

March 30, 1981

RECESS

LB 317, 317A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Have you all recorded your presence? Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have any messages, reports?

CLERK: Just one item, Mr. President, new A bill, LB 317A offered by Senator Koch. (Read title.) (See page 1189 of the Journal.)

SPEAKER MARVEL: The first order of business this afternoon is item #6, LB 317.

CLERK: Mr. President, LB 317, introduced by the Education Committee and signed by its members. (Read title.) The bill was originally read on January 19. It was referred to the Education Committee. The bill was advanced to General File. I do have committee amendments pending, Mr. President, by the Education Committee.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I would like to speak to the total bill. Before I can, it's imperative that we adopt the committee amendments. After the adoption then I will take you through the bill and its intent section by section. I ask for the adoption of the committee amendments to LB 317.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 317. All those in favor vote aye, opposed vote no. We are voting on the adoption of the committee amendments. Have you all voted? Record the vote.

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

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Koch, do you wish to explain the bill?

SENATOR KOCH: Thank you, Mr. Speaker. LB 317 is a priority committee (sic) introduced by the Education Committee. And very briefly I will give you an overview of what it does and then take you through the sections. But what LB 317 would do would entitle all mentally retarded individuals access to residential care facilities and

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LB 158A, 317A

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 158A be advanced. This is the funding bill for LB 158. It is \$125,450, a revolving fund. LB 158, as you recall, is the bill that provides for energy audits to be made by the Department of Energy on state owned buildings. Energy audits means that they review or look through a particular facility and make suggestions as to how the cost for utilities could be economized. It is anticipated that within a two, I think two to three year or five year period that the cost would more than be made up in savings on utilities but it is a revolving fund paid by each agency based on the amount of time it takes to review specific structure. I move that the bill be advanced.

SPEAKER MARVEL: Motion is the advancement of 158A. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance 158A, Mr. President.

SPEAKER MARVEL: Motion is carried and the bill is advanced. The next one is LB 317A.

CLERK: Mr. President, 317A, offered by Senator Koch. (Read title.)

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. A couple of days ago we discussed 317 on the floor. If you recall, it has the handicapped children and mental retardation regions. What this does is it appropriates money to these regions to help provide residential care to certain kinds of children. The amount of the bill is six hundred and some odd thousand dollars, but as I told you in my remarks on the floor, almost half of that money is to be transferred from the Department of Education to the Department of Institutions, and the remaining part of it will be appropriated to the regions to provide residential care. I ask for the advancement of LB 317A to E & R Initial.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: I have a question of Senator Koch, if he will yield? Senator Koch, it seems to me that it was my understanding we were already appropriating this money to regions to provide residential care. There are residential centers in my district. I think there are resi-

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dential centers all over the state. It seems to me that their residential care money shouldn't be earmarked. You know, it should go with their regular appropriation and now we are earmarking another specific six hundred thousand dollars for residential care.

SENATOR KOCH: Well, presently, Senator Dworak, as I tried to make clear in my remarks is that three hundred and some odd thousand dollars of that will come from the Department of Education that presently is being given to children who have residential care issues. That money will be transferred to the Department of Public Institutions. The amount that we are giving to the regions now is dollars they are presently not receiving because they have not been responsible for this kind of a child in terms of residential care. And the estimate is that there will be approximately 86 children in the State of Nebraska that might receive residential care from the retardation regions and that is what this money is for because it fills a gap that presently we haven't been filling.

SENATOR DWORAK: Mr. Speaker, one more question of Senator Koch if he will yield.

SENATOR KOCH: Yes.

SENATOR DWORAK: Is this a...then this is merely a transfer of money from the State Department of Education to the regions and no new dollars involved in this?

SENATOR KOCH: No, Senator Dworak, there would be a little over three hundred thousand dollars of new dollars that goes to the regions for care they will provide for children presently that they are not providing for that before had been the responsibility of schools and what we are trying to do is say that the regional area should get involved in residential care for certain kinds of children if that is most appropriate and (interruption).

SENATOR DWORAK: Three hundred thousand is transferred and three hundred thousand is new money approximately?

SENATOR KOCH: There will be approximately a little over three hundred thousand new dollars to the regions and that bill appropriates to the different regions that I read in my remarks the other day.

SENATOR DWORAK: Well, I am going to place an amendment on this bill reducing this three hundred thousand. I have no problem with transferring the money now being used by

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LB 317A, 298

the Department of Education to handle these residential services. That is fine. But now that we are transferring it from the Department of Education to the regions we need another three hundred thousand dollars to provide the same service, I have real problems understanding that. I can't, and if in fact this is true, then maybe we ought to leave it with the Department of Education if they can do it for three hundred thousand dollars less money.

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

SENATOR KOCH: I have no close, Mr. Speaker. I just ask that 317A be advanced to E & R Intial. If there is some concerns that Senator Dworak might have and others, I will be willing to look at those seriously on Select File.

SPEAKER MARVEL: The motion is to advance 317A. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance 317A, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. On the next sheet, item #7, we have LB 298E.

CLERK: Mr. President, LB 298E was offered by Senator Vard Johnson. (Read title). The bill was read on January 19, referred to Urban Affairs. On March 25 of this year, Mr. President, the committee amendments were adopted. At that time the bill failed to advance. I now have pending, Mr. President, an amendment from Senator Vard Johnson.

SPEAKER MARVEL: The Chair recognizes Senator Johnson.

CLERK: Copies were distributed, Mr. President. I am sorry, they were not, Senator. I apologize.

SENATOR V. JOHNSON: I have some items being distributed right now and I think that includes the amendment. If not, I will get one more Page. Here are some extra copies. Mr. Speaker, members of the body, you have three things on your desk with respect to LB 298. The first is a copy of an article from the Western Mobile News concerning a Supreme Court decision in Michigan in which the Supreme Court in Michigan held in February that exclusionary zoning which prevented mobile homes from being located in communities was unconstitutional. As you may recall

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LR 50
LB 40, 22A, 158A, 317A,
298, 253, 253A, 271,
132, 466, 174, 351, 125,
167

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by
Senator Rumery.

SENATOR RUMERY: Offered prayer.

SPEAKER MARVEL: Roll call. Please record your presence.
While we are in the process of the roll call may I indicate
to you that today is Senator Kahle's birthday. We wish you
all the best. Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under three?

CLERK: Mr. President, your committee on E & R respectfully
reports that we have carefully examined and reviewed LB 40
and recommend the same be placed on Select File. 22A, 158A,
317A, 298, 253, 253A. . . .

SPEAKER MARVEL: Just a minute...(Gavel) okay.

CLERK:271, 132, 466 all placed on Select File, (signed)
Senator Kilgarin, Chair.

Mr. President, LB 174, 351, 446, 125 and LR 50 are ready
for your signature.

SPEAKER MARVEL: While the Legislature is in session and
capable of transaction business, I am about to sign and
do sign LB 174, 351, 446, 125, and LR 50.

CLERK: Mr. President, I have two communications from the
Governor. (See page 1290-91 of the Legislative Journal).

Mr. President, Senator Newell moves to return LB 167 to
Select File for a specific amendment. That will be printed
in the Journal.

Your Enrolling Clerk respectfully reports that she has on
this day presented to the Governor for his approval the
following bill.

Mr. President, I have a report from the Department of
Administrative Services from the State Building Division.

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LB 132, 158A, 271, 317A

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. Next, 158A.

SENATOR KILGARIN: I move we advance LB 158A 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. The next one.

SENATOR KILGARIN: I move we advance LB 317A to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. 271.

SENATOR KILGARIN: I move we advance LB 271 to E & R for Engrossment.

CLERK: Senator, there are E & R to 271.

SENATOR KILGARIN: I move the E & R amendments to LB 271.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted. 271 now.

SENATOR KILGARIN: I move we advance LB 271 to E & R for Engrossment.

SPEAKER MARVEL: All in favor....a machine vote has been requested. All those in favor of advancement of 271 vote aye, opposed vote no. Have you all voted? The motion is the advancement of 271. Have you all voted? Record.

CLERK: 26 ayes, 2 nays on the motion to advance LB 271, Mr. President.

SPEAKER MARVEL: The motion carried. The bill is advanced. The E & R amendments to 132.

SENATOR KILGARIN: I move the E & R amendments to LB 132.

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

SENATOR KILGARIN: I move that LB 132 be advanced to E & R for Engrossment.

April 10, 1981

LB 243, 17, 22A, 59, 158A,
167, 271, 317A, 326, 483

SENATOR GOLL: Mr. Chairman, members of the Legislature, the hour is late. I have no prepared minutes but I just want to say as one who has been involved with an NRD development very closely, very personally, that I would stand in opposition to Senator Sieck's motion. I know people that are on the NRD boards, know them personally. They are fine people. They are elected by us. They do a job. They do it to the best of their ability, and though it is no time to become dramatical, when you say "eminent domain" to me, it is like running in front of that big red bull out in the pasture and no fence within a good three wood shot, and as far as I am concerned, Senator Schmit, the ratio should have been fifty percent instead of seventy-five, and I think we have got to look at this question with a lot of sincerity and purpose in our views. I am for the bill. I am against the proposed kill amendment. Eminent domain is bad. Thank you, Mr. Chairman. It is 11:58 a.m.

SENATOR CLARK: I think we are going to stop right here and we are going to continue this afternoon with priority bills on General File so we will continue with this bill, after the Clerk reads some things in, at one-thirty.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 483; Senator Kremer to LB 326.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor LB 17, 59 and 167.

Your committee on Enrollment and Review reports LB 22A correctly engrossed; 158A correctly engrossed; 317A correctly engrossed; and 271 correctly engrossed. (Signed) Senator Kilgarin.

SENATOR CLARK: Senator Cope, would you like to recess us until one-thirty this afternoon?

SENATOR COPE: Mr. President, members, I move we recess until one-thirty.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are recessed until one-thirty at which time we will take up General File priority bills.

Edited by Arleen McCrory
Arleen McCrory

May 12, 1981

LB 317, 317A, 22, 22A

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill 22? 317A.

CLERK: Read LB 317A.

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. 317A. Have you all voted? The bill needs 30 votes. Have you all voted? Record.

CLERK: 30 ayes, 17 nays, 2 present and not voting. Vote appears on pages 1954-55 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senator Warner offers explanation of votes for 317 and 317A.

SPEAKER MARVEL: LB 22, the Clerk will read.

ASSISTANT CLERK: Read LB 22 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. LB 22 on Final Reading. Record.

ASSISTANT CLERK: 30 ayes, 14 nays, 5 present and not voting. Vote appears on page 1956 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 22A on Final Reading.

CLERK: Read LB 22A 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. LB 22A. Record.

CLERK: 31 ayes, 12 nays, 6 present and not voting. Vote appears on page 1956-57 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 158.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, last year as you know Senator Dworak and I approached the Legislature and asked that you add a district judge in Alliance and one in Columbus. I feel that it was appropriate to have done that and I am glad that the Legislature responded favorably for our request, looking at the increased workloads in those areas. It appears to me from the information that Senator Marsh has circulated earlier that there is also a need for an additional judge here in Lancaster County. I think it would be very hypocritical of Senator Dworak and I and others in western Nebraska who benefitted from the additional district judge and those in central Nebraska who benefitted from the additional district judge there to now stand up and say, we needed one last year but now we are going to deny Lincoln and Lancaster County in the urban area a district judge when they have made just as strong a case for an addition to the district judges here in Lancaster County. I personally support Senator Marsh's proposal. I think she has made a strong case and I think we ought to add this additional district judge now.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, it looks like we are kind of lining up here. It is going to be everybody's turn and I possibly should draw a bill to have another judge in my district because my district is different too and it looks like it is turning into some kind of a, we will give you a judge this year and we will give Deacon John a judge next year and then Rex will get a judge a year after that. I take this letter from Dale Fahrnbruch and I look at it and it said, "running and tolled." Well I understand what toll means. This means when you go down the interstate that you have got to pay a toll and I understand what running is. That is when you run for a touchdown but I figured I had better ask somebody what that really meant and what it means is, running on this letter means that the case is running and evidently that the days are running out. And tolled means that the case is stopped, nothing is happening on the case. So if you count the running and the tolled I don't think this letter really supports the need for a new judge because there are forty-nine cases that are tolled or stopped and the judge cannot do anything or nobody can do anything and there are twenty-nine cases that are running. So it looks about like two to one. So I don't think the letter really supports the need for another judge and, therefore, as much as I hate to oppose a fine lady, Senator Marsh's bill, I am going to have to support Senator Johnson and Senator Lamb in their motion to bracket. My Dad used to tell me when I

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LB 22, 22A, 144, 144A, 157, 157A, 158,
158A, 168, 168A, 188, 188A, 197, 197A,
204, 204A, 207, 207A, 243, 245, 245A,
317, 317A, 253, 253A, 292, 292A, 427, 427A

Mr. President, your committee on Enrollment and Review respectfully reports....your Enrolling Clerk reports that she has presented to the Governor those bills that were read this morning on Final Reading. (See page 1977 regarding LBs 207, 207A, 188, 188A, 144, 144A, 204, 204A, 197, 197A, 245, 245A, 168, 168A, 157, 157A, 427, 427A, 292, 292A, 317, 317A, 22, 22A, 158, 158A, 253, 253A, in the Legislative Journal.)

SENATOR CLARK: I would like to announce the guests of Phyllis Todd from Senator Beutler's District, Mr. Kim, Mrs. Kim and Mrs. Bae-Pusan from Seoul, Korea. They are under the south balcony. Will you stand and be recognized, please? They are in the south balcony. Welcome to the Legislature. LB 243.

CLERK: Mr. President, LB 243 was a bill introduced by Senator Schmit. (Read title.) The bill was first read on January 16, referred to Ag and Environment. The bill was considered by the body on April 10, Mr. President. At that time the committee amendments were adopted. There was an amendment from Senator Schmit that was adopted. The bill failed to advance on that date, Mr. President. I have nothing further on the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am going to ask you once again to consider LB 243. The bill was heard and discussed and debated at length. The previous time it was up it received 23 votes to advance on a Friday afternoon with about 27 or 8 people on the floor. I think that the fact that we have discussed the bill should perhaps wipe out any reason for a lot of lengthy debate. I know there are a lot of other bills that you want to get to today. I just want to say in reply to a piece of material that is lying on your desk, two and a half pages in length, which casts serious doubts about the problems that LB 243 can cause, I want to say this. You will recall that Senator Kremer and myself and along with several...at least 23 others in this body successfully added about \$2 million to the water development fund. There are rumors now that they may want to cut that back in the Executive Office to \$3 million from 4. That means that we will have about an additional \$800,000 in the water development fund, 50 cents per capita. Not exactly an overwhelming amount of public support I would guess for water development. My concern as I have indicated many times on this floor is this, if we are going to use funds that have been generated by a subdivision of government for

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LB 523, 317, 317A,
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are guests of Barbara Hovland and Mathew Stacey and Vicky Wiese. Would you please stand so we may recognize you. Welcome to the Unicameral. Senator Schmit, will you please record your presence. Senator Wiitala, will you please... Senator Maresh, will you please record your presence. Senator Vard Johnson. Senator Chambers, will you record your presence please. Senator Pirsch. Mr. Sergeant at Arms, Senator Pirsch is the only one who is absent at the moment. Let's proceed with the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on page 2082 of the Legislative Journal.) 25 ayes, 23 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now the motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 30 ayes, 8 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now go to the next item. The Clerk has a message to read and then we will go to LB 352.

CLERK: Mr. President, I have a message from the Governor. (Read message from Governor as found on pages 2083-2084 of the Legislative Journal: Re: LB 317, 317A.)

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We will move on to LB 352. Mr. Clerk, do you have anything?

CLERK: Mr. President, LB 352 was introduced by Senator Koch. (Read title.) The bill was read on January 19. It was referred to the Revenue Committee, Mr. President. The bill was advanced to General File.

SENATOR NICHOL: Senator Koch, would you like to explain the bill and then I understand we have an amendment here, too.

SENATOR KOCH: Thank you, Mr. Chairman. I think many of us have been in a position where we have expected legislation to occur and peaked too soon. Right now as a former athlete I feel rather flat and I don't see much sense of humor but when this body enacted LB 285 in a special session that was called to change one date in the Criminal Code bill, at that time we thought it was necessary because there was an effort to provide initiative referendum on the Constitution. I would remind you that in the past two years we have seen

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LB 252, 317, 317A, 512

Mr. President, Senator Koch moves to override the Governor's veto of LB 317, and a motion to override the Governor's veto of LB 317A.

Finally, Mr. President, Senator Warner would like to print amendments to LB 252. (See pages 2144 and 2145 of the Legislative Journal.)

Mr. President, Miscellaneous Subjects will have an Executive Session today at 4:00 p.m. underneath the north balcony.

Mr. President, with respect to LB 512, I have a series of amendments, the first I have E & R amendments to be adopted.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 512.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, then I have a series of amendments. The first is offered by Senator Peterson, on page 12. I understand you wish to withdraw those, Senator.

SPEAKER MARVEL: Are they withdrawn?

CLERK: Yes, sir. Mr. President, the next is an amendment from Senator Peterson, 1355. That is to be withdrawn. Mr. President, I now have one from Senator Goodrich that is on 1595. I understand he wishes to withdraw that. Mr. President, I now have an amendment from Senator Vickers and Goll. It is on page 1668 of the Journal.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, I would like to just lay that back until the last one, if I may lay it over for a moment.

CLERK: I then have an amendment from...again from Senators Peterson, Nichol, Sieck and Johnson. That is to be withdrawn as well, Senator? Okay. Mr. President, I then have an amendment from Senator Burrows. The Burrows amendment is on 1897. Senator, did you wish to withdraw that? You did? Okay. Mr. President, the next amendment I have is then offered from Senators Pirsch, Kilgarin and Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature,

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LB 317, 317A

waiting for some to come in Senator Wesely has some special guests under the north balcony towards the east end and they are guests here of Dr. Warren Sahs of the University of Nebraska. They are all from the Ukrain in Russia. They are Mr. Rakutin, Zayery Juhdkin and Yereshanko. Would you please rise and be welcomed by the Legislature. Thank you for visiting us. Please indicate your presence or I'll embarrass you by calling your name. Senator Koch, we are missing Senator Schmit only. Do you wish to go ahead or wait.

SENATOR KOCH: I'll proceed Mr. Chairman.

CLERK: Begins roll call vote.

SENATOR NICHOL: Excuse me Mr. Clerk, in case you are wondering, we are voting to override the Governor's veto on LB 317. Okay, Mr. Clerk.

CLERK: Continues roll call vote. 17 ayes, 29 nays, 1 present and not voting, 2 excused and not voting. Vote appears on pages 2192 and 2193.

SENATOR NICHOL: The motion fails. While we are waiting to go to the next one, may I announce that Senator Lamb has some special guests under the north balcony. His son and daughter-in-law, Mr. and Mrs. Dave Lamb and son Jason. Under the north balcony. Would you welcome them please. He doesn't really like that grandson. We will move on to LB 252. Motion to override the Governor's veto. Before we do that, Senator Warner, we need to recognize Senator Koch for 317A.

SENATOR KOCH: Mr. Chairman, I am very serious about pursuing this but in respect to the Speaker and members of the body, there is another bill I can make the remarks I want to make now which are appropriate and that has to do with the lid. We will be dealing with that a little later on. I'm going to give to you some of the disparaging increases that we provide in certain agencies of state government, and yet we expect the public schools to operate on the same squeezed dollar with no relief. Thank you. I'll withdraw that for the time being.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: 317A has been withdrawn?

CLERK: Yes sir.