

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.

March 13, 1981

LB 13, 76, 83, 204A, 254, 309,
391, 427, 455, 472, 498, 136

CLERK: ...your committee on Education whose chairman is Senator Koch reports LB 309 to General File; LB 427 to General File; LB 455 to General File; LB 472 to General File; LB 498 to General File with amendments; LB 13 as indefinitely postponed; LB 254 indefinitely postponed; and LB 391 as indefinitely postponed, all signed by Senator Koch as Chair.

Mr. President, Senator Wagner would like to print amendments to LB 204A. (See pages 899 of the Legislative Journal.)

PRESIDENT: One more time, if everyone will be at their desks we will commence Final Reading. Would all members please get to your desks so we can start Final Reading. As soon as everyone is at his or her desk we will begin. All right, we will begin, Mr. Clerk. The first bill on Final Reading is LB 76.

CLERK: (Began reading LB 76 on Final Reading.)

PRESIDENT: Yes, for what purpose do you arise, Senator Chambers?

SENATOR CHAMBERS: This bill, Senator DeCamp and I had talked about it. Can we lay it over a day? There are some amendments that are going to be offered and we don't want to try to do it now and the other bills can go ahead and be read?

PRESIDENT: Mr. Speaker, what do you wish to do with...? Under these circumstances? Is that all right? All right, the Speaker says it is all right, Senator Chambers. We will just pass over the LB 76 and commence then with LB 83, Mr. Clerk.

CLERK: (Read LB 83 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 83 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 901 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 83 passes with the emergency clause attached. The next bill on Final Reading is LB 136.

CLERK: (Read LB 136 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 136 pass. All those in favor vote aye, opposed nay. Record the vote.

January 11, 1982

LB 426, 309, 281

SENATOR DWORAK: Mr. Speaker, we took care of the provisions of 426 in another bill last session so I would like to ask unanimous consent to withdraw the bill.

SPEAKER MARVEL: Alright, you need 25 votes and lay over a day. Is that alright with you?

SENATOR DWORAK: I want to withdraw the bill. We don't need the bill. The provisions of 426 and I can't remember the number, was put into the 355 last session and there is no need for LB 426. We passed it.

SPEAKER MARVEL: Senator Dworak, the easiest way to do it, you posed the question to withdraw it. We ask those who are in favor of you withdrawing the bill vote aye and then we're through with it.

SENATOR DWORAK: That's fine.

SPEAKER MARVEL: Okay, the motion before the House is the withdrawal of LB 426. All those in favor of that motion vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried, the bill is withdrawn. The next item is LB 281.

CLERK: Mr. President, LB 281 introduced by Senator Chambers. (Read title.) The bill was first read on January 16 of last year, referred to the Government and Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments pending, Mr. President.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, this is one of those bills...(mike not working)...pass over. We're doing some work which has not been completed and the bill is not ready to be dealt with at this time.

SPEAKER MARVEL: That's LB 281?

SENATOR CHAMBERS: Yes.

SPEAKER MARVEL: Is there any objection? If not, it is passed over. The next bill is LB 309.

CLERK: Mr. President, LB 309 offered by Senator Wiitala.

(Read title.) The bill was first read on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. I have no amendments, Mr. President.

SPEAKER MARVEL: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the Legislature, I introduced LB 309 to take care of a small problem where residential property of less than five acres finds itself in an alarming position of being divided among two or more different school districts. The provisions of LB 309 would allow the owner residents of such residential property to petition the county superintendent to have their property deeded over to one or another school district. The bill basically sets up a mechanism to do precisely that. As I mentioned this does not affect an awful lot of property but it is very difficult at times to assess, for the county assessor to assess the valuation of that property and decide what portion is going to go to what school district and also being able to determine what school district they should send their children. And so I am attempting to introduce this legislation to resolve that problem. I would ask you to advance this bill. Thank you.

SPEAKER MARVEL: Senator Kahle, do you wish to speak to LB 309?

SENATOR KAHLE: Mr. Speaker, members, perhaps a question of Senator Wiitala, the question being, does this property have to be contiguous with the boundaries that exist or can they pick out chunks within a district?

SENATOR WIITALA: This is not referring to a freeholding piece of land, Senator Kahle. Basically it is a platted piece of property that has a school district boundary that bisects it where the property really lies partially in one district and partially in the other.

SENATOR KAHLE: Okay, you're not trying to transfer property then from one district to the other. You're just trying to determine what part of the taxes goes to each district?

SENATOR WIITALA: Yes, we're trying to make a determination of where that parcel of property should go. I guess the attempt of the bill really is to place that disputed property in one district or the other fully, thereby making a determination of where the students will go to school and also where the assessed mill levy will go.

SENATOR KAHLE: Now does this property have to be in one

chunk or can the parents of the children transfer property that may be in another part of another school district to their school district?

SENATOR WIITALA: No, they can't. They would have to have a common school boundary represented by two school districts running through their common piece of ground. In other words you couldn't take a platted piece of property that lay totally in one school district, not being subdivided by the two districts' boundaries and put it into another school district. You would have to have that common problem where the boundary itself runs right through your home like maybe between two bedrooms or between your living room and your kitchen.

SENATOR KAHLE: Could you give me an example?

SENATOR WIITALA: Well I don't know if I can give you a specific example but I would say that properties that exist between the Ralston School District and District 66 for the Omaha Public School District and District 66, there are probably a half dozen or a dozen properties that were platted long before the school district boundary was drawn and then the school district...oh, excuse me, the school district boundary was placed there and then the land was platted right over the top of the boundary. So conceivably you know the resident there could almost decide which district they wanted to send their children. If they wanted to they could send children from bedroom A to one district and bedroom B to another district.

SENATOR KAHLE: Well thank you. I think that probably clarifies it a bit. Out where I come from our boundaries are a little more definable I guess. I don't think we have any that goes through a person's house but I guess I am concerned about moving property from one district to the other if it affects the taxing base of either one of them and I don't know how big a question this would be.

SENATOR WIITALA: Senator Kahle, in answer to your question I would just like to say that the real problem lies perhaps more with the parents and allowing them to have a provision where such circumstances occur that through petition they could resolve the issue about where their children should go and it would also give a little bit more stability to the school districts as far as where those children from that residence are going to go in the future.

SENATOR KAHLE: I might ask one more question. To your knowledge was there any opposition to the bill in hearing?

SENATOR WIITALA: To begin with there was a little bit of opposition but most of the opposing views were reconciled to the best of my knowledge to this point, Senator Kahle.

SENATOR KAHLE: Thank you.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The motion before the House is shall debate cease. Do I see five hands? Okay. The question before the House is shall debate cease. All those in favor of that motion vote aye, opposed no. Record the vote.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Wiitala, do you want to close on your motion to advance?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, I would just like to say that this primarily affects parcels of land in metropolitan areas and SIDs and I have no further closing. Thank you.

SPEAKER MARVEL: All those in favor of advancing LB 309 vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. LB 455, there has been a request from the introducer to pass over the bill. Is there any objection? If not, so ordered. The Chair now recognizes Senator Barrett.

CLERK: Mr. President, LB 498, introduced by Senator Barrett. (Read title.) The bill was first read on January 20, referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments attached by the Education Committee.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. The committee determining from Senator Barrett's bill, added three amendments. Those three amendments, one of them basically deals with the inclusions that provisions to allow contracting for trans-

January 19, 1982

LB 229, 309, 403, 417, 418, 490,
492, 542, 563, 564, 565, 566, 421

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Gerald Lundby, Paster of the American Lutheran Church here in Lincoln.

REVEREND LUNDBY: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, page 322, line 32, strike "960" and insert "860". On page 309, line 5, strike "7 nays" and insert "9 nays".

PRESIDENT: The Journal will stand corrected as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Public Health gives notice of hearing for January 25, 26, February 1, 2 and 9, and that is signed by Senator Cullan.

Your committee on Administrative Rules gives notice of hearing for Monday, January 25.

Your committee on Urban Affairs whose Chairman is Senator Landis gives notice of hearing for January 27 and February 3.

Mr. President, I have an appointment from the Secretary of State to the Political Accountability and Disclosure Commission. That will be referred to the Reference Committee. (See page 331 of the Legislative Journal).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 492 and recommend that same be placed on Select File with amendments; 403 Select File with amendments; 229 Select File; 563 Select File; 564 Select File; 565 Select File; 566 Select File; 309 Select File; 417 Select File with amendments; 421 Select File with amendments; 418 Select File; 490 Select File; 542 Select File with amendments. Those are all signed by Senator Kilgarin as Chairman. (See pages 333 through 339 of the Legislative Journal).

CS66

January 28, 1982

LB 309, 418, 423,
LB 490, 542, 563-566

SENATOR CLARK: The motion is to advance LB 563. All those in favor say aye, opposed. The bill is advanced. LB 564.

SENATOR KILGARIN: I move we advance LB 564.

SENATOR CLARK: The motion is to advance 564. All those in favor say aye, opposed. The bill is advanced. 565.

SENATOR KILGARIN: I move we advance LB 565.

SENATOR CLARK: The motion is to advance 565. All those in favor say aye, opposed. The bill is advanced. LB 566.

SENATOR KILGARIN: I move we advance LB 566.

SENATOR CLARK: The motion is to advance LB 566. All those in favor say aye, all those opposed. The bill is advanced. LB 309.

SENATOR KILGARIN: I move we advance LB 309.

SENATOR CLARK: The motion is to advance LB 309. All those in favor say aye, opposed. The bill is advanced. LB 418.

SENATOR KILGARIN: I move we advance LB 418.

SENATOR CLARK: The motion is to advance LB 418. All those in favor say aye, opposed. The bill is advanced. LB 490.

SENATOR KILGARIN: I move we advance LB 490.

SENATOR CLARK: The motion is to advance 490. All those in favor say aye, opposed. The bill is advanced. LB 542.

SENATOR KILGARIN: I move the E & R amendment to LB 542.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 542.

SENATOR CLARK: The motion is to advance LB 542. All those in favor say aye, opposed. The bill is advanced. LB 423.

SENATOR KILGARIN: I move the E & R amendment to LB 423.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted.

LR 209
LB 229, 264, 309, 347, 403,
418, 423, 490, 492, 542, 563-66,
572, 600, 613, 635, 669

February 1, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, on page 480, line 3, strike the word "approved" and insert the word "adopted".

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

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 613 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 600 indefinitely postponed; and LB 669 advanced to General File with committee amendments attached. That is signed by Senator Kremer. (See page 485 of the Legislative Journal).

Mr. President, Senator Kahle would move to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. That will be laid over.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 229 and find the same correctly engrossed; 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 all correctly engrossed.

Mr. President, I have an Annual Report from the Nebraska State Board of Landscape Architects. That will be on file in my office.

Mr. President, LR 209 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 209.

CLERK: Mr. President, I have a report from Public Works

February 3, 1982

LB 229, 264, 309

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I move the suspension of the rules so that we may read those bills and proceed with the work of the Legislature.

SPEAKER MARVEL: All in favor of Senator Schmit's motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 34 ayes, 2 nays, Mr. President, to suspend the rules to read the bills.

SPEAKER MARVEL: Motion is carried. The Clerk will read on Final Reading LB 229.

CLERK: (Read LB 229 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative 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? Clerk, record the vote.

CLERK: (Record vote read. See page 517, Legislative Journal.) 40 ayes, 3 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed. The Clerk will now read on Final Reading LB 264.

CLERK: (Read LB 264 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 264 on Final Reading. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See pages 517 and 518, 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 309.

CLERK: (Read LB 309 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 309 on Final Reading. Have you all voted? Clerk, record the vote.

February 3, 1982

LB 309, 347, 403, 418,
423

CLERK: (Record vote read. See page 518, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read on Final Reading LB 347.

ASSISTANT CLERK: (Read LB 347 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 347. Record.

ASSISTANT CLERK: (Record vote read. See page 519, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 403.

ASSISTANT CLERK: (Read LB 403 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 403. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 520, Legislative Journal.) The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 418.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

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

ASSISTANT CLERK: (Read record vote. See pages 520 and 521, Legislative Journal.) The vote is 45 ayes, 3 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 423.

ASSISTANT CLERK: (Read LB 423 on Final Reading.)

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,
263, 264, 270, 309, 347, 370, 403,
418, 423, 431, 448, 449, 490, 492,
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

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

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 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 engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

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

February 10, 1982

LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)