

January 19, 1981

LB 310

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move that a committee of six be appointed to escort the Chief Justice for the purpose of delivering the State of the Judiciary Address.

SPEAKER MARVEL: The committee to escort the Chief Justice to the Chambers will consist of Senator....oh, I am sorry. All those in favor of that motion say aye, opposed no. The motion is carried. Senator Nichol, Senator Beutler, Senator Vard Johnson, Senator DeCamp, Senator Hoagland, Senator Landis, please retire to the rear of the Chamber and be ready to escort the Chief Justice to the front of the room.

CLERK: LB 310 by Senator Kremer. (Read title to LB 310 as found on page 228 of the Legislative Journal.)

SPEAKER MARVEL: Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting His Honor, the Chief Justice of the Supreme Court of the State of Nebraska.

SPEAKER MARVEL: The committee will escort the Chief Justice to the front of the Chamber.

CHIEF JUSTICE KRIVOSHA: (Delivered State of the Judiciary Message as found on pages 228 through 244 of the Legislative Journal.)

SPEAKER MARVEL: Will the committee please escort the Chief Justice from the Chamber. The Legislature will be at ease for about five minutes and then we will return to item #6, introduction of new bills.

EASE

SPEAKER MARVEL: Okay, the Legislature will come back to order. We have got a couple of announcements as soon as we get the door shut and get the noise out. Senator Lamb asks for an Exec Board meeting for the purposes of referring bills at two o'clock this afternoon. We will recess...after the Clerk reads in some matters we will recess until three-thirty this afternoon because we are getting to the place where we need to get in all the bills we can, and then we would like to have a meeting of the chairmen tomorrow morning at nine o'clock in Room 1520. So let me go back over that again. The Exec Board will meet at two o'clock this afternoon underneath...with Senator Lamb underneath the north...oh, okay, Room 1520. The Exec Board will meet at two o'clock for the purposes of referring bills. When we

March 16, 1981

LB 83, 136, 138, 290, 310,
325, 354, 440, 457

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senators Clark, Nichol and Hoagland would like to be excused for the day. Senators Newell, Cullan and Beutler...Beutler is here, Senators Newell, Cullan and Wesely...Wesely is here, too.

SPEAKER MARVEL: Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Have you got some items to read?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 290 and recommend that same be placed on Select File with amendments; LB 138 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 440 to General File with amendments. (Signed) Senator Koch.

Your committee on Government whose Chairman is Senator Kahle reports LB 310 to General File with amendments. That is signed by Senator Kahle.

Mr. President, I have reports from the Department of Health, Bureau of Examining Boards pursuant to statutory section; and one from the Department of Administrative Services, State Building Division, both offered in compliance with statutory provisions. They will be on file in my office.

Mr. President, Public Works Committee will meet in executive session at one thirty on March 18, 1981 in Room 1517. That is signed by Senator Kremer.

Mr. President, LBs 83, 136, 325, 354, and 457 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 83, LB 136, LB 325, LB 354, LB 457. Okay, let's go to item #4.

CLERK: Mr. President, the first item under gubernatorial

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LB 310, 369

of time that one could have such a leave of absence, four years. As I said, the school district would not pick up the cost. The school employee would have to pick up the cost. Senator Burrows can explain the bill. The committee amendments are just technical to clarify those two points, the salary level to determine benefits and to put a limit on the length of time for the leave of absence. I would move for their adoption.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to 369. All those in favor vote aye, opposed vote no. Voting on the committee amendments to 369. Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendment is adopted. Senator Burrows.

SENATOR BURROWS: Mr. Speaker and members of the body, the reason for this bill is the fact that existing law does not provide for school boards or allow them to set up a policy for leaves of absence where the teachers can continue to contribute and maintain their retirement program. The bill simply allows that the board can work out a contract with the teachers where the teachers will pay both sides of the contribution when they are on a leave of absence with the limitations the committee amendments put on it. It is an allowance for the board to do this. It is not a mandate, and I would move that the Legislature advance LB 369. Thank you.

SPEAKER MARVEL: Okay, the motion is to advance 269....369 to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? We are voting on the advancement of 369 as explained by Senator Burrows. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, LB 310 introduced by Senator Maurice Kremer. (Read title.) The bill was read on January 19, referred to the Government Committee for hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

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LB 310

SENATOR KAHLE: Mr. Speaker and members, as Senator Kremer is not here, I have been given permission to go ahead with this bill. We did hear it in the Government Committee. It has to do with the rural fire districts. The committee amendments, which I move we adopt, are technical amendments on page 3, line 8, that pertain to the petition of annexation. The new phrase is that the petitioner lives at the address indicated in the petition rather than...address indicated on the petition rather than within the boundaries of the district. I suppose in order to be knowledgeable about this we should talk about the bill and then adopt the amendments. LB 310 creates a new method of allowing a landowner to voluntarily have his land annexed into a rural or suburban fire protection district. Currently a land owner cannot have his land annexed if he does not live on the land. This bill will allow a nonresident landowner to do this if he wishes. The committee amendment is technical and changes the phrase that in the petition of annexation the petitioner lives at the address indicated on the petition and not within the boundaries of the district. So I move the adoption of the committee amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as explained by Senator Kahle in connection with LB 310. All those in favor of the adoption of the committee amendments vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to adopt the committee amendments.

SPEAKER MARVEL: The committee amendments are adopted. Now do you wish to explain the bill?

SENATOR KAHLE: This is from Senator Kremer's office and I am sure it will explain it better than I can. LB 310 allows nonresident landowners to petition the rural fire district for inclusion of the land into the district. Such land will be subject to taxation by the rural fire district and the nonresident landowner will not be allowed to vote. Currently such land contracts for fire protection services. This contractual scheme causes unnecessary difficulty and paperwork in operations, such as, the district must leave a contract fire to fight a taxpaying fire. In other words, out in the rural areas we have had problems before with certain areas not being in a fire district or certain areas that might call a fire department, especially a rural fire department, and find out later this fire department wasn't in the right district even and we hope this would clarify some of that. If you are a landowner and live, let's say, in the city or on another farm that is within a fire protection district, you

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LR 66
LB 310, 497

can now petition your land into that district whether there are any buildings on it or not or whether you live there or not. I think this will help with some of the problems we have had with rural fire districts so I move for the movement of LB 310. Thank you.

SPEAKER MARVEL: Motion is to advance the bill to E & R for review. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance LB 310.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 66. Are we ready for 497 now?

CLERK: Yes, sir, we are. Mr. President, LB 497 (read title). The bill was read on January 20. It was referred to Miscellaneous Subjects, Mr. President. The bill was advanced to General File. There are committee amendments pending by the Miscellaneous Subjects Committee.

SPEAKER MARVEL: Senator Barrett, do you wish to handle the committee amendments to LB 497?

SENATOR BARRETT: Thank you, Mr. Speaker and members, there are two additional Miscellaneous Subjects Committee amendments to LB 497. Specifically the repeal of 72-731 which is a section to require public buildings to display the American flag day and night until the Vietnam war ends and the other is the repeal of Chapter 78 which was enacted in 1883 involving old salvage laws, salvage of boats, logs, et cetera, et cetera, regulating the finders and the salvors in what may or may not be done. Finally, it corrects a technical mistake in the bill, on page 2, lines 2 and 5. I would move that the committee amendments be adopted.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 497 as explained by Senator Barrett. All those in favor vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: Motion is carried. The committee amendments are adopted. Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, about a half an hour ago there was distributed a two page memo that

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LB 70, 163, 172, 184, 242, 250,
285, 302, 310, 324, 369, 375, 494,
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labedz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labedz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

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LB 361, 228, 250, .. ,
369, 497

SENATOR KILGARIN: I move LB 361 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. 361 is advanced. Next bill, 228.

SENATOR KILGARIN: I move we advance LB 228 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. 228 is advanced. 369.

SENATOR KILGARIN: I move we advance LB 369 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next one, 310.

SENATOR KILGARIN: I move the E & R amendments to LB 310.

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

SENATOR KILGARIN: I move we advance LB 310 to E & R for engrossment. 310.

SPEAKER MARVEL: The motion is the advancement of 310. All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 497.

SENATOR KILGARIN: I move the E & R amendments to LB 497.

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

SENATOR KILGARIN: I move we advance LB 497 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 250 is the next one.

SENATOR KILGARIN: I move we advance LB 250 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. 250 is advanced. The next bill is LB 70. We are going to pass over 302 and 544 so it is LB 70.

LB 3, 11, 12, 70, 95, 99, 228,
250, 257, 266, 266A, 296A,
310, 318, 328A, 369, 381, 384,
389, 428, 441, 470, 472, 472A,
497, 501, 506, 541, 543, 556A

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

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

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

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LB 296A, 310, 316

ASSISTANT CLERK: (Record vote read. See page 2040, Legislative Journal.) The vote is 37 ayes, 7 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 310 on Final Reading.

ASSISTANT CLERK: (Read LB 310 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. LB 310 on Final Reading. Record the vote.

ASSISTANT CLERK: (Read record vote. See page 2041, Legislative Journal.) The vote is 44 ayes, 0 nays, 3 excused and not voting, 2 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 316E.

CLERK: Mr. President, I have a motion on the desk. Mr. President, Senator Koch would move to return LB 316 to Select File for specific amendment. The amendment would read as follows: (Read. See Page 2041, Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. In checking this bill on Final Reading, we find that there was a technical error that was made in our E & R drafting. In order to make the bill consistent, we have to strike that #4 and insert the #3 because it is used on three other occasions throughout the body of the bill and so we are merely harmonizing it before we send it back for Final Reading and I ask for the adoption of the amendment.

SPEAKER MARVEL: The motion is to return the bill to Select File for a specific amendment. Senator Nichol, do you wish the floor?

SENATOR NICHOL: Just a question of Senator Koch. On line 12, it says "four" also and I just looking at it for a moment, should that be changed or not?

SPEAKER MARVEL: Senator Koch, do you want to close on your motion to return?

SENATOR KOCH: Yes, I thank Senator Nichol but we are only

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LB 3, 11, 11A, 12, 70, 99, 146,
184, 228, 250, 266, 266A, 296,
296A, 310, 328, 328A, 361,
366, 369, 376, 561

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 184 and recommend that same be placed on Select File with amendments; LB 376 placed on Select File with amendments. Those are both signed by Senator Kilgarin as Chair.

Mr. President, LBs. 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369 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 3, LB 11, LB 11A, LB 12, LB 70, LB 99, LB 146, LB 288, LB 250, LB 266, LB 266A, LB 296, LB 296A, LB 310, LB 328, LB 328A, LB 361, LB 366, LB 369. Okay, if we may have your attention, the first item will be from the Clerk's desk and the second item will be Senator Warner's. So, Mr. Clerk.

CLERK: Mr. President, I have a letter addressed to the membership from Senator Warner who is Chairman of the Appropriations Committee. (Read. See pages 2052 and 2053, Legislative Journal. Re: Line item vetoes of LB 561.)

SPEAKER MARVEL: Senator Warner, you are recognized to comment on the letter just read.

SENATOR WARNER: All right, Mr. President, again under the provision of the rule, the Appropriations Committee is to make such report, and as the report indicates, there was one item which the majority of the committee did support to offer a motion for override which at the time which will be designated by the Senator representing the majority of the committee's position on that issue. The other portion I might just go through briefly with you is the second and third page which is to give you for your information. Page two that is an analysis of the Governor's line item vetoes points out those vetoes that occurred relative to committee recommendations and it shows what the collective floor amendments were, and the last group indicates the vetoes that were relative to the floor amendments and shows the total dollar amount then of \$728 million to \$74,747 that would remain under the Governor's veto as the legislation now stands. If you look at page 3, headed Financial Status Summary, it is similar to what is on the back of the agenda but in a slightly different form. Above the line at the top it shows again the original committee level of recommendation in those bills. The next shows the allocation for A bills that was originally recommended, that subtotal, and then it shows the amount that was

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LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Sal-verda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 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, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at