
275, 288, 329, 459

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Pastor Roland Hanselmann of Southwood Lutheran here in Lincoln.

PASTOR HANSELMANN: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Beutler and Senator Vard Johnson until they arrive. Senator Fitzgerald would like to be excused for the day. Mr. President, Senator Sieck and Pirsch would like to be excused until they arrive.

PRESIDENT: Have you all registered your presence?

CLERK: Mr. President, Senator Labedz would like to be excused until she arrives.

PRESIDENT: Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: Mr. President, I have no corrections this morning.

PRESIDENT: The Journal stands correct as published. Are there any messages, reports or announcements?

CLERK: Yes, Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 150 and recommend that same be placed on Select File with amendments; 288 Select File with amendments; 275 Select File; 459 Select File with amendments; 154 Select File with amendments; 54 Select File, (Signed) Senator Kilgarin, Chair. (See pages 672-673 of the Legislative Journal.)

Mr. President, your committee on Banking whose chairman is Senator DeCamp to whom is referred LB 329 reports the same back to the Legislature as advanced to General File and 274 General File with amendments. (See page 673.)

Mr. President, your committee on Revenue gives notice of executive session for Monday, March 2, from 12:00 until 1:30 p.m., (Signed) Senator Carsten, Chair.

Mr. President, LR 20 and 22 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable

March 2, 1981

LB 125, 288, 275, 154

SENATOR LABEDZ: No, I am sure there isn't. Hopefully it will be on the agenda tomorrow.

PRESIDENT: All right. The Speaker will have to deal with putting it on the agenda again then because there is still another amendment which we couldn't possibly get finished in five minutes. We are going to...pursuant to Speaker's order before he was excused he gave me a list of Select File bills to move on. Senator Kilgarin, you are getting a list here so we will proceed to quickly dispatch some of these bills on Select File. We will just proceed, Senator Kilgarin. So begin, Mr. Clerk, with LB 288.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 288.

PRESIDENT: Motion to adopt the E & R amendments on LB 288. Any discussion? All those in favor of the E & R amendments to LB 288 signify by saying aye, opposed nay. The E & R amendments are adopted. Senator Kilgarin, do you want to move the bill.

SENATOR KILGARIN: I move that LB 288 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 288 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 288 is advanced to E & R for engrossment. LB 275.

CLERK: There is nothing on the bill, Senator.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 275 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 275 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 275 is advanced to E & R for engrossment. LB 154.

CLERK: There are E & R, Senator.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 154.

PRESIDENT: Motion to adopt the E & R amendments to LB 154.

LB 21, 24, 38, 44, 54, 65, 67,
77, 80, 104, 109, 110, 154,
186, 214, 221, 236, 260, 264,
275, 288, 459

March 3, 1981

File with amendments; 264 to General File, (Signed)
Senator Cullan, Chair.

Mr. President, your committee on Judiciary reports LB 44
to General File with amendments.

Mr. President, new resolution offered by Senator Fowler,
LR 27. (Read.) That will be laid over pursuant to our
rules, Mr. President.

Mr. President, your committee on Enrollment and Review
respectfully reports we have carefully examined and en-
grossed LB 24 and find the same correctly engrossed, 38,
54, 104, 154 and 275 and 288 all correctly engrossed,
(Signed) Senator Kilgarin, Chair.

Mr. President, your Enrolling Clerk reports that she has
presented to the Governor for his approval LBs 110, 214,
65, 21, 67, 77, 80, 109, 186, 221, 236 and 260.

SPEAKER MARVEL: The next bill on Select File is LB 459.

CLERK: Mr. President, there are E & R amendments to LB 459.

SPEAKER MARVEL: Senator Kilgarin, E & R amendments to 459.

SENATOR KILGARIN: Mr. Speaker, I move the E & R amendments
to LB 459.

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

CLERK: Mr. President, I now have a motion from Senator
Fowler. (Read Fowler amendment as found on page 733 of
the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, this bill changes the
contribution rates with regards to certain aspects of
retirement. In working with the legislative fiscal staff
we felt that rather than have the bill take effect on what-
ever day, ninety days after the session which may be in the
middle of a pay period, that we would try and pick a date
for it to take effect so as to ease implementation. So
this is for October 1. This really is an amendment to
help with the mechanical aspects of adjusting the payroll
to reflect the new contribution rates for the retirement
plan. I would move for its adoption.

SPEAKER MARVEL: All those in favor of the Fowler amendment

March 10, 1981

LB 275, 288

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 275 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 826 of the Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 275 passes. The final bill on Final Reading today, Mr. Clerk, is LB 288.

CLERK: (Read LB 288 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with the question is, shall LB 288 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 827 of the Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 288 passes. That will conclude Final Reading for this morning. Do you have any matters to read in at this point? We will proceed then with agenda item #5, General File for priority and, Speaker Marvel, did you wish to make some remarks? Speaker Marvel.

SPEAKER MARVEL: Senator Clark had to leave Lincoln and, therefore, if we could pass over this bill, he will be here tomorrow. Also some place in the...Mr. Clerk, in the routine, maybe this would be the time to put it in. Senator Maresh has a request for two bills.

PRESIDENT: Read the request, Mr. Clerk.

CLERK: Mr. President, Senator Maresh moves for the introduction of Request #906 by the Business and Labor Committee.

PRESIDENT: The Chair recognizes Senator Maresh.

SENATOR MARESH: Mr. President, this is an annual affair that we go through, procedure to allow claims to be paid by the state and then to review those that were disallowed by the Claims Board and we are going to try and hold a hearing a week from tomorrow and to get notices out we have to get this bill introduced today and have it referred to us, to the proper committee. So I move that these...shall we take them one at a time? I suppose we should. Okay, I move that Request #906 be approved by the Legislature.

March 11, 1981

LB 4, 9, 22, 24, 34, 38,
54, 124, 171, 178, 275,
276, 288, 292, 345,
368, 460, 475, 517

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor David L. Erdman, Plains Baptist Church.

PASTOR ERDMAN: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Goll, Barrett and Waitala until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? Record the vote. Yes. Senator Marsh, for what purpose?

SENATOR MARSH: I ask for this to be a recorded vote for those who are here at 9:05 a.m.

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

SPEAKER MARVEL: Do you have some items to read in?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 475 and recommend that same be placed on Select File with amendments; 171 Select File; 22 Select File with amendments. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Government reports 292 to General File with amendments; LB 460 to General File; LB 276 Indefinitely postponed; 517 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, LB 288, 275, 54, 38, and 24 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 LB 24, LB 38, LB 54, LB 275, LB 288.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LB 9, 34, 124, 178 and 345.) (See page 844, Legislative Journal.)

Two Attorney General's opinions, a first to Senator Koch regarding LB 368. The second to Senator Beutler regarding LB 4. They also will be inserted in the Journal, Mr. President.

Finally, Mr. President, Senator Maresh asks unanimous consent

March 11, 1981

LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

March 17, 1981

LR 21, 30
LB 24, 38, 51, 55, 83, 114, 128,
136, 150, 154, 195, 217, 246, 250,
272, 275, 279, 288, 302, 325, 354,
388, 409, 434, 444, 457, 462, 515

SPEAKER MARVEL PRESIDING

REVEREND RON WASIKOWSKI: (Prayer offered. Microphone not on. See page 951, Legislative Journal.)

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

CLERK: Yes, sir, I do. Mr. President, first of all, the Journal is without error this morning.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, 462, 24, 38, and 51. See pages 951 and 952, Legislative Journal.)

Mr. President, I have a series of Attorney General opinions. One to Senator DeCamp regarding the Executive Board and the powers thereof; one to Senator DeCamp regarding payment of salary; one to Senator Nichol regarding LB 515.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 250 to General File with amendments; LB 444 to General File with amendments. Signed Senator Kahle as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 302 to General File with amendments and Public Works reports LR 21 back to the Legislature with amendments. Signed by Senator Kremer as Chair.

SPEAKER MARVEL: From Senator Barrett's District in the North balcony it is my privilege to introduce 19 senior high students from St. Ann's Catholic School, Lexington, Nebraska. Mr. Roger Lucas, Government teacher; Dr. Phillip Vreeland, English teacher. Will you hold up your hand so we can see where you are and greet you? Okay, we will go to item #4.

CLERK: Mr. President, the first resolution is offered by Senator Dworak. It is LR 28. It is found on page 737 of the Journal.

Mr. President, while Senator Dworak is missing, LR 30 by Senator Vickers. It is found on page 787. (Read.) That resolution, Mr. President, is found on page 787 of the Journal.