

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

LR 11  
LB 30, 37, 39, 69, 140,  
207, 312, 363.

your vote for the resolution.

PRESIDENT: Is there any discussion on the Wesely resolution which is LR 11? Seeing none, Senator Wesely, I guess that will be your opening and your closing. The question before the House is the adoption of LR 11. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 0 nays on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution LR 11 is adopted. Mr. Clerk, are there any matters to be read in?

CLERK: Yes, sir, there are. Mr. President, I have a Reference Committee report referring LBs 533, 534 and 535. The Committee on Ag and Environment gives notice of hearing in Room 1520 for March 5 and March 6. The Committee on Public Health and Welfare gives notice for a hearing on February 9, 10 and 17. Your Committee on Public Health and Welfare whose Chairman is Senator Cullan to whom was referred LB 39 instructs me to report the same back to the Legislature with the recommendation it be advanced to General file with amendments; LB 69 to General File with amendments. (See pages 378 and 379 of the Legislative Journal.)

Mr. President, your Committee on Revenue whose Chairman is Senator Carsten to whom was referred LB 140 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File.

Mr. President, I have a motion from Senator Chambers to re-refer LB 363 from Education to the Government Committee. Senator Stoney asks unanimous consent to...or he makes a motion to withdraw LB 312. Pursuant to our rules that will be laid over, Mr. President. Senator Stoney also asks unanimous consent to have his name added to LB 37 as co-introducer.

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, Senator Koch would like to print amendments to LB 207 in the Legislative Journal. (See pages 380 and 381 of the Legislative Journal.) Your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 37 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, and LB 30 General File with amendments. (Signed) Senator Landis (See pages 380 and 381 of the Legislative Journal.)

February 3, 1981

LR 14  
LB 81, 30

coming, and if we deny this bill to our people out there, we sure give them a slap in the face, I should say that. With this I will close and hope that we advance this bill.

SPEAKER MARVEL: The motion is the advancement of LB 81. All those in favor vote aye, opposed vote no. The motion is the advancement of the bill. Record the vote.

CLERK: 27 ayes, 5 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items to read into the...there will be a Chairmen's meeting tomorrow morning at 8:15 a.m. in Room 2102.

CLERK: Mr. President, LR 14. (Read. See page 400, Legislative Journal.) That will be laid over, Mr. President.

Senator Newell would like to print amendments to LB 30 in the Legislative Journal.

I have a reference report from the Reference Committee referring LBs 536 through 542.

Your committee on Urban Affairs gives notice of public hearing for February 11, February 25, March 4 and 11 and March 18.

Your committee on Education gives scheduling of public hearing for February 9 and your Banking, Commerce and Insurance Committee gives notice of public hearing in Room 2230 for February 10, 17, 23 and 24. Signed by the respective Chairmen.

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

SENATOR NEWELL: Mr. President, I move we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion carried. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Marilyn Zank  
Marilyn Zank

SPEAKER MARVEL: The motion is carried and the amendment is adopted. The cookies underneath the balcony are brought here by the Nebraska Federation of Women's Clubs in the state. Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, LB 37 as amended, the amendments basically just clarify, put back the old language. There was an attempt by myself as the introducer to, as one of the cointroducers to try to clarify the language and in so doing we made it less clarifying so the committee amendments go back to the old language and what we are doing here is very simply just authorizing that the votes, when one votes for the homeowner directors after a period of time who was supposed to be serving on the board, those people can only vote one vote per resident as opposed to one vote per lot and that just clarifies the language. There was some problems. This is the intent of the legislation originally. When Senator Cavanaugh, then Senator Cavanaugh, introduced the bill, it goes back to the original intent to make it a partial control by residents. This bill was not controversial. It was not opposed by the homebuilders who usually oppose anything that would change SIDs. It is just a clarification so with that, I urge the movement of the bill.

SPEAKER MARVEL: The motion is the advancement of LB 37 as amended. All those in favor vote aye, opposed vote no. Record.

CLERK: 31 ayes, no nays, Mr. President, on advancement of the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next motion, LB 30.

CLERK: Mr. President, LB 30 was offered by Senator Jerry Koch. (Read title.) The bill was first read on January 8. It was referred to the Urban Affairs Committee. The bill was advanced to General File. I again have committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: Senator Haberman, do you want to take up the committee amendments to LB 30? Senator Landis, do you want to take the amendments? We are on LB 30 and we need an adoption of the committee amendments.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this bill comes to us from the Omaha area with an SID that has had serious problems with obtaining the consent of the Omaha City Council and Mayor for the construction of a community center and the language of the bill intends to

allow for the decision to be made by the city council but to do away with the ability of the mayor to veto such an ordinance. The ordinance would be effective upon the majority vote of the council without necessarily the signature of the mayor. The testimony in the hearing was extensive as to the experience of this SID and the committee reported the bill out. The amendments that are offered by the committee were offered to the committee by the representatives of the bill, Robert Huck, who is an SID attorney, attorney for SID 95. They described the areas in which this kind of extraordinary procedure would apply and that would be in ordinances concerning a public park, playground or recreation facility improvement in an SID and it also adds to make it very explicit the language, "Governing body of such municipality in this case, Omaha, or county shall, the approval shall not be subject to any veto." It takes the executive out of the decision. It leaves the city council as the deciding body for the ordinances that would create or allow in SIDs public parks, playgrounds or recreation facilities. I move the adoption of the committee amendments.

SENATOR CLARK PRESIDING

SENATOR CLARK: Is there any discussion on the adoption of the committee amendments to LB 30? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

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

SENATOR CLARK: The motion passed. The committee amendments are adopted. Senator Koch, what do you wish to do with the bill? We have two other amendments first, Senator Koch. The Clerk will read the amendment.

CLERK: Mr. President, first of all, Senator Newell offers an amendment found on page 410 of the Legislative Journal.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: I think I am going to withdraw this but I want to make sure it is the right amendment so if I could just look at 410 for a second. Mr. President and members of the body, I would like to withdraw this amendment at this time and if my second amendment is adopted, then I will not offer this amendment to the body.

SENATOR CLARK: The amendment is withdrawn. The Clerk will read the next amendment.

CLERK: MR. President, Senator Newell moves to amend:  
(Read Newell amendment as found on page 443 of the  
Legislative Journal.)

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, this is my honest attempt to try to keep the principle and yet allow the purpose of this bill to be accomplished even though I may not be in total agreement with that purpose. I offer this amendment. It is a one year sunset provision. That means that in this case we will allow the purpose of this bill to be effective but after one year this very bad principle will be sunsetted. With that, I urge the body to accept this amendment.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I am hoping that Senator Koch at some time soon will get a chance to trace for you the experience of this SID that this bill comes from. I certainly have questions as to the underlying policy of taking out an executive in a choice like this. It is not good textbook law. It is not good political science organizational chart decision-making, however, the experience is so convoluted, it is such a good faith attempt by people to control their own environment and face unlimited frustrations by City Hall, it is the case that the specific justifies the general change. It is a hard case and we may be making a questionable law but I would agree with Senator Newell that the sunset provision would be a wise one. It frankly is being passed for one specific circumstance. I do not want to hold out that it is anything other than that. This is, as one of my colleagues called it, a Burger Chef law made to special order and if we are going to go that far, we may as well put a sunset provision on it so that we don't wind up with this policy over a long period of time. But I do support Senator Newell's amendment because it limits the operation of what is, in fact, a very specially designed law to solve a particular problem and we are not going to be stuck with this policy over a long term with Newell's amendment so I support it.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. I appreciate the remarks of Senator Landis. I know this is a bill with some problem, however, as Senator Landis indicated to you that SIDs are a creature of the Legislature, Senator Newell alluded to the fact that in 1975 Senator Cavanaugh along with a number of us introduced legislation that affected

SIDs and their control and their functions. This SID which is in my district is a little west of where I live, has over two thousand people who live in it. It is fully developed and for the past seven or eight years these people in good faith have been trying to meet all the standards that is placed before them by the law and by the city. They have been before the Planning Works Committee, they have been before the Planning Board, they have met the master plan of the county and the city, they have done everything. They have even increased their own mill levy to pay off their indebtedness at a greater rate. The valuation of this SID is \$18,000,000 and so you see it is an SID with considerable wealth. These people by 95% of the residents have stated very clearly in petitions that they are willing to obligate themselves for a community center. This community center is not only available to those individuals but would be available to approximately thirty thousand people of the area and if you know this area at all, it is primarily all residential and there is indeed a considerable need for a community center not only for the youth but for the adults as well. I handed to you a packet which explains to you the whole procedure. I spent time with the city government of Omaha on this issue for these people and on their behalf. The last action I observed I was told that everything was all right and so I didn't speak to the council. I merely sat silent and watched the action. After that action I was terrible disgusted. That is what prompted me to go to these people and say I will introduce legislation and try to help you on this situation which I think is not very credible on the part of some elected officials. So I am here before you today to ask help for these people and for a community of considerable size, the community which is responsible and have worked diligently in trying to obtain certain facilities for themselves. If Omaha had annexed SID 95 which they will do no doubt some day, they will not be accumulating a large debt because the community center is estimated to cost about \$1,200,000. Up until the time Omaha annexes them these people will tax themselves to pay off the bonded indebtedness for that center and I think they will do it, no doubt in my mind they will do it. SIDs in some cases are badly managed but in this case this is an SID with exemplary management and exemplary conduct. I am asking to you to accept the amendment of Senator Newell and advance LB 30 to E & R initial. Thank you.

SENATOR CLARK: Senator Haberman. Senator Higgins.

SENATOR HIGGINS: Mr. President, are we speaking to the Newell amendment or to the bill itself? Are we speaking to the Newell amendment or to the bill itself?



SENATOR CLARK: The amendment, the Newell amendment. Do you wish to speak to the bill?

SENATOR HIGGINS: I was going to speak to the bill, not the amendment.

SENATOR CLARK: Thank you. Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, I do have a little reservation in supporting Senator Newell's amendment and I am sympathetic with what Senator Koch is attempting to accomplish for these people in his legislative district but I think that Senator Landis very well articulated the difficulties that we might have in taking a tested and true law, in making an alteration in one case as an exception. Now I would like to ask of Senator Koch if he would respond to a simple question.

SENATOR KOCH: I will.

SENATOR STONEY: Senator Koch, was consideration given since there are extenuating circumstances in this particular case to writing the language in the law to specifically allow this SID to accomplish their purpose?

SENATOR KOCH: Would you repeat that, Senator Stoney? I didn't get it all.

SENATOR STONEY: Senator Koch, the question I am asking is, was consideration given to providing in the language of this bill the SID to accomplish their purpose so that we wouldn't affect in totality the law which I feel is a good one, a right one and a just one?

SENATOR KOCH: Yes, and that is the reason I accept Senator Newell's amendment because it does sunset itself and we are doing this particularly for a very unique SID, Senator Stoney.

SENATOR STONEY: Thank you, Senator Koch. There is only one additional reservation that I have with accepting Senator Newell's amendment, that being should there be other SIDs where the same circumstances do not justify their having the ability to do this, taking advantage of this within the one year time frame that we are establishing with this particular amendment. Perhaps I could visit with both Senators Newell and Koch and more definitive language could be adopted to provide in this particular case these individuals that wish to make this change in the SID and still protect the intent of this particular statute. Thank you.

SENATOR KOCH: Mr. Speaker, may I respond to Senator Stoney?

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Go ahead.

SENATOR KOCH: When he believes that other SIDs might immediately grab this opportunity I think that he has to remember one thing, that the jurisdiction of Omaha is considerable. It is a three mile jurisdiction and I want you to remember that the statute language is very clear. That SID if they wanted to plan some other kind of facilities would have to go through a number of hurdles. First of all they have to go through the Public Works Committee. They have to go through the Planning Committee. They have to go through the Parks and Recreation Committee and all that has to be approved. They have to be in sync with the master plan of the county and the city and then they have got to go to the City Council and by resolution the City Council then must approve all this and if you know government, that isn't going to happen over night because there are a considerable number of steps they have to take before they ever get to that final situation. There is also a petition system here. They have got to go to their people and they have got to get a petition which demonstrates that those people are indeed willing to carry out this goal and the last thing they have to do after that after the petition then is they also then must publish in a local newspaper of general circulation, the hearing and the procedures. So all those checks and balances are still there so it is doubtful any other SID would really be able to avail themselves of this privilege particularly when you have a sunset provision so I am hoping that this will solve any problems some of you may have in terms of who might abuse it and who will use it. I ask for the adoption of the Newell amendment and the advancement of LB 130 (sic) to E & R initial.

SPEAKER MARVEL: Senator Landis, do you wish to be recognized?

SENATOR LANDIS: Yes, Mr. Speaker, members of the Legislature, I would like to yield my time and to request to Senator Koch, several of us have been talking and I think there are probably questions about the circumstance that brought this bill about and I think in fairness to the body we really do need to ask Senator Koch the specific background of why this bill is here before us and although he may not want necessarily to lay his cards on the table it is a not uninteresting story and if he would yield I would like to give the rest of my time to him.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Thank you, Senator Landis. The study before I did place before you a complete background of this information but obviously Senator Landis wants me to read it into the record and I will and please bear with me because it is a considerable story of what these people have been trying to accomplish. SID 95 has attempted to put some kind of recreational facility for over ten years in that particular area and they are financially able to do this and are responsible enough to afford it. First of all, they were going to build a pool. They were advised the pool probably was in the best interests of the Omaha area, particularly that southwest area and so then they decided they would approach the city on a community center. That is where it all began. So they did approach the city in 1978 and the city said yes. This sounds good. You appear to be financially responsible. Proceed. So then they went forward and conforming with the master plans with the planning division of Omaha, with the Public Works Committee, with the Parks and Recreation Committee, they met all the standards without exception. As I told you earlier they even increased their own mill levy up to almost four mills. That is how serious they were. So then armed with the full support of the city's Park and Recreation Department and other agencies they proceeded forward. They went to the city and the vote was six to one. Yes, the city council said we believe this is a good facility and it certainly will benefit a considerable number of people. So then the resolution went to the mayor. The mayor then proceeded to without discussion with those people or without particular reasons, veto it. So later they went back to the city council. A number of city council members said, yes, we agree, you have been good faith and will be good faith. We will override the mayor. Well they proceeded to override the mayor and finally got four votes when I was sure they had five because I was also in this issue by then and so here they sit with four. It takes five to override. So the city then talked of annexation. This was now in 1980 in July. The mayor was quoted in the local newspaper that he would not veto the SID 95 community center if the council again passed it because annexations have been definitely delayed and none were in near future planned for. So one councilmember then said yes, he had voted against it but now he would change his position. I am not identifying names at all but this is accurate. It is on the record. So again they went back in full faith to the city one more time, didn't get the approval. That is where we are today. We are here and we are saying to you we believe these people do have a special need and have demonstrated everything

in good faith and again I am not here to indict elected officials but I do believe the credibility should be a little better when you are dealing with people in good faith when they have met all of the tests and they have met all the tests. I want you also to know that the Board of Trustees of the SID are homeowners. They are elected by their own constituents and they serve diligently and so presently they are sitting there waiting to see whether or not this body will help them. I told the committee in my closing remarks, certainly I have some concern about the rights of mayors and the legislative bodies and the courts preserve their sovereignty but we really are the mayor when it gets down to the final issue because the Legislature created SIDs and we as a body can make certain determinations if we feel that there is indeed a demonstrated need to help them on certain occasions and I have no fear that other SIDs will abuse this particular privilege. It really pertains to SID 95 by and large. Thank you.

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. President and fellow Senators, I just want to bring out the fact that people in this SID do not live in the City of Omaha. They had nothing to do with the election of our mayor or our city council and I think that inasmuch as they are under the government of our mayor and our city council, since they don't have the power to vote them in or out of office or to even help themselves, that I would urge you to vote for Senator Koch's bill just in all sense of honesty and decency to these people. Thank you.

SPEAKER MARVEL: Senator Haberman, we are speaking to the Newell amendment.

SENATOR HABERMAN: Mr. President, members of the Legislature, speaking to the amendment, I wholeheartedly endorse the amendment and the bill because I was just aghast at some of the things that happened to these people when they tried to get their SID through the City Council of Omaha and the only thing I can say is that the Mayor of Omaha can be glad he is the Mayor of Omaha and not out in our part of the country because we wouldn't stand for things like this so I would wholeheartedly endorse the amendment and the bill. Thank you.

SPEAKER MARVEL: Senator Newell, do you have any other comments on your amendment? Do you want to close?

SENATOR NEWELL: Well I would just like to keep it in perspective. This is a one year sunset provision. Without this

I think the bill would be not only a bad principle but it would be a terrible travesty. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Newell amendment to LB 30. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

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

SENATOR KOCH: Mr. Speaker and members of the body, on behalf of those citizens of SID 95 I thank you. I ask to advance LB 30 as amended to E & R initial.

SPEAKER MARVEL: Senator Remmers, your light was on.

SENATOR REMMERS: Mr. President and members of this body, I want to speak in support of Senator Koch's bill. It is true this might be special legislation but I think SIDs were special legislation and I don't think the law is always fair. I think that these people are put in a position where they are, you might say, captives. They have advanced in good faith and I don't think they have been dealt with in good faith and I think there are times when we do have to make some exceptions and I believe this is a time when that exception is in order and I urge you to support Senator Koch's bill.

SPEAKER MARVEL: Senator Dworak, we are speaking to the bill as a whole.

SENATOR DWORAK: Mr. President and colleagues, we do have one SID in Platte County so I guess I can speak on it although we don't quite have the problem that they have in Omaha but I am a little concerned philosophically about taking the executive out of the decision making process. That is an important facet of government and I might even be able to be a little more comfortable with this bill if the current members of the Omaha City Council were elected by district but since they are not and since approximately four of them live within an eight block area it seems to me by taking the executive out also we are totally disenfranchising about 90% of the people in the City of Omaha in this area. So I think that this is on a basic, broad good government philosophy is a poor bill and a poor precedent to establish. I think any member from a small district has a different perspective on government just like each one of us have a different perspective from the interest of our

legislative district than the Governor has. So I think this is an attempt to put in a piece of poor government generally. I think it is a bad precedent. I think it is a bad bill and I think this bill should stop right here.

SPEAKER MARVEL: Senator Newell, do you want to speak to the bill as a whole?

SENATOR NEWELL: No, thank you.

SPEAKER MARVEL: Okay, the motion before the House is the advancement of LB 30 as amended. All those in favor of advancement of the bill vote aye, opposed no. Have you all voted? The motion is the advancement of the bill. Record.

CLERK: 25 ayes, 5 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill, LB 130.

CLERK: Mr. President, LB 130 was offered by the Administrative Rules and Regulations Committee and signed by its members. (Read title.) The bill was first read on January 13 of this year. It was referred to the Administrative Rules for public hearing. There are committee amendments pending by that committee, Mr. President.

SPEAKER MARVEL: Senator Johnson.

SENATOR V. JOHNSON: (mike not activated)...of the body, LB 130 is a relatively straightforward bill that was proposed by the Administrative Rules and Regulations Review Committee and following public hearing was advanced to the floor with committee amendments. The bill itself is one that would authorize the Revisor of Regulations who is an official of the Legislature, the Revisor of Regulations to commence a codification system for the Administrative Rules and Regulations to develop an indexing system and ultimately to put the Administrative Rules and Regulations on a computer. I have on my desk, I just asked Chris Quinn who is our revisor, to give me a sample of what our Administrative Rules and Regulations look like so I could show them and I have on my desk three books. One is part of the Public Welfare rules and regulations. Another are banking regulations. A third are agriculture regulations. These are all state regulations and there are some thirty to thirty-five of these books that are the regulations of the various

February 9, 1981

LB 15, 16, 20, 27, 30, 37,  
45, 82, 93, 108, 130,  
140, 165, 165A, 178, 185,  
187, 238, 244, 260

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Loren Mullins of the Warren United Methodist Church of Lincoln.

LOREN MULLINS: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence.

CLERK: Mr. President, Senators Vard Johnson, Carsten, Cullan and Dworak would like to be excused.

SPEAKER MARVEL: Okay, record. The machine is acting up and somebody will be here to fix it fairly soon. Meanwhile we will call the roll verbally. The Clerk will call the roll.

CLERK: Called the roll. We do have a quorum, Mr. President.

SPEAKER MARVEL: Okay, the Clerk has some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 20 and recommend that same be placed on Select File; LB 165A Select File; LB 178 Select File with amendments; LB 140 Select File; LB 37 Select File; LB 30 Select File; LB 130 Select File; LB 27 Select File; LB 82 Select File and LB 45 Select File, all signed by Senator Kilgarin, Chairperson.

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan to whom was referred LB 260 instructs me to report the same back to the Legislature with the recommendation if be advanced to General with amendments; LB 93 indefinitely postponed and LB 108 indefinitely postponed.

SPEAKER MARVEL: The Legislature will be at ease for the next ten minutes.

EASE

SPEAKER MARVEL: The Legislature will come to order.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 15 and find the same correctly engrossed, 16 correctly engrossed, 165 correctly engrossed, 185 correctly engrossed, 187 correctly engrossed, 238 correctly engrossed, 244 correctly engrossed,

February 10, 1981

LB 165A, 140, 37, 30, 130

proceed then with, Senator Nichol, LB 165A.

SENATOR NICHOL: Mr. President, I move LB 165A be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 165A to E & R for engrossment. Any discussion? Senator Johnson, did you want to discuss 165A?

SENATOR V. JOHNSON: I don't know why I do if nobody else does. Just move right along.

PRESIDENT: Okay. No one else does, so the motion before the House is the advance of LB 165A to E & R for engrossment. All those in favor signify by saying aye, opposed nay. 165A is advanced to E & R for engrossment. We will pass over LB 178 since we have been advised there are some amendments being prepared, it will be on the floor, so with the Speaker's permission, we will pass over 178 and go to LB 140, Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 140 be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 140 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 140 is advanced to E & R for engrossment. LB 37.

SENATOR NICHOL: Mr. President, I move LB 37 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 37 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 37 is advanced to E & R for engrossment. The next bill is LB 30.

SENATOR NICHOL: Mr. President, I move LB 30 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 30 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 30 is advanced to E & R for engrossment. LB 130, Senator Nichol.

SENATOR NICHOL: Mr. President, I move LB 130 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 130 to E & R for engrossment.



February 11, 1981

LB 20, 27, 29, 30, 37, 45,  
82, 125, 130, 140, 150, 165A,  
167.

RECESS

SPEAKER MARVEL: Come back to order, please. The Clerk has a couple of items to read in and then we will proceed back with the business as we had it prior to this recess.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and find the same correctly engrossed....165A, excuse me; 20 correctly engrossed; 27 correctly engrossed; 29 correctly engrossed; 30 correctly engrossed; 37 correctly engrossed; 45 correctly engrossed; 82 correctly engrossed; 130 correctly; 140 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 345 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Nichol. (See page 498 of the Legislative Journal.)

Your committee on Banking instructs me to report 125 back to the Legislature with the recommendation it be advanced to General File with amendments; LB 150 to General File with amendments. (Signed) Senator DeCamp, Chair. (See page 499 of the Legislative Journal.)

Mr. President, your committee on Revenue gives notice of exec session. (See page 499 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion to bracket.

SPEAKER MARVEL: Any objections? If not, so ordered. Senator Warner.

SENATOR WARNER: Mr. President, I ask unanimous consent to withdraw the kill motion at this point.

SPEAKER MARVEL: Any objections? So ordered. Now is there.....Senator Wesely. The Chair will move that the bill be passed over which will be either tomorrow or the first of the week. Does anybody object? Okay, if not, the bill is passed over. Underneath the south balcony a guest of Senator Marsh from Thailand. His first name is Sam. Do you want to raise your hand so we can wish you Good Morning? Underneath the south balcony.

February 19, 1981

LB 20, 27, 29, 30

CLERK: Mr. President, LB 20 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Final Reading of LB 20. Record the vote.

CLERK: (Record vote read. See pages 581 and 582, Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 27 on Final Reading.

CLERK: Mr. President, LB 27. (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Record vote read. See page 582, Legislative Journal.) 42 ayes, 1 nay, 3 excused and not voting, 3 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 29.

CLERK: LB 29 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Record vote read. See page 583, Legislative Journal.) 45 ayes, 0 nays, 3 excused and not voting, 1 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 30.

CLERK: LB 30 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Record. Right, okay. Have you all voted? Record.

February 19, 1981

LB 30, 34, 37, 43

CLERK: (Record vote read. See page 585, Legislative Journal.) 34 ayes, 8 nays, 3 excused and not voting, 4 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 37.

ASSISTANT CLERK: LB 37 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote. Announce the vote.

ASSISTANT CLERK: (Record vote read. See pages 584 and 585, Legislative Journal.) The vote is 43 ayes, 0 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Now we are going to run over the noon hour just slightly so bear with us. The Clerk will read, and this is the final bill this morning on Final Reading, the Clerk will read LB 43 on Final Reading.

ASSISTANT CLERK: LB 43 (Read on Final Reading).

SPEAKER MARVEL: All provisions of law according to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 585 and 586, Legislative Journal.) 41 ayes, 3 nays, 3 excused and not voting, and 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. A couple of announcements before we adjourn. There will be a Chairmen's meeting in Room 2102 tomorrow at 8:15 a.m. All chairmen are encouraged to be present. From Senator Hoagland's District, David Wilken is a member of the Board of Education of the Omaha Public School System. Mr. Wilken, where are you? Good morning. Senator Haberman, would you like to...I am sorry. The Clerk has got an item on the desk and then we need to adjourn.

CLERK: Mr. President, Senator Wesely would like to print amendments to LB 34.

Mr. President, you committee on Revenue whose Chairman is

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 27, 1981

LR 23, 24, 25  
LB 27, 30, 51

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The morning prayer will be given by Reverend Emmett Haas of the East Lincoln Christian Church, Lincoln, Nebraska.

REVEREND EMMETT HAAS: (Prayer offered.)

SPEAKER MARVEL: Roll call. Please record your presence. Record the vote.

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

SPEAKER MARVEL: Do you have anything under item #3?

CLERK: Mr. President, I have a series of things. I have a communication from the Governor. (Read. Re: LB 27.)

Mr. President, I have an appointment letter, a revised appointment letter from the Governor.

Mr. President, LR 23, 24 and 25 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session, I am about to sign and do sign LR 23; LR 24; LR 25.

CLERK: Senator Rumery would like to print amendments to LB 51 in the Journal.

Mr. President, I have a second communication from the Governor. (Read. Re: LB 30. See page 685, Legislative Journal.)

Mr. President, I have a report from the Policy Research Office pursuant to Statutory Section 84-156.

Mr. President, I have a letter from the Secretary of State's Office addressed to the Speaker. "I would appreciate you very much reading this announcement invitation to the Legislature on Friday morning, February 27. Members of the Legislature and staff are cordially invited to attend Statehood Day ceremonies and observance on Sunday, March 1, 2:00 p.m., Capitol rotunda. Among other items on the program, the bust of Roscoe Pound will be unveiled and accepted in the Great Hall of Fame. Members of the Legislature, spouses and guests are invited to be in attendance. Respectfully submitted, Allen Beermann, Secretary of State."

SPEAKER MARVEL: It is my pleasure to introduce at this time Senator Sieck who is celebrating his birthday today and shortly Mrs. Sieck will bring in some kolaches in honor of

March 4, 1981

LB 30, 34, 532

The Call is raised. Do you have any items to read in?

CLERK: Mr. President, one item, Senator Lamb would like to print amendments to LB 34 in the Legislative Journal. (See page 745 of the Journal.)

Mr. President, Senator Koch moves that LB 30 be enacted into law notwithstanding the objections of the Governor.

Mr. President, Senator Koch moves to withdraw LB 532.

SPEAKER MARVEL: Is that it?

CLERK: Yes, sir.

SPEAKER MARVEL: Senator Newell, do you want to adjourn us until tomorrow at 9:00 o'clock.

SENATOR NEWELL: I so move.

SPEAKER MARVEL: The motion is to adjourn until Thursday, March 5th, 1981, 9:00 a.m. All those in favor of that motion say aye. Opposed no. We are adjourned until tomorrow.

Edited by:

Marilyn Zank  
Marilyn Zank

March 5, 1981

LB 345, 30, 206, 206A, 457

SENATOR CLARK: LB 345 is declared passed. We will now go to item #5, a motion by Senator Koch, LB 30.

CLERK: Mr. President, Senator Koch moves that LB 30 become law notwithstanding the objections of the Governor.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would ask unanimous consent to pass over item #5 on the agenda, both items.

SENATOR CLARK: Mr. Speaker, is that all right with you?

SENATOR KOCH: I am requesting, Senator Marvel, that we pass over item #5 on the agenda. We may pass over it indefinitely but we might take it up later this morning. I will advise you of that. Thank you.

SENATOR CLARK: We will pass over item #5 and go to item #6, Select File.

CLERK: Mr. President, if I may right before that, read a few things. Your Enrolling Clerk respectfully reports that she has presented to the Governor at 10:12 a.m. today, 206 and 206A.

Mr. President, Senator Stoney asks to be excused all day tomorrow and Monday.

Mr. President, Senator Koch asks to be excused through Friday, March 6.

SENATOR CLARK: LB 457.

CLERK: Mr. President, LB 457, there are no E & R amendments to the bill. I do have amendments from Senator Maresh, Mr. President.

SENATOR CLARK: Read the amendment. Senator Maresh, do you want to explain the amendment? It is two pages long.

SENATOR MARESH: Yes, Mr. Chairman, the amendment is very brief and simple and what it does, it adds waterways to the duties of the Transportation Advisory Committee. This is one area that is not covered by the Transportation Advisory Committee and I serve on this committee and I feel this is one of the duties we should include for this committee, to study what can be done to promote barge transportation on the Missouri River. Governor Thone has used some of the Old West Regional Commission money to establish a Missouri River Marketing Office and they are trying to promote the river with this. Last year this body passed