

April 8, 1981

LB 113, 113A, 125, 174,
LB 179, 291, 328A, 331,
LB 257, 379, 392, 400,
LB 478, 479

as previously explained. All those in favor of adopting the amendments vote aye, opposed vote no. Have you all voted? Senator DeCamp. Have you all voted?

SENATOR DeCAMP: Mr. President, how many are excused? And who might they be? I just wondered. Mr. President, I change from aye to nay for purposes of reconsideration.

CLERK: 16 ayes, 22 nays, Mr. President, on the adoption of the DeCamp, Fowler, Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, may I read some material in?

A communication from the Governor addressed to the Clerk. (Read. Re: LB 125, 174, 291. See page 1358, Legislative Journal.)

Senator Landis offers explanation of vote.

Senator Carsten would like to print amendments to LB 179.

A new A bill, LB 328A. (Read title. See page 1359, Legislative Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 113 and find the same correctly engrossed; LB 113A correctly engrossed; 331 correctly engrossed; 379 correctly engrossed; 392 correctly engrossed; 478 correctly engrossed; and 479 correctly engrossed. All signed, Senator Kilgarin.

Public Works reports LB 400 to General File with amendments, Mr. President.

Mr. President, the next motion I have on LB 257 is to indefinitely postpone the bill and that is offered by Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, I would like to withdraw that. I ask unanimous consent to withdraw that motion.

SPEAKER MARVEL: Hearing no objection, so.....

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

SPEAKER MARVEL: Senator Warner, your light is on. Do you

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LB 328A, 394

CLERK: 26 ayes, 3 nays, Mr. President, on the motion to advance the A bill.

SPEAKER MARVEL: Motion is carried. The A bill is advanced. Next, 328A.

CLERK: Mr. President, LB 328A, offered by Senators Pirsch, Schmit and Chambers. (Read title.)

SPEAKER MARVEL: Senator Schmit, would you like to move the bill?

SENATOR SCHMIT: Mr. President, I move the advancement of the bill.

SPEAKER MARVEL: All those in favor of advancing 328A vote aye, opposed vote no. Have you all voted? 328A. Record.

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the A bill.

SPEAKER MARVEL: The next bill is LB 394.

CLERK: Mr. President....

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Is Senator Vickers excused? He is the co-sponsor of this bill. I don't see him here.

SPEAKER MARVEL: No, he isn't excused. He's right behind you.

SENATOR MARESH: Oh, okay.

CLERK: Mr. President, LB 394 offered by Senators Maresh, Vickers, Hefner. (Read title.) The bill was considered yesterday by the membership. At that time we had before us, Mr. President, the committee amendments. There was an amendment to the committee amendments from Senator Maresh that was adopted; a second from Senator Maresh to the committee amendments that was adopted. I now have pending, Mr. President, an amendment from Senator Newell to the committee amendments which would read as follows: (Read the Newell amendment as found on page 1497 of the Journal.) That amendment is found on page 1497 of the Journal, Mr. President.

SPEAKER MARVEL: Senator Newell.

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LB 3, 134, 248A, 327,
328A, 394, 470

SPEAKER MARVEL: Motion carried. The bill is advanced.
Any other items?

CLERK: Yes, Mr. President, if I may, I have Reference Report referring gubernatorial appointments to the Ag and Environment Committee for hearing. (See page 1574 of the Legislative Journal.)

Senator Schmit would like to print amendments to LB 327. (See pages 1574 and 1575 of the Legislative Journal.)
Senator Schmit to LB 328A. (See page 1575 of the Journal.)
Senator Fenger to LB 134. (See page 1575 of the Journal.)
And Senator Carsten to LB 3. (See page 1575 of the Journal.)

SPEAKER MARVEL: We have got two items we are going to take up before we adjourn, and one is LB 248A. Senator Fowler.

CLERK: Mr. President, LB 248A was offered by Senator Fowler. (Read title.)

SENATOR FOWLER: This is the appropriation bill that accompanies Senator Wiitala's retirement bill. I introduced it as Chairman of the Retirement Committee. It was based on the actuarial report and the actuarial assumptions on the fiscal impact of that bill. I would move it be advanced.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion....all in favor of that motion vote aye, opposed vote no. 248A. It is the second item under General File. Have you all voted? Record the vote.

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

SPEAKER MARVEL: Okay, the motion is carried, the bill...(Mike off). Item 470. LB 470.

CLERK: Yes, sir. Mr. President, LB 470 was introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was first read on January 20, referred to Business and Labor for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Mares.

SENATOR MARESH: Mr. Speaker and members of the Legislature, this bill puts Nebraska in conformity with national

April 28, 1981

LR 65
LB 11A, 35, 241, 248,
296A, 298, 328A, 394, 470,
478, 486.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Harold M. Onwiler, United Methodist Church, Lincoln, Nebraska. Aldersgate United Methodist Church.

PASTOR HAROLD M. ONWILDER: Prayer offered.

CLERK: Mr. President, Senators Newell and Koch would like to be excused until they arrive. Senator Wiitala as well.

SPEAKER MARVEL: Record your presence. Have you all recorded your presence? Okay, record.

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

SPEAKER MARVEL: Do you have some items in item #3?

CLERK: Yes, Mr. President, if I may, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 11A and recommend that same be placed on Select File; 296A, Select File; 328A, Select File; 394, Select File with amendments; 248, Select File and 470, Select File. All signed by Senator Kilgarin as Chair. (See pages 1599 and 1600 of the Legislative Journal.)

Mr. President, new resolution, LR 65, offered by Senator Wesely. (Commenced reading LR 65.) Oh, well then we will hold off on that, Mr. President.

Mr. President, LBs 241, 298, 478 and 486 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 241, 298, 478, 486. Do you have any other items under #3?

CLERK: Mr. President, Senator.....I have nothing further, Mr. President.

SPEAKER MARVEL: We are ready to go on Final Reading. Will all legislators please return to your seats. Will you please return to your seats so we can begin reading about three bills on Final Reading? Okay, the first bill on Final Reading is LB 35.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.

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LB 11A, 328A

Engrossment.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed nay. The motion carried. The bill is advanced. LB 328A.

CLERK: Mr. President, Senator....well, I have an amendment from Senator Schmit who is excused.

SENATOR CLARK: Senator Pirsch, can you take the amendment he has? All right.

SENATOR PIRSCH: Yes. This amendment is necessary because we amended LB 328 to include the Jail Standards Board. This simply adds the Jail Standards Board amount to the A bill. I move for the adoption of this amendment.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted on the amendment by Senator Schmit as explained by Senator Pirsch.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: Senator, 25 ayes, 0 nays on adoption of the Schmit amendment.

SENATOR CLARK: The motion is adopted. Is that all you have?

CLERK: No. Mr. President, Senator Pirsch would like to add the emergency clause to the bill.

SENATOR CLARK: All right, you heard the motion, adding the emergency clause to the bill. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? We are voting on the emergency clause on the bill. Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the emergency clause, Mr. President.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

CLERK: Nothing further, Mr. President.

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LB 328A, 394

SENATOR CLARK: Senator Kilgarin, 328A.

SENATOR KILGARIN: I move we advance LB 328A to E & R for Engrossment.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 394.

CLERK: Mr. President, I have E & R amendments to LB 394.

SENATOR CLARK: Senator Kilgarin. The E & R amendments to 394.

SENATOR KILGARIN: I move to adopt the E & R amendments to LB 394.

SENATOR CLARK: The E & R amendments to 394. All those in favor say aye. Opposed. They are adopted.

CLERK: I have an amendment from Senator Newell who is excused.

SENATOR CLARK: Who from?

CLERK: Newell.

SENATOR CLARK: Senator Newell, is anyone taking the amendment for him?

CLERK: Mr. President, in the absence of Senator Newell, Senator Vard Johnson has an amendment to the bill.

SENATOR CLARK: Senator Johnson.

SENATOR JOHNSON: Mr. President and members of the body, my amendment has absolutely no relationship to Senator Newell nor his amendment, and it just so happens that he is absent, but I have this amendment totally independent of anything Senator Newell might have on the desk. This is a very simple amendment, incidentally, which was triggered by two things that have been occurring. One is our discussion of LB 192 which is the attorney's fee bill that requires the State of Nebraska to pay an attorney's fee to anybody involved in the administrative process, or anybody who might be sued by the state, or anybody who challenges the state statute. And the second thing that has triggered my amendment is that the first of this month the Nebraska Supreme Court, in a case called School District #20 versus Commissioner of Labor, had to deal with the attorney fee question in the unemployment compensation area, and in a concurring and descending opinion Senator....or Judge Robert McGowan pointed out that there is a real injustice in the

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

May 11, 1981

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 322, 328, 328A, 361

SENATOR SCHMIT: Yes, it is.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 34 ayes, 0 nays on the adoption of the Schmit amendment, Mr. President.

SPEAKER MARVEL: Okay, Senator Schmit.

SENATOR SCHMIT: I move the bill be readvanced, Mr. President.

SPEAKER MARVEL: All those in favor of advancing the bill say aye, opposed no. Motion carried. The bill is readvanced. The next bill on Final Reading, LB 328E.

CLERK: (Read LB 328E on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass, 328, with the emergency clause attached? All those in favor vote aye, opposed vote no. Record.

CLERK: (Record vote read. See pages 2042 and 2043, Legislative Journal.) 42 ayes, 0 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 328A with the emergency clause.

CLERK: (Read LB 328A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? All in favor vote aye, opposed vote no. Record.

CLERK: (Record vote read. See pages 2043 and 2044, Legislative Journal.) 40 ayes, 0 nays, 3 excused and not voting, 6 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 361 with the emergency clause.

CLERK: (Read LB 361 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in favor vote aye, opposed

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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

May 18, 1981

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