

January 19, 1981

LR 6  
LB 311-356

read some bills in now, we will recess until 3:30 and come back and hopefully there will be more bills to process and then I would like to have a meeting with the chairmen in Room 1520 at 9:00 tomorrow morning. The Clerk now will....Senator Carsten.

SENATOR CARSTEN: Mr. President, I am hopeful to have a meeting of the Revenue Committee at 3:00. We may be a little late getting back in Exec Session, so I just wanted to alert you of that.

SPEAKER MARVEL: Okay. Senator Carsten is calling a meeting of the Revenue Committee for three o'clock this afternoon. In which room? 1520. Okay, Mr. Clerk, go ahead.

CLERK: Mr. President, first of all, Senator Marsh has an explanation of vote to be inserted in the Journal. (See page 244 of the Legislative Journal.)

New bills, Mr. President. Read by title LB 311-355 as found on pages 244 through 255 of the Legislative Journal.

Mr. President, new resolution. (Read LR 6 as found on pages 255 and 256 of the Legislative Journal.)

Mr. President, Senator DeCamp asks unanimous consent to have the names of all the members added as co-introducers to LR 6.

SPEAKER MARVEL: Okay, the motion before the House is the unanimous consent request that all names be added to the resolution which was just read. Is there objection to that motion? If not, the motion is so ordered.

CLERK: Mr. President, pursuant to our rules....

SPEAKER MARVEL: It will be in the Journal?

CLERK: Yes, sir, it will be taken up some time later.

Mr. President, LB 356. (Read title to LB 356 as found on pages 256 and 257 of the Legislative Journal.)

SPEAKER MARVEL: Okay, the motion by Senator Marsh to recess until 3:30 p.m. All those in favor of that motion say aye. Opposed no. We are recessed until 3:30 this afternoon.

Edited by:

  
Marilyn Zark

SENATOR NEWELL: Mr. Speaker, the only reason we suggest that we bring it up today is because with another conversation with you, you thought we had some time right now. If you want to lay it over that is no problem with us. We will be more than happy to deal with it tomorrow. If Chris would have come to me or to anyone and suggested that we hold off until tomorrow, we would have been more than happy to accommodate him but Chris instead decided to offer a motion without talking to anybody and so we leave it entirely in your hands, Mr. Speaker.

SPEAKER MARVEL: The Chair will make this ruling and you can treat it as you see fit. The request for the introduction of the bill will be on tomorrow's agenda. Is there any further business? What is the next order of business? I have lost the ....

CLERK: Mr. President, I have got a couple of matters to read in if I may.

SPEAKER MARVEL: Okay.

CLERK: The committee on Urban Affairs whose chairman is Senator Landis to whom is referred LB 311 reports the same back to General File; LB 307 indefinitely postponed. Those are signed by Senator Landis. (See page 679 of the Journal.)

Mr. President, I have a request from Senators Hefner, Von Minden, Wagner, Fitzgerald, Chronister and Wesely to add their names to LB 157 as coinroducer.

SPEAKER MARVEL: Any objection? If not, so ordered.

CLERK: That is all I have, Mr. President. We are to proceed to General File.

SPEAKER MARVEL: The first order of business on General File is LB 434.

CLERK: Mr. President, LB 434 was introduced by the Urban Affairs Committee and signed by its members. (Title read.) The bill was read on January 20, referred to the Urban Affairs Committee for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the committee bill by the Urban Affairs Committee, introduced on behalf of the League of Municipalities. This

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SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, Senator Koch to print amendments to LB 311; Senator Wesely to LB 361; Senator Koch to LB 245; Senator Chambers to LB 273; Senator Newell to LB 47 and Senator Koch and Burrows to LB 190. (See pages 997-1002 of the Legislative Journal.)

Mr. President, Senator Kilgarin offers explanation of vote. Finally, Mr. President, two new resolutions, LR 43 by Senator Marvel as Speaker: (Read.) That will be laid over. LR 44 by Senator Koch: (Read. See pages 1002-1003.) That too will be laid over, Mr. President.

SPEAKER MARVEL: Now before we proceed to LR 26 which is on the agenda, today is the celebration of Agriculture Day. There will be a signing of a proclamation in the rotunda and the members of the Legislature are invited. The celebration begins around eleven-thirty and I assume those of you who want can check on the rotunda. Meanwhile we will continue with LR 26.

CLERK: Mr. President, LR 26 is found on page 673 of the Journal. It is offered by the Public Works Committee and signed by its members. (Read.)

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Legislature, LR 26 was brought to the Public Works Committee by some of the subdivisions of government in the southwestern part of the state, namely tri-county interests and some of the NRDS in that area of the state. The resolution was signed by a number of the members of the Public Works Committee and then was held up for several days in order to learn if we could, how this project would be of benefit to Nebraska and if there were any disadvantages, what they would be. You have heard the resolution read and I have had the Pages lay a map on your desk, on each one of your desks, to show you where this proposed project is as related to Nebraska. You will note on the map that the dam would be close to Ft. Morgan, Colorado, and it would provide irrigation waters on and along the South Platte River almost to or to the Nebraska state line. Now I am trying to explain to you what the advantage would be to the State of Nebraska. I would like to make five important points why I think Nebraska should support this resolution. Some ask the question, why should Nebraska get involved in a project that is not in the state itself and it is a good question and I will try to answer that as I make these several points. First of all, if Nebraska does take a positive action on the

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LB 291, 253A, 311

SENATOR VON MINDEN: Our injuries and our litter is most. . .perhaps 95% beer cans and carbonated pop cans.

SENATOR WESELY: Okay, that is fine. That is all that I needed to know. Thank you.

SPEAKER MARVEL: Senator Nichol, do you wish the floor?

SENATOR NICHOL: Just for a moment your honor. Senator Dworak, sometimes timing is important. I remember your bill a few years ago but the time wasn't right. Senator Von Minden, as the song says, has learned when to hold them and when to fold them.

SPEAKER MARVEL: The motion before the House is the advancement of the bill. Do you wish to close, Senator Von Minden?

SENATOR VON MINDEN: Senator Haberman, I did promise him that I would throw this one away and wear one "you can't get off the can" tomorrow. Senator Sam Cullan out there, I think the football players would have enough strength to push the can in. I move to advance the bill.

SPEAKER MARVEL: All those in favor of the motion to advance the bill vote aye. Opposed vote no. Have you all voted? Record the vote.

CLERK: 34 ayes, 0 nays on a motion to advance the bill Mr. President.

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

CLERK: Mr. President, while we are waiting I have a report from the Judiciary Committee regarding gubernatorial appointments. (See page 1130 of the Legislative Journal).

Mr. President, a new A bill, LB 253A by Senator DeCamp. Read title.

SPEAKER MARVEL: Okay, the next bill is LB 311.

CLERK: Mr. President, LB 311 was introduced by Senator Larry Stoney. Read title of bill. The bill was read on January 19th, was referred to the Urban Affairs Committee for public hearing. Was advanced to General File.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker and members of the Legislature, the intent of LB 311 is rather simple. What it does is to request of the Legislature an adjustment in present statute which would allow for a salary adjustment for the Board of Directors for the Metropolitan Utilities District. The bill would increase the ceiling from its present \$200 to \$500 with a distinction being made for the chairman of that particular board increasing that ceiling amount from \$250 to \$600 a month. In addition it would allow for expenses for these individuals that they incur in conjunction with their duties and responsibilities on this particular board. I would like to restate again that it is permissive, that it would require the action of this duly elected board, the Metropolitan Utilities District, if at any time they decide they would like to propose a salary increase. I don't think that I need to mention to this body that salaries are a very important issue. We here in the Legislature have been unable since 1967 to receive a salary increase. I think that we should be sympathetic to those that are serving in other positions in these capacities wishing to provide them with salaries that are consistent with what their duties and responsibilities are. I think that there are a number of positive things that can happen by allowing this ceiling increase. I think that there is a possibility that we can perhaps attract more people to run for the board with a salary of \$200 a month, some for economic and monetary reasons would be totally excluded. I also think that the business of water and also natural gas, and I think that you here in the room would agree, are becoming more and more technical, comprehensive and complex and we need individuals to deal with these issues that have the expertise to address them accordingly. Another thing that this bill would accomplish is to establish some uniformity. Those of you who were here in 1979 know that the Public Power District directors were given a salary ceiling increase to a figure which is consistent with what is being requested here in LB 311. Now their annual gross income is 90 million dollars, I'm speaking now of the Public Power District, while the Metropolitan Utilities District has a gross revenue that exceeds ninety million dollars. Again, I want to state that it establishes a ceiling in statute and appropriate action would have to be taken by the board of directors if they propose an increase in their salaries. To give you some historical information the ceiling in 1953 for this board was \$100 for the directors and a distinction of \$50 additional for the chairmen. In 1967 it was adjusted, that was 14 years later, ladies and gentlemen, at which time that ceiling was established \$200 for directors and \$250 for the chairman of that board. Now,

fourteen years later, we are requesting with LB 311 that that ceiling again be adjusted to meet the current economy to deal with inflation and establish that ceiling at \$500 for the directors and \$600 for the chairmen with the proviso that they also be provided expenses for those costs that are incurred in fulfilling their duties and responsibilities on this board. I would move for the advancement of LB 311 to E & R Initial.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I would like to rise in support of Senator Stoney's bill. I think when you can look at the responsibilities and the obligations that these very important directors have that it is only appropriate that they be compensated at a much more reasonable level. Particularly when you consider that this job, will as the City of Omaha grows and as the service area of this particular utility grows and we see the complexities involved, it is important that these people spend more than a few hours a week or a few hours a month on this job. If we can compensate them a little bit more, I think that we will see that they will be able to dedicate a little bit more time to carry out this specific function. So, I would urge you to support these amendments. I think that perhaps if I had drafted the bill, I would have requested even a little bit more money, but this is what Senator Stoney has done so I commend him for it and I urge you to support the bill.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I too would like to speak in support of LB 311. We have been doing this through the years with other board members that are carrying out a responsibility and I think sometimes we fail to realize how much time many of these board members that carry out the functions such as these, how much time they put in. Now we have been talking about our own salaries and how they are inadequate, the time that we put in, here we can help these people that we can help even though we can't help ourselves. I strongly support what we are trying to do here. I feel that it is fair. It is not going beyond that which is reasonable and these people that take the flak and take the criticism that they get because of rates and so on certainly desire to be compensated to some extent at least for the efforts and time that they put forth to carry out their responsibility.

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LB 311

SPEAKER MARVEL: Now we have.....

CLERK: Mr. President, Senator Koch moves to amend the bill. The amendment is found on page 997 of the Journal.

SPEAKER MARVEL: Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, members of the body, in case you haven't followed the amendment as recorded in the Journal, I will briefly state the purpose of it. We all know that other utilities pay in lieu of taxes in replacement of real property taxes to the very subdivisions of government that they serve. There is something that I want to bring to your attention. I respect those members who serve on the board of directors and I agree with Senator Kremer, they do spend hours and they do take criticism. However recently the board of directors of MUD saw fit, for the first time in their history, to charge certain subdivisions of government for the water that they are using. I think that is rather interesting. So what I am proposing to do is to cause MUD, which is created by us, to pay in lieu of taxes to those subdivisions of government presently outside of that parameter, which means that there are customers outside of the normal City of Omaha and others who use MUD water and presently are receiving nothing in return. In this case I will be very specific. MUD board of directors recently saw fit to charge the public schools of that area for the water they consume. I think that if that is the way they want to play the ball game then that we should look at this MUD and Senator Stoney stated that they have over ninety million dollars of revenue that like OPPD and others that they pay to various subdivisions of government a tax in lieu of property tax and I'll support the increase of the board up to \$500 but I do believe that it is time for us to say, if you are going to charge for your water to the schools and others, then, since they are going to have to take it off property tax to pay for it, then you are going to pay them some in lieu of tax to replace the loss of taxes that they are now paying to you. So that is what the amendment is about and it says that they shall take 5% of their revenue and shall be distributed to all subdivisions of government including the county, the various school districts and cities and villages who are presently not receiving some of this revenue. I ask for the adoption of the amendment.

SPEAKER MARVEL: Senator Landis.

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LB 311

SENATOR LANDIS: Members of the Legislature we do have a little serious problem here on our hands as a member of the committee that heard this bill. This amendment that has just been offered is in fact a bill. Take a look in your black books, take a look under LB 469 you are going to find the provisions word for word. This bill was heard by the Urban Affairs Committee, if your black book is current, you will find that it was indefinitely postponed by that committee on a unanimous vote. We felt the measure was retributive in nature designed to get the attention of MUD on behalf of the schools. It also had the negative effect of increasing the utility rates for every urban household by roughly \$18. That is not a consequence that the committee supported. Consequently, LB 496 was killed, or rather 469 was killed and I believe the members of the committee would join me in saying that this amendment is not germane having had its day in court and having been judiciously dealt with the full and intense scrutiny of our committee and I would hope that the body would summarily end quickly the amendment that is offered by Senator Koch.

SPEAKER MARVEL: Senator Stoney. Senator Beutler, for what purpose do you rise? Sir.

SENATOR BEUTLER: A point of order.

SPEAKER MARVEL: Okay. May we have a little order, it is difficult hearing out in the inner lounge.

SENATOR BEUTLER: Mr. Speaker, I would ask for a ruling from the Chair on the question of germaneness.

SPEAKER MARVEL: Okay, the amendment that I have before me is an amendment to LB 311 and requisition number or request number 2189. The amendment addresses itself to 14-1005 which is within the guidelines of the 14-1041. So we have briefly looked over this and as near as we can determine it is germane. Senator Koch. I'm sorry, Senator Stoney and then Senator Koch. Senator Stoney.

SENATOR STONEY: Mr. Speaker, I do have some difficulty with the decision that you have reached relative to the germaneness of this particular amendment. I think that Senator Landis very well explained that what is encompassed in this particular amendment formerly was a legislative proposal that was heard before the Urban Affairs Committee and was defeated. I think that it is a very poor precedent for us to establish



in allowing members of this body when they are unsuccessful in a committee with a proposal to come to the floor of this legislature and ask that we collectively consider the merits of a proposal that has already been defeated. I think if we wish to maintain the integrity of the committee system at all that we not allow this particular practice to become one here in the legislature that we will tolerate. For that reason I'm certainly hopeful that the members of this body will keep that in mind when they vote on this particular amendment. I think that we could certainly open to ourselves as a body a number of bills in the form of amendments that really have no reason for being on the floor of this legislature. But since you have ruled that it is going to be germane, I would like to address some of the points that Senator Koch has made relative to the decision that was made by the Metropolitan Utility District regarding the provision of free water to these subdivisions of government. During the last five years at various times the board collectively or committees of the board have given consideration to the subject of free water to cities and schools and most of the discussions have revolved around three particular areas, those being rates, conservation and appropriate cost accounting for governmental entities. I would like to take those one at a time and give you the rationale under each category. In 1976, and I'm addressing the initial point, that being rates, MUD's residential users started to change. There was a flat rate that was established in 1979. Now beginning in 1979 MUD's residential water customers saw the rate go from a flat rate to a totally inverted conservation rate. Now when this occurred, they experienced that they were receiving some complaints from their customers about excessive watering of lawns etc. and among those complaints were complaints against the schools and the city parks for excessive watering. As a matter of fact in the metropolitan Omaha area certain members of the news media carried stories about city park fountains and school water fountains which were running continuously during this time. Now it became more and more difficult for the board of directors to justify increased rates to its residential customers when free water rights were being abused. Now MUD's goal on water rates in its 1981 budget is to have no increase. That means no increase to its customers collectively. The amount of free water to cities and schools is equivalent to almost 2% in the rates which have to be passed on to their customers. Lets turn for a moment to the subject of conservation. There is no reasonable way to expect that people are going to conserve this resource when they receive it totally and

exclusively for free. The concept for paying per unit for water use has been well established by water industry as a conservation measure. Cities with no meters, for example, have reduced their consumption by 30% when meters have been installed. I would like to repeat that again. Cities have reduced their consumption by 30% once meters have been installed. I would like to move now to accountability. A very strong emphasis has been placed by some of MUD's board members on the fact that every governmental entity should reflect its true cost of operation and not have hidden "plums" that distort its true operating costs. Now I hope that you will pay attention to this, those that are interested in other subdivisions of government. Douglas County, Sarpy County and the State of Nebraska have for some time paid for the water that they have obtained from the Metropolitan Utilities District. Douglas County, the State of Nebraska and Sarpy County are paying for this water. As a matter of fact the trucks belonging to the state which utilize water in watering the areas on the Interstate are metered so that MUD can bill them for that particular consumption. Ironically at least 17% of the customers using MUD water do not live in the City of Omaha and obviously are not interested in subsidizing the cost of Omaha's city government through their water rates. Now let me give you some idea of what the magnitude of the cost is to these subdivisions.

SPEAKER MARVEL: May we have a little order in the Chamber, please.

SENATOR STONEY: The city's cost due to this policy will be changed by a \$112,000. It is rather an insignificant figure when you consider the contribution is being made by MUD in lieu of taxes. In 1970 the city received \$620,000. Due to spiralling rate increases the estimate for this payment in 1981 exceeds two million dollars. In the case of the schools the greatest impact is \$107,000 on the Omaha Public School District. Now realizing their problem with the lid, under which they are presently faced, the board did attempt to provide them with a little latitude by not effecting the change or charging for the water to the schools until January 1, 1981. There are only two other school districts where a cost differential will result and those are in the low \$20,000. The feeling of the majority of the board members and its directors is that it is more important than ever with inflation and economic problems today to have a true picture of every governmental function cost. I think that is the essence of it, ladies and gentlemen, they have provided this to the cities and to the schools

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LB 311

for quite some time. But there comes a point and time when management decisions must be reached, they are not always easy ones, but to effectively serve your customer and make the effort at conservation that they are requesting of their directors these decisions must be reached. So, I hope that with this explanation it will give you a little better understanding why the board of directors on this utility district have had to take the action they have. I would recommend that you oppose the amendment which has been offered by Senator Koch. Thank you.

SPEAKER MARVEL: Senator Vard Johnson, do you wish to be recognized? I'm sorry, Senator Koch.

SENATOR KOCH: Mr. Speaker, I'm just happy to see Senator Stoney admit the lid plays some role in cost and not only that the MUD has really primed him and I'm not going to argue any longer and get you in trouble over germaneness but I think that it is a good object lesson and I withdraw the amendment.

SPEAKER MARVEL: Hearing no objection, so ordered. Senator Johnson, do you wish to be recognized? Senator Haberman. Senator Haberman. Senator Cullan your light is on, do you wish to be recognized?

SENATOR CULLAN: Mr. President, I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Okay. The motion. . .Chair recognizes Senator Stoney to close on the advancement of the bill. Senator Stoney.

SENATOR STONEY: Mr. Speaker, I will be brief before I request that the bill be advanced. I would just like to re-emphasize that this does not automatically increase the salary of the board of directors for the Metropolitan Utilities District to \$500. This only allows us to change statutorily the ceiling which is presently \$200 to a maximum of \$500. I will also reiterate that the last adjustment that was made was fourteen years ago, in 1967, and I feel that with the history that we have relative to these ceilings that it would probably be nearly as many years before the board would be

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LB 311, 111

back asking that a ceiling be adjusted. Therefore I would ask that you advance LB 311 to E & R Initial. Thank you.

SPEAKER MARVEL: All those in favor of advancement of the bill to E & R Initial vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 37 ayes, 2 nays Mr. President on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried, the bill is advanced. Now before we proceed to the next item, as a guest of Senator Wesely it is my privilege to introduce Paul McIntosh of Lincoln, Nebraska, a student from Southeast Community College. He is under the south balcony. Would you. . . Mr. Clerk, are we ready for 111?

CLERK: Yes sir. Mr. President, LE 111 was introduced by Senator Chronister. Read title. The bill was read on January 12 of this year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Is Senator Nichol in the Chamber? Senator Nichol, we need the adoption of the committee amendments to LB 111.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, as I recall the amendment on this was simply making the terms of the Workmens Comp Court judges the same term as the other judges. I move for the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Have you explained them?

SENATOR NICHOL: I could go into more detail, sir, if you would like. Would you like? The Judiciary Committee adopted two amendments to LB 111. The first set of amendments are essentially clarifying in nature and would change terminology in four places in the bill to make it clear that the salaries of the various judges in the state will be paid on a percentage ratio of the salary set for the supreme court judges and as the second amendment, simply changes the term of the office for Workmens Compensation Court judges so that they begin their terms on the same dates as all other judges in the state. I move for the adoption of the committee amendments.

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Royce Willerton of the Southview Christian Church.

REV. WILLERTON: Prayer offered.

PRESIDENT: Roll call. Has everyone registered their presence?

CLERK: Mr. President, Senator Vard Johnson, Beyer, Fenger and Chronister would like to be excused for the day. Senator Kilgarin, Hoagland, Chambers until they arrive.

PRESIDENT: 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: The Journal is all right, Mr. President.

PRESIDENT: The Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 531 and recommend that same be placed on Select File; 291 Select File; 311 Select File; 111 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 1158-1159 of the Legislative Journal.)

Mr. President, your committee on Business and Labor reports LB 394 to General File with amendments, 410 General File with amendments, 470 General File with amendments, (Signed) Senator Maresh, Chairman. (See pages 1159-1160 of the Journal.)

Your committee on Judiciary reports LB 512 to General File with amendments, (Signed) Senator Nichol, Chair.

Mr. President, I have a Lobby Registration report for March 12 through March 26, signed by...on file in my office.

PRESIDENT: All right then, we will proceed then with agenda item #4, a resolution on LR 47, Mr. Clerk. Will you read it.

CLERK: (Read LR 47.) Mr. President, the resolution is found on page 1126. Senator Vickers would like to amend

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LB 167, 197, 197A, 291,  
311

PRESIDENT: Since Senator Schmit is not here, Senator Hoagland is not here, the consensus is we will just pass over 167. The next bill will be 197.

CLERK: Mr. President, there are E & R amendments to LB 197.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Kilgarin, do you want to...

SENATOR KILGARIN: I move the E & R amendments to LB 197.

SPEAKER MARVEL: The motion is the adoption of the E & R amendments to LB 197. All those in favor of that motion say aye, opposed no. Motion is carried. The E & R amendments are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER MARVEL: Do you want to move the advancement of the bill?

SENATOR KILGARIN: I move that LB 197 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Now we have got the A bill. So moved.

SENATOR KILGARIN: So moved.

SPEAKER MARVEL: The motion is the adoption of 197A. All those in favor of the motion to advance the bill vote aye, opposed no. Motion is carried. The bill is advanced. LB 291. Do you want to move the advancement of the bill?

SENATOR KILGARIN: I move LB 291 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 311.

CLERK: Yes, sir. Nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 311 be advanced to E & R for engrossment.

SPEAKER MARVEL: Motion is to advance the bill to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced.

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LB 197, 197A, 266A, 290,  
LB 245, 291, 311, 355

things going for you. Number one, the fact that the industry itself is willing to put some money into it. Now if at this time when we have been guaranteed that the 2 million will be there provided by the industry, is going to be a signal to our people at the federal level that we have lost our interest, we are pulling back. The second thing she said you have got going for you, that under the present attempt to put some state money into it is going to be of great help for me if you expect me to do something for you. I think it is unwise at this point to say we are not going to put that in and I think that it is something that is positive that will be used if we expect to get any federal funds. I do oppose your amendment, Senator Koch, at this time.

SPEAKER MARVEL: If there is no objection we will stop here and come back after one-thirty and wind up the discussion because we are not going to get it done before noon. So, if there is no objection we will recess. Senator VonMinden, will you recess us until one-thirty? While we are waiting for that the Clerk has some things to read in.

CLERK: Mr. President, new A bill, 266A by Senator Wesely. (Read title as found on page 1220 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 197 and find the same correctly engrossed, 197A, 291, 290, 311, 355 all correctly engrossed, (Signed) Senator Kilgarin, Chair. (see pages 1220-1221 of the Journal.)

SPEAKER MARVEL: Senator Von Minden.

SENATOR VON MINDEN: Yes, Mr. Chairman, I move we recess until one-thirty.

SPEAKER MARVEL: Okay, the motion is to recess until one-thirty. All those in favor say aye, opposed no. The motion is carried. We are recessed until one-thirty.

Edited by:

*Marilyn Zank*  
Marilyn Zank

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LB 290, 291, 311

SENATOR NICHOL: Okay.

CLERK: Senator Haberman moves to return 290 to Select File for a specific amendment. That amendment being to indefinitely postpone the bill.

SENATOR NICHOL: Senator Haberman, do you wish to address your motion? It hasn't been returned, Senator Haberman, did you want to speak on the return of the bill for indefinite postponement?

SENATOR HABERMAN: We have had enough debate, I'll pass.

SENATOR NICHOL: Senator Kahle, did you wish to speak on the return?

SENATOR KAHLE: Did he pull it off?

SENATOR NICHOL: Excuse me, Senator Haberman, did you withdraw? Senator Haberman requests the withdrawal of his kill motion. It is done. Do you have anything else on the bill? Okay we will return to Final Reading on LB 291. You should all return to your seats please. Unauthorized personnel please leave the floor and we will proceed with Final Reading as soon as you return to your seats. Senator Fowler, do you wish to return to your seat please so we could get started.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Clerk will read on Final Reading LB 291.

CLERK: (Read LB 291.)

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? Record the vote.

CLERK: 43 ayes, 1 nay, 1 excused and not voting, 4 present and not voting. Vote appears on page 1293 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 311.

CLERK: (Read LB 311.)

SPEAKER MARVEL: All provisions of law having been complied



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LB 311, 355, 56, 327

with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 311 on Final Reading. Have you all voted? Record the vote.

CLERK: 43 ayes, 3 nays, 1 excused and not voting, 2 present and not voting. Vote appears on pages 1293-94 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill on Final Reading, LB 355. Clerk will read.

CLERK: (Read LB 355 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading. LB 355. Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? The Clerk will record the vote.

ASSISTANT CLERK: 41 ayes, 4 nays, 2 excused and not voting, 2 present and not voting. Vote appears on page 1295 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared pass on Final Reading. Finally LB 56. The Clerk will read on Final Reading.

CLERK: (Read LB 56 on Final Reading.)

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

ASSISTANT CLERK: 39 ayes, 8 nays, 1 excused and not voting, 1 present and not voting. Vote appears on pages 1295-96 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Do you want to read some items in?

CLERK: Yes sir. Mr. President, I have a Attorney General's opinion addressed to Senator Vard Johnson (Pages 1296-98 of the Legislative Journal). And, one addressed to Senator Landis regarding 327 (Page 1298-99 of the Legislative Journal).

Mr. President, the Government Committee will meet in Executive Session at the noon recess underneath the north balcony. The Government Committee at the noon recess underneath the north balcony.

April 7, 1981

LR 48, 49  
LB 56, 209, 291, 311, 355

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Morning prayer is to be given by the Reverend T. M. Rollerson, the Pastor of God's Missionary Baptist Church.

REVEREND T.M. ROLLERSON: Prayer offered.

SPEAKER MARVEL: Please record your presence. Are you ready to record? You've got a quorum, I think.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: How about number 3?

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read communication as found on page 1321 of the Legislative Journal regarding LB 446.)

Mr. President, your Committee on Government, Military and Veterans Affairs reports LB 209 to General File with amendments. (See pages 1322 and 1333 of the Legislative Journal.)

Mr. President, LB 291, 311, 355, and 56, as well as LR 48 and 49 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 291, LB 311, LB 355, LB 56, LR 48, LR 49. Do you have anything else under item 3? Okay, item 4. Item #4.

CLERK: Mr. President, the Public Health and Welfare Committee reports on the appointments of M. L. Chaloupka, John Estabrook, Ramona Freeman, Dwaine Peetz, Robert Quick and Tod Voss. That report is found on page 1299 of the Journal, Mr. President. Signed by Senator Cullan as Chair of the Public Health and Welfare Committee.

SPEAKER MARVEL: The Chair recognizes Senator Cullan. Item #4 on the agenda.

SENATOR CULLAN: Mr. President and members of the Legislature, I believe this is the Committee on Committee reports from the Public Health and Welfare Committee. I would ask you to adopt the nomination to...in this particular case these are individuals from the Rural Health Manpower Commission, and one individual from the Board of Health that the committee heard. The committee sent these recommendations to you and asked for your approval.

April 7, 1981

LB 477, 291, 311, 355, 56,  
157, 157A, 158, 200, 243,  
280, 371, 407, 427, 427A

SENATOR PIRSCH: Okay, ther are. . . .

SENATOR WESELY: Or based on what sort of effort did you. . . .

SENATOR PIRSCH: There are three states which presently have about the same thing, Wisconsin, California and I'll look up the other one, Connecticut.

SENATOR WESELY: Okay, thank you. I would just like to rise in support of the bill. I think that clearly this is an effort that needs to be undertaken by the State of Nebraska that for to long we have ignored the problems that have been experienced by our witnesses and victims of crime and certainly want to commend Senator Pirsch for her efforts in this area. It seems to me that the bill is a step in the right direction.

SPEAKER MARVEL: Senator Pirsch, do you wish to close?

SENATOR PIRSCH: Yes, thank you Mr. Speaker, I'll close just by saying that I am proud to have had Nebraska in the forefront in helping other victims and I think that this will be a continuation of our sincere desire to help those victims and witnesses in the criminal justice system. I urge your passage of 477.

SPEAKER MARVEL: The motion is to advance the bill, 477, all those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: Motion is carried, bill is advanced.

CLERK: Mr. President, you Enrollment Clerk respectfully reports that she has presented to the Governor LBs 291, 311, 355 and 56.

Committee on E & R respectfully reports that we have carefully examined and re-engrossed LB 290 and find the same correctly engrossed. 157, 157A, 158, 200, 371, 407, 280, 427 and 427A, all corrected engrossed. (signed) Senator Kilgarin, Chair.

Senator Schmit would like to print amendments to LB 243 in the Journal, Mr. President.