

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

March 5, 1981

LB 9, 34, 59, 69, 206,
206A, 308, 331

(Recorder malfunctioned. Following are the proceedings taken from the Journal.)

SPEAKER MARVEL PRESIDING

G. BRUCE CURRIER: Prayer offered.

ROLL CALL

CORRECTIONS FOR THE JOURNAL

MESSAGES, REPORTS, ANNOUNCEMENTS: LB 331 placed on General File as amended. (See pages 746-747 of the Journal.)

Message from the Governor. (See page 747.)

Executive Board report. (See pages 747-748.)

Attorney General's opinions re LB 59, LB 308, LB 69 as found on pages 748-752.

Speaker Marvel signed LE 206 and LB 206A.

FINAL READING: LB 9 read and passed on Final Reading. Final vote 33 ayes, 12 nays as found on pages 752-753 of the Journal.

Senator DeCamp moved to return LB 34 to Select File for a specific amendment.

Senator DeCamp asked unanimous consent to withdraw his motion.

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LB 331

to me and you have got a signature and I still mean it.

SPEAKER MARVEL: Okay, the next bill is 331.

CLERK: Mr. President, LB 331 was offered by Senator Schmit. (Read.) The bill was first read on January 19, referred to the Ag and Environment Committee. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

SPEAKER MARVEL: Senator Schmit, do you want to take the committee amendments?

SENATOR SCHMIT: Mr. President, members of the Legislature, the committee amendments provide that the award can be made to anyone regardless of where they live in the State of Nebraska or outside the state. It changes also the reference to distillers grain and tries to clean up the language so that we are more specific in regard to the purpose of the award.

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

CLERK: 28 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, LB 331 is a bill which was introduced for the purpose of trying to find some sort of a solution to the controversy that surrounds the development of an alcohol fuel's industry. When the proponents and the opponents get together they usually argue over whether we are going to produce food or fuel. We know and only last...or earlier this week some ladies served to the members of the Legislature some sort of cookie made from the mash byproduct of the distillers process. I feel very strongly and we recognize that there are opportunities to develop a very quality edible byproduct from the distillation process which produces alcohol and that this product, once it is developed, could contribute substantially to relieving hunger throughout the world. I think it is unfortunate that at the present time the distillers byproduct that we use is fed only to livestock. I think that there is every reason to believe that with adequate incentives we could produce a protein byproduct that would be palatable, edible, nutritious and not only make a substantial contribution to the welfare of this country but of other countries.

Many parts of the world are starving. Many parts of the world do not need starch. They need the protein and this would be one solution. I have suggested in this bill that the Nebraska Gasohol Committee would make an award of \$50,000 to the individual institution, research organization, whatever you have that would develop an edible protein from the distillation byproduct. I think there is adequate precedence for what has been done here. We know many times in the past advances in science have been the result of awards or prizes granted to those scientists and those individuals who develop the product. We know we have a number of research organizations that are capable of doing this and I am sure that some of them would develop that process but I think that maybe the incentive of a prize, a \$50,000 prize that I have proposed here, would be perhaps more expeditious. I would suggest that if you have any questions I would be glad to answer them, otherwise I would hope that you would advance the bill.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Kremer.

SENATOR KREMER: A question of Senator Schmit. Why limit it to anyone residing in Nebraska?

SENATOR SCHMIT: No, the committee amendment, Senator, took that out and make it available to anyone outside the state.

SENATOR KREMER: Okay, thank you.

SENATOR NICHOL: Senator Schmit, did you wish to close or was that your closing?

SENATOR SCHMIT: I have no closing, Mr. President.

SENATOR NICHOL: Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. Chairman. I have a question for Senator Schmit.

SENATOR NICHOL: Senator Schmit, will you respond, please.

SENATOR SCHMIT: I will respond.

SENATOR PIRSCH: Senator Schmit, in the pink fiscal note it said that the University of Nebraska would be required to test these and that each test would cost a thousand dollars. Is that correct.

SENATOR SCHMIT: That is an estimate by the department, yes.

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LB 331, 392

SENATOR PIRSCH: And then there was another sheet that said even if they tested further it could be up to eight thousand dollars if they ran all the tests. Is there anything in that bill which would limit those tests to those who...well how could you possibly know which ones you should test?

SENATOR SCHMIT: Well very frankly, Senator, if the University does not have the money they would not have to do the testing.

SENATOR PIRSCH: If they what?

SENATOR SCHMIT: If they do not have the funds you can't force them to test.

SENATOR PIRSCH: If the University does not have the funds...

SENATOR SCHMIT: If we chose not to perhaps provide the funds I do not agree with the statement in regard to the cost but if the University did not have the funds there is no way they could do it.

SENATOR PIRSCH: But if they did not have the funds and they did not test, then this would not really be ...

SENATOR SCHMIT: It would not be implemented.

SENATOR PIRSCH: Would not be used.

SENATOR SCHMIT: Right.

SENATOR PIRSCH: Okay, thank you.

SENATOR NICHOL: Senator Schmit, you did not wish to close, did you? Okay, the question is, shall LB 331 be advanced. All those in favor signify by voting aye, opposed nay. Have you all voted? Record.

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

SENATOR NICHOL: LB 331 is advanced. We go go LB 392.

CLERK: Mr. President, LB 392 was introduced by Senator Richard Marvel. (Read.) The bill was first read on January 20 of this year, referred to the Urban Affairs Committee. The bill was advanced to General File. There are committee amendments by the Urban Affairs Committee, Mr. President.

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LB 44, 47, 56, 84, 113, 151,
173, 218, 220, 308, 313, 331,
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything for item #3?

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal found on page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

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LB 173, 331, 392

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, my amendment is a short one which I think is also agreed upon by Senator Warner. Basically, as you will recall, the holder of one of these easements would be a governmental body or a charitable corporation or trust, and they acquire it by gift under this bill. And basically all I am saying is, adding the words, "purchase, exchange or gift", and the reason I am doing this is to try to work out a situation where we can combine to LB 58. This is that Airport Authority bill that Senator Sieck has which seeks to preserve the nine-mile prairie out in Lancaster County. And in order to accommodate that, we need to make a few adjustments to this bill and that is what I am doing at this point. Thank you.

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

CLERK: 25 ayes, 0 nays on adoption of the Beutler amendment, Mr. President.

SENATOR CLARK: The amendment is adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move LB 173 be advanced to E & R for Engrossment.

SENATOR CLARK: All those in favor of that motion say aye, opposed. The bill is advanced. LB 331.

SENATOR KILGARIN: I move the E & R amendments to LB 331.

SENATOR CLARK: All those in favor of the amendments to... the E & R amendments to 331 say aye, opposed no. The amendments are adopted.

SENATOR KILGARIN: I move LB 331 be advanced to E & R for Engrossment.

SENATOR CLARK: All those in favor of the motion of advancing 331 say aye, all those opposed no. The bill is advanced. LB 392.

SENATOR KILGARIN: I move the E & R amendments to LB 392.

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LR 51, 52, 53
LB 284, 331, 179,
366, 296

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all registered in please. Will everyone check in please. Record.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: We are going to go to number seven. Clerk has some things to read in.

CLERK: Mr. President, new Resolutions, LR 51. Read LR 51. Read LR 52. Read LR 53. All three resolutions were laid over.

Senator DeCamp would like to print amendments to 284. Senator Schmitt to 331. Senator Marsh to 179 and Senator Landis to 366.

SENATOR CLARK: LB 296.

CLERK: Mr. President, LB 296 was introduced by Senator Ron Cope of the 36th District. Read title of bill. The bill was originally read on January 19th, referred to Public Health and Welfare. The bill was advanced to General File. There are committee amendments pending by the Public Health and Welfare Committee Mr. President.

SENATOR CLARK: Senator Cullan, committee amendments.

SENATOR CULLAN: Mr. President and members of the legislature, I would ask for your attention briefly as we review the committee amendments to LB 296. Let me say initially before I get into the committee amendments that Senator Ron Cope from Kearney again has brought to the Legislature, I think, a very important issue in LB 296. He has....it has been his record in the past several years making another strong effort to do what he can to effect the safety and welfare of the citizens of the State of Nebraska. I commend him for bringing LB 296 to us and for presenting the solution, hopefully, to a problem that we have had in the State of Nebraska in recent times as far as so many people dieing in fires, very tragic fires in the State of Nebraska. Senator Cope will explain LB 296 to you in detail in a few minutes. I will tell you that I support it and the members of the Public Health and Welfare Committee support the concept of requiring smoke detecting devices in various facilities throughout the State of Nebraska and we would

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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 113, 331

Senator DeCamp, do you want to move it back to E & R? Motion by Senator DeCamp to move LB 113 to E & R for Engrossment. All those in favor signify by saying aye. Opposed nay. LB 113 is advanced to E & R for Engrossment. We now go on to....well then we just as well hold up on 113A. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, are we on 331 yet? I wish to address a point of order to that bill, if I may.

PRESIDENT: On which bill?

SENATOR BEUTLER: LB 331.

PRESIDENT: We are coming to that next, yes, sir. In fact, we are now ready for LB 331. Go ahead. What is your point? State your point.

SENATOR BEUTLER: Mr. Speaker, just a clarification at the beginning so I can understand what is happening here. This bill in Section 8 provides for an appropriation of \$50,000 from the General Fund, and I guess my question is, one, should there be an A bill? And, two, if not, should not this bill be held along with other bills appropriating funds until such time as all those bills are heard, in accordance with rule 5?

PRESIDENT: All right, we are awaiting Senator Warner's arrival here, Senator Beutler. I think I will hold up on any ruling until we get Senator Warner back. There is a motion on the bill anyway which we will take while we are waiting for Senator Warner to get back. So there is a motion on the desk. We will just hold that in abeyance until Senator Warner comes. Go ahead and read the motion on the desk, Mr. Clerk.

CLERK: Mr. President, Senator Schmit moves to return LB 331 to Select File for a specific amendment. The amendment is on page 1333 of the Journal.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, there was some concern on the part of some members of the body that the criteria for the testing procedure might be a little vague, and it was felt that perhaps we ought to tie it down a little bit so that it would reduce the possibility of expensive cost in the area of testing. We have done that with this amendment. I think it identifies the testing procedure clearly enough that we should not

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LB 331

have any great problem and I would hope you would adopt the amendment.

PRESIDENT: Any further discussion on the motion to return by Senator Schmit. Senator Beutler. All right. He will have to bring it back. Yes. Okay. So first of all we will take up the....Senator Schmit, that is your opening and closing. The question then is the motion to return of LB 331. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries. LB 331 is returned. Senator Schmit, do you wish to move the adoption of the amendment? Motion is to adopt the amendment as explained by Senator Schmit earlier. Any discussion? The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, just looking at the amendment in the Journal, does that correspond to the Final Reading copy? Maybe that is the problem, because looking at the Final Reading copy it says on page 2, line 24, "after the comma insert Corn Development, Utilization and Marketing Board". I think I am a bit confused because when I look on page 2, line 24, I don't see a comma and I don't believe that phrase would be proper in that area, but I wish... Senator Schmit, could you explain this?

PRESIDENT: Mr. Clerk, would you also check the Final Reading copy with the motion that is on your desk? He wants to know if it conforms to the Final Reading copy. Senator Schmit, you might check that too. The Clerk is checking it too, Senator Lamb. We will see. Senator Schmit, have you checked that out? It goes to the first reading copy rather than the Final Reading copy. So the technical wording of the amendment is incorrect, and would have to be conformed to the Final Reading copy. That being the case, Senator Schmit, you probably want to withdraw that amendment and have a corrected amendment drafted.

SENATOR SCHMIT: Mr. President, I am not so sure it is incorrect. Let me check it again.

PRESIDENT: Can catch it on E & R or on Engrossment. If can be caught on Engrossment, the Clerk says, so if you will just specify what you want and it can be corrected.

SENATOR SCHMIT: I believe it is correct, Mr. President. I believe it just amends the green copy anyway.

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LB 331

PRESIDENT: Okay. All right. Well an explanation is in the record anyway, so....Mr. Clerk says that the E & R can catch this on Engrossment coming back. So we can proceed then. Any further discussion? Does that satisfy you, Senator Lamb then that that's....all right, we will go on then. Any further discussion? If not, then, Senator Schmit, anything further?

SENATOR SCHMIT: I have nothing further, Mr. President.

PRESIDENT: All right, the question then is the adoption of the Schmit amendment to LB 331. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 38 ayes, 0 nays on adoption of the amendment, Mr. President.

PRESIDENT: Motion carries. The Schmit amendment is adopted. Senator Schmit, do you want to move the bill?

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

PRESIDENT: Motion to readvance to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 331 is readvanced to E & R for Engrossment. The motion is now....another motion on LB 331. Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Beutler moves to return LB 331 to Select File for an amendment. The amendment would add a new section which would read: (Read the Beutler amendment as found on page 1453 of the Journal.)

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, again I don't want to get into a long debate on it, but I did want to throw out an idea that we play with from time to time on different bills in the Legislature, but which I think is particularly appropriate to this kind of a bill. It is basically a sunset provision which says that...and let me remind you what the bill does. The bill is really setting up a contest and providing a reward for the development of a certain type of product, a by-product of the chemical alcohol production industry. And I think that those kinds of incentives are appropriate from time to time especially when we are talking about a gasohol which is basically an industry that can do so much good for the State of Nebraska. But I think we should also

recognize that the providing of awards, the setting up of contests for the development of new products, is something that we can do in a number of different areas, and it is something that we should be careful about doing, and it is something, I think, that is only appropriate in the beginning stages and just in the beginning stages of very significant industries to the state. And I don't think that it is something that is appropriate as we go on down the line. The free enterprise system, I feel, will work on its own when it discovers that there is a market, that this by-product is being produced and that there is a market for it. And if we want to do a little bit to encourage it in the first two or three years of its production, then that is not inappropriate in my opinion. But I think that we should be careful about setting up these kinds of awards. It's 50 thousand in this case but we could go into a 100 different cases of this type of award and that type of award for producing this or that. So I am just suggesting that all we do is say, with regard to this unusual type of program, that we let it go on for three years and then if it is still appropriate to pay public money for the development of what is essentially a private enterprise enterprise, go ahead and do it again. But let's take a look at this sort of thing periodically because it is an unusual procedure. Thank you.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Well, first of all, Mr. President, I want to touch upon the question of the A bill. The reason there isn't any A bill is because we haven't asked for an appropriation from the General Fund. We are asking the Ag Products Committee to take that money from their own funds, and also to use any other funds which might be contributed, for example, from the Corn Marketing Checkoff Board or the Sorghum Checkoff Board or the Wheat Division. That was our intention and we could have asked for an A bill but we did not do so based upon that decision. I don't think we need an A bill. I haven't discussed it. I would prefer not to use an A bill. I think we should use those funds that are developed within the organization. Secondly, I would have to oppose the Beutler amendment because I believe it doesn't make a lot of sense to encourage on the one hand the scientists to enter into a research project that may take a number of years, may take a long while. We have been at it such a long while already. I don't see how you can possibly put a sunset on research. If you are going to do that, then we will have to do it with all of the type of General Fund appropriations that

we expend for the various processes. I don't see why we should treat this any differently than we do the basic research that goes on in many of our industries and many of our universities. I would like to just touch very briefly on something that is rather a sore point with me, and that is that the basic research that develops the new industry, the new technology, the new ideas in the State of Nebraska and in the United States and in the world, I feel ought to be funded by general tax fund dollars because that is how you get unbiased research, and I think that the scientist doesn't need to worry then about slanting his research or whether his research is going to please the benefactor. But in this particular instance there hasn't been anything done for a long while. We have talked about it for a long period of time. There is very deep need for this process to be developed. I believe it can be developed. I don't think it makes any sense at all to have a three year sunset. I don't think that if Senator Beutler were a scientist, he would want to be working toward a deadline. That may be....I don't think even a lawyer wants to work toward a deadline. With my experience with lawyers, most of the time they can get a continuance and a continuance and a continuance, and stretch an issue out over a long period of time. So I would expect you and hope that you would not adopt a sunset provision. You can come in here next year if you want to and strike it. You can do that any time. We have demonstrated that many times on this floor, but it would not be in good faith in my estimation to provide a sunset. I would like to just say one more thing. There isn't anything right now that keeps any of these boards from doing exactly what we are doing by legislation. But I think that this Legislature ought to express some legislative intent and some leadership and some guidance along this area. I really fail to understand the reasoning behind Senator Beutler's amendment and I hope you would defeat it.

PRESIDENT: Senator Beutler, do you wish to close?

SENATOR BEUTLER: No, Mr. Speaker, no long closing, only to point out again that we are getting into a new area again setting up contests and funds for the development of products, and that I think we should be very cautious about the kind of limitations that we put on this type of a development because I think it is clear enough that in the future once this thing gets snowballing it will just be like tax exempt bonds in a sense. First one person will discover it, then another person will discover it, and pretty soon every year in the Legislature we will have

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LB 331, 379, 392

a couple of bills setting up another \$50,000 prize. Now gasohol, in my opinion, is a bit of an unusual situation because of its importance to the state. But, nonetheless, I think this type of bill should be strictly limited in its application. Now I don't think that limiting it to three years is unreasonable. Thank you.

PRESIDENT: The question is the adoption of the motion to return for the Beutler specific amendment. All those in favor vote aye, opposed nay. Motion to return. Have you all voted? The Beutler motion to return LB 331. Senator Beutler, do you want to....all right, record the vote.

CLERK: 8 ayes, 23 nays on the motion to return, Mr. President.

PRESIDENT: Motion fails. I would remind everyone that we are still on Final Reading, and if everyone would return to your desks at this time, we will proceed with LB 379 and see if we can get a bill read. Let's wait until everyone gets to their desks. Would everyone please return to your desk so we can....I think we are finally going to read a bill on Final Reading this morning. LB 379. Okay, Mr. Clerk, I guess we are ready now for LB 379, Final Reading.

ASSISTANT CLERK: (Read LB 379 on Final Reading.)

PRESIDENT: (Gavel) Would all members please be at their desks? We are on Final Reading, and if some can do it, others would like to do it too, and pretty soon it would be chaos. Go ahead, Mr. Clerk.

ASSISTANT CLERK: (Continued reading LB 379 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 379 pass? All those in favor vote aye, opposed nay. Record the vote, Mr. Clerk.

CLERK: (Read the record vote as found on pages 1453 and 1454 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 379 passes. The next bill on Final Reading is LB 392. Proceed, Mr. Clerk.

ASSISTANT CLERK: (Read LB 392 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

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LB 44, 74, 87, 113, 271, 298,
327, 328, 331, 404, 478, 486,
252, 241, 483

not going to be built for a variety of reasons, environmental costs, eminent domain and many other reasons. You start talking about building a project and immediately you have a whole group of people that rise up in arms to it. We all know that, but yet it is nice to stand up on the floor and make glowing speeches about how we need to store more water. But now when we are talking about an issue where we might be able to save some of that water in the State of Nebraska although it might not be in your area, it might not be in your basin, you might have to drive a couple hundred miles to go fish in it, suddenly you don't want to do that and you want to put language in the statutes that I assure you is going to prohibit it from happening. I suggest that reasonable people that are of conservative nature should agree with me to remove the language in lines 13 and 14.

SPEAKER MARVEL: Okay, the motion is on the second half of the Vickers amendment, is the adoption of that amendment. All those in favor vote aye, opposed vote no. Have you all voted? Senator Vickers, where are you? Oh, there you are. Eight are excused, Senator Vickers.

SENATOR VICKERS: Record the vote. Oh, make it...I want a record vote.

SPEAKER MARVEL: Okay, record.

CLERK: (Read the record vote as found on page 1519 of the Legislative Journal.) 10 ayes, 23 nays, Mr. President, on adoption of the amendment.

SPEAKER MARVEL: The Clerk has some items to read in.

CLERK: Your Enrolling Clerk has presented to the Governor LB 483.

I have a communication from the Governor addressed to the Clerk. (Read communication regarding the signing of LBs 44, 74, 87, 271 and 483 as found on pages 1520 and 1521 of the Legislative Journal.)

Mr. President, Senator Fowler would like to print amendments to LB 404. (See pages 1521 and 1522 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 241 and find the same correctly engrossed; 298, 327, 328, 486, 113, and 331 and 478, all correctly engrossed, Mr. President. (See pages 1524 and 1525 of the Legislative Journal.)

April 24, 1981

LB 3, 243, 331

I have one addressed to Senator Beutler regarding LB 331. I have one addressed to Senator Goodrich regarding LB 3 and, finally, Mr. President, I have an Attorney General's opinion addressed to Senator Labeledz regarding a previously issued Attorney General's opinion. That will be inserted in the Journal. (See pages 1553-1566 of the Legislative Journal.)

Mr. President, Senator Fowler would like to withdraw his motion regarding the reconsideration of the failure to advance motion on LB 243.

SPEAKER MARVEL: Okay, the first item of business is item #4, resolutions, LR 60.

CLERK: Mr. President, LR 60 was offered by Senators Koch and Wagner. It is found on page 1529 of the Journal and would read as follows: (Read.) Mr. President, I have an amendment from Senator Koch to the resolution which would add a new whereas provision. After "public schools" in the last paragraph insert "and commends all public schools for observing Law Day."

SPEAKER MARVEL: Senator Koch, we are going to take up your amendment first.

SENATOR KOCH: I move for the adoption of the amendment, Mr. Speaker.

SPEAKER MARVEL: You have heard the motion. Is there any other discussion? All those in favor of the adoption of the Koch amendment to LR 60 vote aye, opposed vote no. Have you all voted? We are voting on the Koch amendment to LR 60. Record.

CLERK: 26 ayes, 1 nay, Mr. President, on the adoption of the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Koch, do you wish to explain the resolution.

SENATOR KOCH: Mr. Speaker, Senator Wagner and I will just take a minute or two to explain the purpose of this resolution. We all have read the newspapers and know that recently...

SPEAKER MARVEL: (Gavel.) The Chair can barely hear what is going on in the room. I assume you have the same problem.

SENATOR KOCH: We all have read the newspapers recently and we know that a member of this body was invited to speak to a group of students in a community on the purpose and value

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LB 327, 331

CLERK: 28 ayes, 5 nays, Mr. President, on the motion to return the bill.

PRESIDENT: The motion carries. LB 327 is returned to Select File. Senator Schmit, do you wish to take it up at this time, a motion to...

SENATOR SCHMIT: I move for the adoption of the amendment, Mr. President.

PRESIDENT: The motion by Senator Schmit to adopt the Schmit amendment to LB 327. Any further discussion at this time? If not, Senator Schmit, that would be your opening and your closing. The question then is the adoption of the Schmit amendment to LB 327. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 6 nays, Mr. President, on adoption of the Schmit amendment.

PRESIDENT: The motion carries. The Schmit amendment is adopted. Senator Schmit, do you wish to move the bill?

SENATOR SCHMIT: I move the bill to E & R final, Mr. President.

PRESIDENT: Motion to readvance LB 327 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 327 is advanced to E & R for engrossment. We are now ready for the next bill on Final Reading which is LB 331.

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

PRESIDENT: Read the motion, Mr. Clerk.

CLERK: Senator Schmit moves to return LB 331 to Select File for a specific amendment.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I am sure you are aware of the fact that the Attorney General had issued an opinion in which he stated that he did not know for sure if he could defend LB 331 because of the fact that it might possibly, the way it was drafted, lend the credit of the state to an individual. With no dishonor on our part to do this, we did draft an amendment which I will summarize for you. I am sorry I do not have it on your desk but it provides that the \$50,000 award that would be made under LB 331 would be made only in the event that those donations would be made to the Gasohol Committee and that the Governor

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LB 331

could accept those donations to be used for the payment of that gratuity provided under this act and the related expenses and that those donations should not be used for any other purposes and we have run this by the same man in the Attorney General's office who issued the other opinion. He finds no fault with it and I would ask that the bill be returned for that specific amendment.

PRESIDENT: Any further discussion on Senator Schmit's motion to return LB 331? Seeing none, I guess, Senator Schmit, that constitutes your opening and your closing. The question then is the return of LB 331 to Select File for Schmit specific amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 33 ayes, 0 nays on the motion to return the bill, Mr. President.

PRESIDENT: The motion carries. LB 331 is returned to Select File. Senator Schmit.

SENATOR SCHMIT: Mr. President, I move the adoption of the amendment.

PRESIDENT: The motion is to adopt the Schmit specific amendment to LB 331. Any further discussion? The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Senator Schmit, again, just one quick question to be sure the legislative intent is clear. As I understand it now, with this amendment, there will be no use of public funds for the payment of the gratuity that is outlined in the bill. Is that correct?

SENATOR SCHMIT: None at all. There will be no A bill.

SENATOR BEUTLER: Okay, thank you.

PRESIDENT: Any further discussion? Senator Schmit, anything further? All right, the motion then is the adoption of the Schmit amendment to LB 331. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 37 ayes, 0 nays on adoption of the Schmit amendment, Mr. President.

PRESIDENT: The motion carries. The Schmit amendment is adopted to LB 331. Senator Schmit.

SENATOR SCHMIT: I thank the Chair and the members, Mr. President.

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LB 331, 478, 486

PRESIDENT: The motion is to return LB 331 to E & R for engrossment. Any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 331 is returned to E & R for engrossment. The next bill on Final Reading, Mr. Clerk, is LB 478. I would remind everyone we are still on Final Reading. It is kind of hard to remember when you are debating so much but we are on Final Reading. Everyone is supposed to be at your desks by your rules. All right, Mr. Clerk, read LB 478.

CLERK: (Read LB 478 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 486 (sic) pass with the emergency clause attached. All those in favor vote aye, opposed nay. 478, yes, excuse me. Record the vote.

CLERK: (Read record vote as found on page 1583 of the Legislative Journal.) 33 ayes, 12 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 478 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 486.

CLERK: (Read LB 486 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 486 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 1584 of the Legislative Journal.) 42 ayes, 4 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

April 29, 1981

LR 62, 66
LB 132, 249, 296, 327,
331, 499, 512

SPEAKER MARVEL PRESIDING

REVEREND JAMES C. COUSER: (Prayer offered.)

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Hoagland would like to be excused for the day; and Senator Beyer, Pirsch and Labedz until they arrive.

SPEAKER MARVEL: Will you record your presence please? Record.

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

Mr. President, first of all, I do have a correction to the Journal. (Read. See page 1620, Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 512 and recommend that same be placed on Select File with amendments; LB 499 Select File with amendments. Both signed by Senator Kilgarin, Chair.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 296 and find the same correctly engrossed; 327 correctly engrossed; and 331 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution, LR 66 (read). Mr. President, that will be laid over pursuant to our rules.

Mr. President, LBs 132 and 249 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 132 and LB 249. Item #4, resolutions, the first resolution #62.

CLERK: Mr. President, LR 62 (read). It is found on page 1551.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, if you paid attention to the reading of the resolution, you know that Kenneth Bowen passed away on April the 18th. He was a resident of the 37th District until his death, the District that I represent. You also know that he was a State Senator from '59 to '67 and he was Speaker in '65 of this body. Later he was appointed to the Farmers Home Administration and was Executive Secretary of the League of Nebraska Municipalities.

May 4, 1981

LB 327, 331, 190

PRESIDENT: As soon as everyone gets to their desk, we will commence with Final Reading. All right, Mr. Clerk, I guess we are about ready. We can commence on the first bill on Final Reading today is LB 327.

CLERK: (Read LB 327 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 327 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1702, Legislative Journal.) 36 ayes, 4 nays, 7 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 327 passes. The next bill on Final Reading, Mr. Clerk, is LB 331.

CLERK: (Read LB 331 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 331 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1703, Legislative Journal.) 43 ayes, 0 nays, 5 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 331 passes. Next bill on Final Reading is LB 190.

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

PRESIDENT: Read the motion.

CLERK: Mr. President, first of all, Senator Warner had amendments on page 1276 that I believe he wishes to withdraw.

PRESIDENT: Senator Warner. The Chair recognizes Senator Warner.

SENATOR WARNER: Withdraw the first one, it had a reference in it that is in error. The next one is a identical amendment except it has the reference that is correct.

PRESIDENT: So the first one is withdrawn, Senator. It shall be withdrawn. Read the second motion then.

CLERK: Mr. President, Senator Warner moves to return LB 190 to Select File for specific amendment. The amendment is

May 5, 1981

LB 327, 331, 506, 536

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Jack Glass from the First Assembly of God Church here in Lincoln.

REVEREND GLASS: Prayer offered.

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

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

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

CLERK: Mr. President, on approximately page 1774 we will insert LB 536 having been signed by the presiding officer.

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

CLERK: Mr. President, yes, sir, two resolutions. Read LR 78. That will be referred to the Executive Board for reference. LR 79, introduced by several members. Read. (See pages 1737-1739 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a notice of hearing from Education Committee on gubernatorial confirmation hearings scheduled for May 21. I have an Attorney General's opinion addressed to Senator Vard Johnson regarding LB 506 and LB 327 and 321 (sic) are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 327 and LB 331.

CLERK: Mr. President, I have a series of interim study resolutions. The first is LR 80 offered by the Business and Labor Committee. The purpose of the study to consider numerous questions that have arisen concerning Nebraska's unemployment compensation program. Mr. President, that is all that I have.

PRESIDENT: Before we begin on agenda item #4, the Chair takes pleasure in introducing some guests of Senator Kremer from Aurora, Nebraska, Mr. and Mrs. Larry Carrier and son, Steven. Would the Carriers stand and be recognized and welcome to your Unicameral Legislature, welcome. We will

RECESS

May 5, 1981

LB 209, 284, 284A,
327, 331

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record.

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

Mr. President, right before we start, your Enrolling Clerk respectfully reports she has on this day presented to the Governor for his approval LB 327, 331, 284 and 284A.

SPEAKER MARVEL: Okay, the first order of business is where we left off on LB 209.

CLERK: Mr. President, we left off on 209, the next motion that I had was a motion to indefinitely postpone and that was signed by Senator Haberman but Senator Haberman is not yet with us so I have got a Hoagland amendment. Mr. President, while we are waiting for Senator Haberman, I have a motion from Senator Hoagland to amend the bill. (Read amendment found on page 1758, Legislative Journal.) That is offered by Senator Hoagland.

SPEAKER MARVEL: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, this amendment strikes the presidential primary provisions of LB 209. It follows the recommendations of the Government Committee in reporting this bill out. I think there has been some criticism of the bill because of the amount of money that it would cost the taxpayers to schedule a special separate presidential preferential primary. I don't think that there is much support in this body for this particular aspect of LB 209 and this amendment would clean the bill up to that respect. I would be pleased to answer any questions anybody might have about it. I am sure Senator Koch would as well. I ask for your support for this amendment.

SPEAKER MARVEL: The motion before the House is the Hoagland amendment. Any further discussion? All those in favor of the adoption of the Hoagland amendment to LB 209 vote aye, opposed vote no. This is the...have you all voted? Have you all voted? Senator Hoagland, what is your pleasure.

SENATOR HOAGLAND: Yes, this amendment, Mr. Speaker, strikes the presidential preferential primary which I think has received a lot of opposition and I see that we need about 8...I hate to have a Call of the House...waiting for people to come back into the Hall from lunch so I would be content

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LR 164
LB 326, 35, 76, 327, 331

public bodies and agencies created, and I just think that while we are at it we might as well take this opportunity to vote against another...to nip in the bud another new agency or commission. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Hoagland amendment to LB 326. Senator Wagner, do you want recognition?

SENATOR WAGNER: Mr. Speaker and members, I had my light on. Was Senator Hoagland closing on his amendment?

SPEAKER MARVEL: Well, you will have to wait until we close with Senator Hoagland and then I will recognize you. Senator has closed, yes. Okay. The motion is the adoption of the Hoagland amendment. All those in favor vote aye, opposed vote no.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? Once more, have you all voted? If we could get it a little bit quiet in here we could get something done. Record the vote.

CLERK: 10 ayes, 16 ayes, Mr. President, on adoption of the amendment.

SENATOR CLARK: Is there another amendment?

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

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I move the bill be advanced with the amendments....adopted this afternoon.

SENATOR CLARK: The motion is to advance the bill. Senator Wagner, did you want to talk on the advancement? Senator Warner, did you want to talk on the advancement? The question before the House is the advancement of the bill. All those in favor say aye. All those opposed nay. The bill is advanced. Go ahead and read it in.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 35, 76, 327 and 331 as found on page 1883 of the Journal.)

Study resolutions, LR 164, by Senators Newell, Beutler, Kahle and Sieck and Wesely. It calls for a study of the rules of the Legislature as they pertain to certain particulars.