

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

LB 253, 89A, 243, 262,
291, 295, 330, 333,
408, 422, 433, 496

February 26, 1981

CLERK: Mr. President, new A bill, LB 89A, offered by Senator Marsh. (Read.)

Senator Kremer would like to give notice of cancellation of public hearing scheduled for LB 408 next Thursday.

Mr. President, your committee on Ag and Environment whose chairman is Senator Schmit reports 333 to General File; 243 to General File with amendments; 253 General File with amendments; 291 General File with amendments, (Signed) Senator Schmit. (See page 676 of the Journal.)

Your committee on Banking whose chairman is Senator DeCamp reports LB 330 to General File with amendments.

Your committee on Public Health whose chairman is Senator Cullan reports 262 indefinitely postponed; 295 indefinitely postponed; 422 indefinitely postponed; 433 indefinitely postponed and 496 indefinitely postponed, (Signed) Senator Cullan. (See page 676 of the Legislative Journal.)

Mr. President, Senator Lamb wants to have a meeting of the Executive Board tomorrow morning at eight o'clock in Room 2102, the Executive Board tomorrow morning at eight o'clock, in 2102.

Senator Koch asks to be excused, Friday, February 27th.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, we are ready for item #5, Select File. You will note that there is a designation of one hour and then we will move to item #6 which has to do with reconsideration of LB 143. Okay, Mr. Clerk.

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LB 329, 333

SENATOR HIGGINS: Right. Absolutely.

SENATOR VICKERS: Okay, thank you.

SENATOR HIGGINS: Thank you, Senator.

PRESIDENT: Before I call on Senator DeCamp, the Chair would like to introduce some guests of Senator Wagner, Mr. Carson Rogers from Ord, Nebraska, and Mr. James Knapp from Ord, Nebraska. They are under the South balcony. Would these gentlemen stand and be recognized. Welcome to the Legislature, gentlemen. The Chair recognizes Senator DeCamp. All right. All right, Senator Higgins, I guess we are back to you for closing.

SENATOR HIGGINS: I will waive closing, Mr. President.

PRESIDENT: The question then is the motion to advance LB 329 to E & R initial. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: The motion carries. LB 329 is advanced to E & R initial. The next bill on consent calendar is LB 333.

CLERK: Mr. President, LB 333 is offered by the Ag and Environment Committee and signed by its members. (Read.) The bill was first introduced on January 19, referred to the Ag and Environment Committee. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

PRESIDENT: Is Senator Schmit here? All right, Senator Wagner, would you take it then? The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, last year we had a bill in here on the Milk Act and this is just, well first of all, there is some committee amendments there, Mr. Chairman.

PRESIDENT: There were none. There are none. The motion before us is to advance the bill.

SENATOR WAGNER: Okay, I had the wrong bill. Sorry, Mr. Speaker. No, there are no committee amendments. This is just some technical language that cleans up the bill a little bit from the bill last year and if there are no questions, I would just move the advancement of the bill.

March 27, 1981

LB 333

PRESIDENT: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President, members, I wonder if Senator Wagner or Senator Schmit would respond to a question please.

PRESIDENT: Senator Wagner, will you respond.

SENATOR VICKERS: Senator Wagner, in the bill on page 9 it indicates that individuals licensed as milk haulers under the Nebraska Pasteurized Milk Law and I think that is the law that we passed last year, if I remember correctly, shall not require to be licensed as a bulk milk hauler. How do they determine the difference between a milk hauler and a bulk milk hauler? Could you explain a little bit about that?

SENATOR WAGNER: The bulk hauler?

SENATOR VICKERS: The difference between a milk hauler, an individual licensed as a milk hauler under the Nebraska Pasteurized Milk Law as opposed to a bulk milk hauler which does require a license under this bill.

SENATOR WAGNER: Senator Vickers, maybe Senator Schmit... could I transfer this to him, Senator Vickers?

SENATOR VICKERS: Yes, that is fine. I am sure there is a reason for that. I am just curious as to what it is.

SENATOR SCHMIT: Yes, Senator, these people collect the milk. They are merely engaged in the process of transportation and have not...do not have any responsibility except to transport it under certain conditions that are specified by the Department of Agriculture and it was felt that it was not necessary to expect that requirement of them.

SENATOR VICKERS: But they are licensed under the Nebraska Pasteurized Milk Law that we passed last year. Is that correct?

SENATOR SCHMIT: They were at that time, yes.

SENATOR VICKERS: Well as it indicates in the bill it says that individuals licensed as milk haulers under the Nebraska Pasteurized Milk Law shall not be required to be licensed or pay fees as and then it goes ahead and gives some other things, or bulk milk haulers, and I am just wondering what is the difference between a bulk milk hauler and a licensed milk hauler.

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LB 333, 483

SENATOR SCHMIT: Really, the major difference is the bulk milk hauler is a person like myself who drives a truck who moves the milk. He has no other responsibility.

SENATOR VICKERS: But isn't it indicating that they do not have to have that license in this bill though, Senator Schmit?

SENATOR SCHMIT: That is right. They are not licensed as they might have been with other responsibilities.

SENATOR VICKERS: But a bulk milk hauler does have to be licensed under this bill. Is that correct? I guess I am wondering why the hauler is even indicated, even listed in this bill over on the other page where it says "greater collector or hauler the license shall be \$25.00 and I am wondering why the hauler is even in there.

SENATOR SCHMIT: Well part of the business of transporting milk from the point of production to a processing plant is sometimes handled by a person, such as I said, any truck driver and they have no responsibility except to pick it up and move it. They do not come in contact with the product. It is not felt they are needed to be licensed. There is a difference in the degree of responsibility between the one and the other.

SENATOR VICKERS: But there is no discrepancy by having the word "hauler" over there on the other side of the page then? That is all right though in your opinion.

SENATOR SCHMIT: As far as I am concerned it is, yes.

SENATOR VICKERS: Okay, I just did not want to get in a situation where there was a question in the truck driver's minds as to whether they were a bulk milk hauler or a licensed milk hauler. I guess I was a little bit lost as to what the difference would be because as far as the truck driver was concerned, he was just hauling milk. Thank you for your response, Senator Schmit.

PRESIDENT: All right, seeing none other, we will proceed then. Senator Wagner, do you want to move the bill or close please? The motion is to advance LB 333. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays on the motion to advance LB 333, Mr. President.

PRESIDENT: LB 333 is advanced to E & R initial. The next bill on consent calendar is LB 483.

March 31, 1981

LB 58, 87, 157, 157A, 158, 200,
280, 283, 329, 330, 333, 371,
407, 427, 427A, 437, 483, 491, 536

PRESIDENT LUEDTKE PRESIDING

FATHER HENRY BURTON: (Prayer offered).

PRESIDENT: Roll call. Roll call, please. Would all of you please register your presence if you are here? We are still waiting a quorum. Senator Warner, do you want to give us your presence here and we can get a quorum. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand as published. Are there any other messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 329 and recommend that same be placed on Select File with amendments; 333 Select File with amendments; 483 Select File; 407 Select File; 427 Select File; 427A Select File; 157 Select File; 157A Select File; 200 Select File; 371 Select File; 280 Select File; 536 Select File; 158 Select File; 330 Select File; 58 Select File with amendments; 491 Select File; 283 Select File with amendments; 87 Select File; 437 Select File with amendments. All signed by Senator Kilgarrin as Chair. That is all I have, Mr. President.

PRESIDENT: Thank you, Mr. Clerk. Senator Haberman, did you wish...Senator Haberman. The Chair recognizes Senator Haberman for a point of personal privilege. Yes, and you should all pay attention to this because it is pretty personal.

SENATOR HABERMAN: Mr. President, members of the Unicameral, this is a very personal thing and I would like to have your attention, especially the attention of the press. In the Omaha World Herald and in the Star this morning, it says, "Senator Rex Haberman of Imperial who operates a liquor store". I do not operate a liquor store. I do not own a liquor store nor do I have any stock in any liquor stores. I do not know where this idea came from and I would like to inform this body and have it go on the record that I am in no way involved in any liquor stores, wholesale, retail, giveaway or anything else, and I thank you, Mr.

April 2, 1981

LB 39, 168A, 329,
333, 384, 483

Mr. President, I have a series of amendments from Senators...two amendments from Senator Wesely to LB 384 and an amendment from Senator Koch to LB 39. (See pages 1281-1282 of the Legislative Journal.)

SPEAKER MARVEL: Okay, Senator Kilgarin, we have the A bill, 168A.

SENATOR KILGARIN: I move LB 168A be advanced to E & R for engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. Are we ready for 329, Mr. Clerk?

CLERK: Yes, sir, there are E & R amendments to 329, Senator. E & R amendments.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 329.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The amendment is adopted.

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

SPEAKER MARVEL: 329?

CLERK: Yes, sir.

SENATOR KILGARIN: I move LB 329 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next one is 333.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 333.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The amendment is adopted.

CLERK: Nothing further on the bill.

SENATOR KILGARIN: I move LB 333 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Next bill is 483.

April 6, 1981

LB 59, 167, 168, 168A,
329, 333, 483, 241

engrossed; 167, 168 and 168A, 329, 333 and 483 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 241 was introduced by Senator Don Wesely and Senator Haberman. (Read title). The bill was first read on January 16. It was referred to Urban Affairs for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SENATOR KAHLE: Senator Landis, will you give us the committee amendments?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 241 is the sign bill. It is the death struggle between the City of Lincoln and various members of the outdoor advertising industry. It is the Roy Mehmken Memorial Scholarship Fund bill and this bill came through the Urban Affairs Committee. The committee heard the bill and took proponents and opponents which you will find listed in the committee statement. At the conclusion of the hearing, the committee made some alterations, struck some language from the bill, striking lines 10 through 12 on page 2 and indicated a formula to describe what full economic value was and that language appears in the committee amendment, in the first ten lines of the committee amendment. The addition of the words "a legally erected" sign was for the purpose of clarification and, lastly, there is with the striking of some language that appears on page 3 and on page 4, by striking some of the new language the committee intends to create in effect a grandfathering mechanism so that signs which are now unconflicting uses may continue to be unconflicting uses or at the city's discretion, if they wish to force the taking down of a nonconforming sign that is presently legally erected that they will pay either relocation costs or the value of the formula that appears in the committee amendments. So those are the three things that the committee amendment does. It indicates clearly the formula of repayment. It adds the qualifier "a legally erected" sign, and, thirdly, by striking some of the language in the bill, it creates in effect the option of the city to keep these signs which they declare to be nonconforming uses as nonconforming uses until such time, well, in the normal course of events they would fall down or need repair, and as all of those of you who are familiar with zoning, that means that at that time you may not replace a nonconforming use but, in fact, you will have to take the sign down. That is what the committee amendments do and I would urge the adoption by the body. Let me say this, I understand there is some controversy on

April 10, 1981

LB 329, 333, 483

PRESIDENT: All right, that will be laid over. Before we get on to Final Reading someone left a note up here and said that it was somebody's birthday and you figure it out and I figured it out real quick because I heard the pages singing Happy Birthday to him and it's our friend, Senator Goll. Would you stand up and be recognized, another year with balloons and all, happy birthday. Now that should get us all in the mood for Final Reading. Okay, the Sergeant at Arms will clear the aisles and all members will be at their desks. We will commence with Final Reading. Senator Higgins will be a little bit delayed. We will go on to LB 333, Mr. Clerk, to start the Final Reading so we will commence on Final Reading with LB 333.

CLERK: (Read LB 333 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 333 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1394-1395 of the Legislative Journal.) 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

PRESIDENT: LB 333 passes with the emergency clause attached. We will now go back and pick up LB 329, Mr. Clerk.

CLERK: (Read LB 329 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 329 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1395-1396 of the Legislative Journal.) 40 ayes, 0 nays, 8 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 329 passes. The next and final bill on Final Reading this morning is LB 483.

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

PRESIDENT: Motion on the desk, read the motion.

CLERK: Mr. President, the first motion I have on the bill is from Senator Chambers. Senator Chambers moves to return LB 483 to Select File for a specific amendment. The amendment reads as follows: (Read Chambers amendment as found on page 1396 of the Legislative Journal.)

April 13, 1981

LR 56
LB 72, 329, 333, 355

PRESIDENT LUEDTKE PRF IDING

DR. ROBERT PALMER: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Burrows would like to be excused until he arrives along with Senators Schmit and Hoagland; Senators Kremer, Cullan and Clark all day.

PRESIDENT: Has everyone registered your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

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

CLERK: Mr. President, I have no corrections to the Journal.

PRESIDENT: The Journal will stand correct as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, yes, sir, there are. I have two letters from the Governor addressed to the Clerk. (Read. See pages 1423 and 1424, Legislative Journal. Re: LB 72 and LB 355.)

Mr. President, LR 56. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LBs 329 and 333 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 329 and LB 333. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: You will note that we have seated up here beside the Chair, former Chair and former Lieutenant Governor Frank Marsh, now Treasurer Marsh. We figured it might be a pretty tough day beginning this week and so we thought we would double up on you. He will handle the gavel and I will just tell you when he is going to strike the gavel down. No, Treasurer Marsh has brought with him some special guests which we could like to introduce to the Legislature at this time. They include Mr. Rodolfo Cerdas, member of the National Legislative Assembly, Costa Rica. He is a Professor of Political Science, an attorney, at the University of Costa Rica. He is accompanied by his escort-interpreter Paul Leach

April 13, 1981

LB 11, 17, 59, 132, 167,
LB 205, 253, 253A, 284,
LB 284A, 329, 333, 366,
LB 483

first one now and then see how we get along.

CLERK: Mr. President, if I may, right before we go to that, your committee on Enrollment and Review respectfully reports LB 132 correctly engrossed; 253, 253A, 284, 284A, and LB 483 all correctly engrossed.

A letter from the Governor addressed to the Clerk. (Read. Re: LB 59, 167, 17 and 205. See page 1446, Legislative Journal.)

Senator Wagner would like to print amendments to LB 11.

And your Enrolling Clerk has presented to the Governor LB 329 and 333.

Mr. President, LB 366 (Read title). The bill was first read on January 19, referred to Retirement for public hearing. The bill was advanced to General File. There are committee amendments by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler, do you wish to explain the committee amendments?

SENATOR FOWLER: I do. I move adoption of the committee amendments. LB 366 is a bill that deals only with police and fire in the City of Lincoln or that is cities of the primary class. The committee amendments are a compromise, a negotiated compromise, between the police, the fire and the city administration. It is acceptable to all sides and acceptable with an amendment that Senator Landis offers. The basic thrust and the reason for the agreement is that civilian employees if you want to use that term, the nonpublic safety employees, are currently being matched \$2 for every \$1 that they contribute. The city matches \$2 for every \$1 that is contributed. The city working with its actuary developed a proposal to improve the Lincoln Police and Fire system to the point that the same matching ratio would be used and that the 7% of employees salary contributed by the police and fire would be matched with a 14% of payroll contribution by the police. So these are amendments. 366, there is a companion bill, 367. That bill was killed. This integrates the proposals. It may be less than the public safety organizations initially wanted but it is something that provides equity and comparability between the systems. I would move for the adoption of the amendments.

SPEAKER MARVEL: The motion is the committee amendments to LB 366. Okay, the motion is to adopt the committee amendments. Senator Schmit, do you wish to speak to the committee amendments?

LB 40, 132, 200, 266, 280, 284,
329, 330, 333, 360, 366, 371,
379, 392, 395, 407, 437, 479, 318.

April 15, 1981

SENATOR BEUTLER: Mr. Speaker, I think I would like to have a roll call vote and a Call of the House.

SPEAKER MARVEL: All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Unauthorized personnel.....yes, go ahead.

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Carsten regarding LB 284. (See pages 1499 through 1501.) Senator Schmit would like to print amendments to 360, Senator Wesely to 266, Senator Newell to 395, Senator Wesely to 366, Senator Beutler to 132, Senator Vickers to 266. (See pages 1494 through 1498 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 40, 200, 280, 329, 330, 333, 371, 379, 392, 407, 437, and 479 as found on page 1502 of the Journal.)

SPEAKER MARVEL: Senator Wagner, Senator Schmit, Senator Haberman, Senator Chambers. Senator Haberman, Senator Higgins. Senator Koch.

SENATOR KOCH: Mr. Speaker, I move that we adjourn until tomorrow morning at nine o'clock.

SPEAKER MARVEL: We are in the middle of a vote, Senator Koch. Senator Beutler, everyone who is not excused.... everybody is here except Senator Chambers. Shall we proceed with the roll call? Okay, all legislators will please return to your seats so we can complete the roll call. The Chair is not authorized to proceed until you are in your seats. Okay, call the roll.

CLERK: (Read the roll call vote as found on pages 1493 and 1494 of the Legislative Journal.) 23 ayes, 19 nays, on the motion to indefinitely postpone the bill, Mr. President.

SPEAKER MARVEL: Motion prevails. What else do we have?

CLERK: Mr. President, Senator Vickers asks unanimous consent to add his name to LB 266 as co-introducer.

SPEAKER MARVEL: No objection, so ordered.