

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....

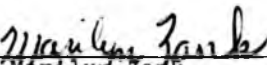
SPEAKER MARVEL: It will be in the Journal?

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 18, 1981

LB 17, 157, 334, 355

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: ...Ray F. Daniel, pastor of College View Seventh Day Adventist Church.

PASTOR DANIEL: Prayer offered.

SPEAKER MARVEL: Please record your presence.

CLERK: Mr. President, Senators Pirsch and Hoagland would like to be excused until they arrive; Senators Schmit, Higgins, Kilgarin and Kahle until they arrive; Senators Nichol and Hefner all day.

SPEAKER MARVEL: Record.

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

SPEAKER MARVEL: Item number three.

CLERK: Mr. President, your committee on Appropriations whose chairman is Senator Warner reports LB 157 on General File and LB 334 to General File with amendments, (Signed) Senator Warner. (See pages 987-988 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Kilgarin regarding LB 355. (See pages 988-990.)

Mr. President, two new resolutions, LR 41 by Senator Carsten. (Read.) Mr. President, that will be laid over. LR 42 offered by Senator Clark. (Read.) (See pages 990-991 of the Journal.) That will be laid over as well, Mr. President.

Mr. President, finally, Senator Howard Peterson would like to be excused tomorrow and Monday and Tuesday of next week.

SPEAKER MARVEL: Okay are we all ready now? Ready for item number four?

CLERK: Yes, sir.

SPEAKER MARVEL: We are ready for item number four, General File, priority bills.

CLERK: Mr. President, LB 17 was a bill introduced by Senator Jerry Koch and Senator Cal Carsten. (Read.) The bill was first read on January 8 of this year, Mr. President. It was referred to the Revenue Committee for a public hearing. The bill was advanced to General File. I do have committee amendments pending by Senator Carsten's Revenue Committee.

April 13, 1981

LB 346, 334

Senator Johnson and Nichol would like to print amendments to LB 346.

Mr. President, I have a confirmation from the Miscellaneous Subjects Committee. That will be inserted in the Journal. (See page 1441 of the Legislative Journal).

SPEAKER MARVEL: Senator Koch, can you handle the committee amendments since they are appropriation committee amendments?

SENATOR KOCH: Thank you, Mr. Speaker. I move for the adoption of the committee amendments and then I will discuss the bill and its full intent.

SPEAKER MARVEL: Clerk will read the title and then we will proceed.

CLERK: Mr. President, LB 334 was introduced by Senator Koch. Read title of bill. The bill was first read on January 19th and was referred to Appropriations. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: The committee amendments, you will find them in your book on page 334, and what it does is it provides for an appropriation procedure to be reviewed annually. I ask for the adoption of the committee amendments and I'll speak to the bill in its totality.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to 334. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: Motion carried. Committee amendments are adopted. Senator Koch, do you want to explain the bill?

SENATOR KOCH: Thank you, Mr. Speaker. First of all I must state that this is the appropriations priority bill, even though I introduced it. Out of courtesy I asked Senator Warner if he wanted to handle it but he advised me that I could go ahead and do that so I will do it. This deals with the Post-Secondary Education Commission and what it

does, it provides them to create a cash fund. There are two reasons we need this. One is for out of state institutions who come to Nebraska offering courses, it would allow them to charge certain fees for the oversight of the, whatever school it might be coming into to the state that has been approved by them to offer courses to the people of the State of Nebraska. So that is the first thing it does. It would allow them to accept these fees, and there would be no fiscal impact upon the State of Nebraska because the Post-Secondary Education Commission would receive money from these fees, it would help take care of those costs that might affect them fiscally on these out of state institutions when they have been approved to offer courses in the State of Nebraska. The second portion of LB 334 creates a fund to receive grants and contracts from private foundations to finance studies. You might recall recently that the Board of Regents asked that the Post-Secondary Education Commission conduct a study for them on the university system, the teacher colleges, to determine whether or not we can streamline the operation and cut down some duplication if there was indeed duplication. Now, if we do not allow for these funds to come to the Post-Secondary Education Commission, then we would have to use all state monies, but there are people who are willing to provide grants for these kind of studies, the Carnegie Fund, the Ford Foundation and others, plus the fact that some of the private colleges in the State of Nebraska might also be interested in granting some funds to the Post-Secondary Education Commission for the purpose of carrying on certain kind of study that might be valuable to them. So that is all LB 334 does. It creates a cash fund for two reasons. One is to accept grants, those kind of things from outside agencies for the purpose of studies and secondly to set up a cash fund for institutions from out of state who are attempting to offer courses in the state. The fees the commission would charge those agencies would be there and would take care of any fiscal or help charges that the commission might incur because of that added responsibility. That is LB 334 and I ask that it be advanced to E & R Initial as amended.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. The advancement of LB 334. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to advance the bill.

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LB 334, 334A, 248

SPEAKER MARVEL: The motion is carried, the bill is advanced. The next bill is 248.

CLERK: We have an A bill on 334.

SPEAKER MARVEL: Okay, the Clerk will read the A bill.

CLERK: Mr. President, LB 334A, offered by Senator Warner, read title.

SPEAKER MARVEL: Senator Warner.

SEANTOR WARNER: Mr. President, I move the A bill be advanced. It only provides the cash fund authorization for the coordinating commission as Senator Koch pointed out, a portion of their duties because of legislation enacted a couple of years ago or one year ago which they license private institutions from out of the state that come in and want to offer some courses, usually those are extension in nature and this is the appropriation of \$500 for the current year 80-81 plus \$500 for next year for 81-82. This bill has the emergency clause. It should be funded yet this year and it is possible that some of these institutions may make application before July 1st. There should have been a cash fund established when the original legislation was enacted either last year or the year before. It wasn't and the bill takes care of the lack of that cash fund authorization and it provides the appropriation for the current two years. I move the bill be advanced.

SPEAKER MARVEL: Motion is the advancement of the bill. All those in favor vote aye, to 234, opposed vote no. 334. LB 334. Record.

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

SPEAKER MARVEL: Motion is carried, A bill is advanced.

CLERK: Mr. President, LB 248 was introduced by the...Senator Steve Wiitala. Read title of bill. The bill was first read on January 16th and referred to the Retirement Systems Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President, by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler.

April 15, 1981

LB 11, 40, 184, 248,
334, 334A, 346, 379,
392, 463, 479

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer this morning will be given by Dr. Al J. Norden, Pastor at the University Lutheran Chapel, 15th and Q Streets since 1951.

DR. AL J. NORDEN: (Prayer offered.)

SPEAKER MARVEL: Please record your presence.

CLERK: Mr. President, Senators DeCamp and Beyer would like to be excused for the day; Senators Hoagland, Wesely, Wiitala and Cullan until they arrive.

SPEAKER MARVEL: Have you all recorded your presence? We still need a vote. Record.

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

SPEAKER MARVEL: Do you have anything under item #3.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 11 and recommend that same be placed on Select File with amendments; 346 Select file with amendments; 334 Select File; 334A Select File; 248 Select File with amendments; 463 Select File with amendments. All signed by Senator Kilgarin as Chair.

Mr. President, an Attorney General's opinion addressed to Senator Richard Peterson regarding LB 184. That will be inserted in the Journal. (See pages 1476 and 1477.)

I have a report from the Department of Administrative Services to do with communications. That will be on file in my office, Mr. President.

And, Mr. President, LBs 40, 379, 392, and 479 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 40, LB 379, LB 392, LB 479. We are now ready for item #4, Final Reading. Will all legislators please take their seats, unauthorized personnel please leave the floor? We cannot proceed until all legislators are in their seats. We are still waiting for all legislators to leave your group and go to your seat so we can proceed with Final Reading. Will the whip in the back of the room please

May 4, 1981

LB 346, 334, 334A

Marvel, Senator Goodrich, Senator Fitzgerald. We are still looking for Senator Cullan, Senator Fitzgerald, Senator DeCamp, Senator Goodrich, Speaker Marvel, Senator Newell and Senator Wesely. Senator Haberman is shown to be here but I don't see him. Where is he? Senator Schmit, do you want to go ahead? We have Senator Goodrich, Senator Wesely and Senator Newell. Those are the only ones that aren't here, I believe. Do you want to go ahead? All right, we will proceed with the Schmit motion to amend LB 346. Roll call, Mr. Clerk, go ahead.

CLERK: (Roll call vote taken. See pages 1705 and 1706, Legislative Journal.) 14 ayes, 24 nays, Mr. President.

PRESIDENT: Motion fails. Any other amendments on LB 346?

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

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move for the advancement of LB 346.

PRESIDENT: Motion to advance LB 346 to E & R for engrossment. Is there any further discussion? All those in favor signify by saying aye, opposed nay. LB 346 is advanced to E & R for engrossment. The next bill on Select File is LB 334.

CLERK: Mr. President, I have nothing on LB 334.

PRESIDENT: Okay, Senator Kilgarin. No E & R amendments, I don't believe. Just move the bill.

SENATOR KILGARIN: I move we advance LB 334.

PRESIDENT: Motion to advance LB 334 to E & R for engrossment. Any discussion? Senator DeCamp, you didn't wish to discuss that, did you? 334? The motion is to advance. All those in favor of advancing LB 334 to E & R for engrossment signify by saying aye, opposed nay. LB 334 is advanced to E & R for engrossment. The next bill is 334A.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 334A.

PRESIDENT: Motion to advance LB 334A to E & R for engrossment.

May 6, 1981

LR 109 - 111
LB 146, 190, 334, 334A,
463

CLERK: (Roll call vote taken. See pages 1792 and 1793, Legislative Journal.) 19 ayes, 13 nays, Mr. President.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and find the same correctly engrossed; LB 334 correctly engrossed; LB 334A correctly engrossed; and LB 463 correctly engrossed. All signed by Senator Kilgarin.

Mr. President, LR 109 calls for a study by the Administrative Rules Committee to study the processes followed by state government in securing federal funding for various projects. LR 110 by the Administrative Rules calls for a study of the administrative practices of agencies, boards and commissions. LR 111 by the Administrative Rules Committee calls for a study to investigate two statutory procedures under which to litigate a claim against the State of Nebraska.

SPEAKER MARVEL: We have seven amendments to this bill. The Clerk will read the first amendment.

CLERK: Mr. President, the first amendment is offered by Senators Beutler and Hoagland. Would you like me to read it, Senator?

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I will try to be brief. This amendment does not have broad implications but I think it is although small an important amendment and I think it can be best explained by giving an example. Remember now that our Natural Resource Districts are divided into twenty-four districts and that geographically they are divided based on surface water divisions. Now when one NRD establishes a control area, it may very well be that the boundaries of that control area will be adjacent to and contingent to the boundaries of some other NRDs and it is also very likely that the aquifer underlying that control area will also underlie those adjoining NRDs and the result that you can have is that one NRD can establish a control area and control the taking out of water in its particular part of the aquifer but right across the jurisdictional boundary in the same aquifer there may be no control area and the result is that you are punishing and giving a disincentive for the establishment of a control area because they will say, "Well,

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LB 190, 334, 334A

I did offer the motion for the reason that in a few days I trust we will be discussing a proposed rule change that was offered in the form of a bill in the 1979 session and it is now before the Rules Committee because I didn't pursue it as legislation, being that it was more appropriate rule rather than law, but I think it is exceedingly important that we develop a system for the consideration of expenditures of general fund money by the time it reaches Final Reading that we can develop a priority for limited funds, and so with that, Mr. President, not to pursue or take more time, I will ask unanimous consent to withdraw the motion.

PRESIDENT: Motion is withdrawn. Thank you, Senator Warner. We are now ready then for Final Reading, commencing, Mr. Clerk, with LB 190.

CLERK: (Read LB 190 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 190 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1990 and 1991, Legislative Journal.) 44 ayes, 0 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 190 passes with the emergency clause attached. The next bill on Final Reading is LB 334.

CLERK: (Read LB 334 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 334 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1991 and 1992, Legislative Journal.) 44 ayes, 0 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: Motion carries and LB 334 passes with the emergency clause attached. The next bill on Final Reading is LB 334A.

CLERK: (Read LB 334A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 334A

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LB 248A, 318, 334, 334A,
LB 184, 118, 129, 190, 248,
LB 463, 487

at Arms will secure the Chamber. All members who are not at their desks will return to their desks. All members will record your presence. The House is under Call. The House is under Call. Senator Goodrich, Senator Wagner. Senator Haberman is right here. Senator Labedz, Senator Pirsch. We can take call in votes, Mr. Clerk, yes.

CLERK: Senator Fowler voting yes. Senator Kremer voting yes. Senator Marsh voting no. Senator Wagner voting no. Senator Labedz voting yes.

PRESIDENT: All right, record the vote.

CLERK: 25 ayes, 14 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: All right. The motion carries and LB 184 is advanced to E & R Initial. You want to read some material in, go ahead, Mr. Clerk.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 487 in the Journal.

Mr. President, LBS 190, 334, 334A, 463, 248 and 248A 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 190, LB 334, LB 334A, LB 463, LB 248 and LB 248A.

CLERK: Mr. President, an announcement from the Public Works Committee regarding an executive session to discuss interim study resolutions.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 129 and recommend that same be placed on Select File with amendments; LB 118 Select File; and LB 318 Select File with amendments; all signed by Senator Kilgarin as Chair.

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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 Salverda 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