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:

Marily Zayik

LB 138, 202, 205, 344, 375, 401, 466, 503, 504, 531

March 19, 1981

Mr. President, Senator DeCamp to print amendments to LB 531; Senator DeCamp to LB 138 and Senator Hoagland and Beutler to 205, all to be printed in the Journal. (See pages 1044-1048 of the Legislative Journal.)

Your committee on Judiciary whose chairman is Senator Nichol reports 202 to General File; 503 indefinitely postponed; 504 indefinitely postponed.

Mr. President, Senator Koch asks unanimous consent to add his name to LB 344, 375, 401; Senator Cullan to 466.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: I believe that is all that I have, Mr. President.

SPEAKER MARVEL: Senator Fowler, would you like to adjourn us until nine-thirty.

SENATOR FOWLER: I move we adjourn until Monday at nine-thirty.

SPEAKER MARVEL: All in favor of adjourning until Monday, March 23, 1981, at nine-thirty say aye, opposed no. The motion is carried. We are adjourned.

Edited by Arleen McCrory .

LB 48, 62, 98, 172, 179, 226, 239, 266, 299, 304, 332, 342, 343, 344, 360, 453, 454, 506, 545

March 24, 1981

## SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor Wayne Schreeder of the Calvary Lutheran Church and School, 28th and Franklin, Lincoln, Nebraska.

PASTOR SCHROEDER: Prayer offered.

SPEAKER MARVEL: Have you all recorded your presence? Is everybody here or are there still some missing? While we are waiting for the quorum you might be interested in the fact that our Clerk is hobbling around. The problem is that I was teaching him some dirty plays in basketball and got too vigorous. Record the vote.

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

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

CLERK: Yes, sir, I do, several in fact. Mr. President, I have a series of reports to read in. Your committee on Public Works whose chairman is Senator Kremer to whom was referred LB 98 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 226 to General File with amendments and LB 344 to General File with amendments, (Signed) Senator Kremer. (See pages 1082-1086 of the Legislative Journal.)

Your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 454 to General File; LB 172 General File with amendments; LB 304 General File with amendments; LB 360 to General File with amendments; LB 506 General File with amendments; LB 48 indefinitely postponed; LB 62 indefinitely postponed; LB 299 indefinitely postponed; LB 332 indefinitely postponed; LB 342 indefinitely postponed; LB 343 indefinitely postponed; LB 343 indefinitely postponed; LB 453 indefinitely postponed, all signed by Senator Carsten as Chair. (See pages 1086-1089 of the Legislative Journal.)

Mr. President, your committee on Administrative Rules and Regs reports, whose chairman is Senator Vard Johnson, reports LB 266 to General File with amendments.

Your committee on Government reports LB 239 to General File with amendments and LB 545 to General File with amendments, signed Senator Kahle as Chair. (See pages 1089-1093.)

Mr. President, LB 179 is reported correctly engrossed.

Mr. President, LR 40, 41 and 42 are ready for your signature.

April 9, 1981

complex problem. So I urge you to accept the Wesely amendment and to strike the...and to reinstate the sunset provision.

SENATOR CLARK: The question before the House is the adoption of the Wesely amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 15 ayes, 22 mays on the Wesely motion, Mr. President.

SENATOR CLARK: The motion failed. Do you have anything else further on the bill?

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

SENATOR CLARK: Senator DeCamp, do you want to advance the bill? The question before the House is the advancement of the bill. It will take a machine vote on it to E & R Final. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted except 22 of you. Record the vote.

CLERK: 33 ayes, 6 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Do you have any other items?

CLERK: Mr. President, I have two Attorney General Opinions, one to Senator Hoagland regarding 253; one to Senator DeCamp regarding 113. (See pages 1384 through 1387 of the Legislative Journal.) Corrected committee statement for 344; and Senator DeCamp would like to print amendments to 113. (See pages 1388 and 1389 of the Legislative Journal.)

SPEAKER MARVEL: Do you want to read the A bill?

reviewing the committee amendments, it gives the defendant a right to appeal to the Supreme Court a ruling on say his motion to suppress evidence if it is unsuccessful from the defendant's point of view. Now if we have a backlog of 14 months, let's say, in the Nebraska Supreme Court, and I understand that backlog is increasing because there are more appeals filed than there are cases decided every month, what would prevent a defendant from using that as a delaying tactic? In other words, filing a motion to suppress evidence, a confession or physical evidence of some sort, having that denied by the court then taking an appeal to the Nebraska Supreme Court and that way having his criminal trial delayed for 14 months while the Nebraska Supreme Court handles that?

SENATOR SIECK: I am going to refer that question to Senator Nichol, because I think he can more capably answer it.

SENATOR NICHOL: Well, Mr. Chairman, I would just say this, whenever you ask for an appeal you take your chance on whether you will get a speedy trial or not. If you don't want to ask for an appeal, why you can have it now. If you do, you may risk the chance of having a speedy trial, that's true.

SENATOR HOAGLAND: Yes. But I mean...I don't want to take a lot of time, but in most situations the defendant is not locked up pending trial, so it's in his interest just to delay the thing as long as possible hoping a witness will move out of town or will pass away or something. Well, we can talk about this on Select File, perhaps.

## SPEAKER MARVEL PRESIDING

SPFAKER MARVEL: The motion is to advance the bill. All in favor of advancing 411 to E & R for Review vote aye, opposed vote no. Have you all voted? Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is  $34^{4}$ .

CLERK: Mr. President, LB 344 offered by Senators Landis and Koch. (Read title.) The bill was read on January 19, referred to Public Works, advanced to General File with committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Wesely.

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

the Public Works Committee did hear this bill and we are concerned a bit about the suspension of drivers' license. So we have the committee amendments which are before you and I move their adoption to try and clarify some concerns that we had. First off, we changed it so that we are only dealing with the suspension of a license for somebody who under this compact in another state who is under the compact violates the traffic laws and then they don't pay their fine or don't go to court or whatever and they come back to Nebraska. We specify that is the only case we are talking about. We don't suspend their license within the State of Nebraska, we take that part out because there is a process that they already have to go through that. We deal only with the question of somebody out of the state violating the law and then not complying with court appearances in coming back to Nebraska. So we give them 30 days notice that they have to appear in court or pay their fine, or whatever, and if they don't they get their license suspended. We put that into the bill in the committee amendments, and then if that is not observed then we can go ahead and suspend the license but we also say in the committee amendments that that can only be until they then meet with the law and either go to court or pay their fine, or whatever they are supposed to do, and then they get their license back. So we make it much clearer as to the suspension of license and I think it is a better way because we protect the individual but still have that threat over them so that they will make sure that they meet the law. We also add the E clause and I want to emphasize that we are talking about the corrected committee amendments which are on page 1388. That is the committee amendments and I am now moving their adoption.

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

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

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

SENATOR LANDIS: I just wanted to describe the provisions of the bill and then move its adoption to E & R Initial.

Mr. Speaker, the nonresident violator compact is a model national bill that is agreed to presently by 20 jurisdictions, and there are apparently about 9 other states that are considering its adoption at this time, Nebraska being one of them. Currently if you pass through Nebraska and live in

another state, you are stopped for a speeding violation, the highway patrolman accompanies you to the county seat where you file a bond, or you make your court appearance, and then the county...the highway patrolman either hears the case or sometimes has to do some paper work additionally at a later date. What this allows for is an individual to be given a ticket, a citation at that location, and then they may go on their way and they may go home to their home state and then they may file that same kind of waiver that we do now for tickets and pay their fines while living in their home state, having returned home from their trip. And if they fail to pay the assessed fine, then that state, if it is a member of this compact, will go out and pick up the license of the person for failing to respond to the Nebraska citation. We also then promise for Nebraska drivers who are picked up in other compact states who refuse to honor those tickets that we will plck up their licenses here in this state. The highway patrol supports this. It is one of the Governor's Task Force recommendations. So far attempts have been made to identify the cost savings. It will keep troopers on the highway in the business of law enforcement rather than taxiing out of state drivers to a county seat for processing and I believe the figure that has been arrived at as far as savings is roughly \$120,000. Now that means that manpower will be able to be utilized in other ways, more profitable ways than simply taxiing people back and forth and filling out paper work. Also there will be some driving that will not have to be done and that can be used in law enforcement rather than this taxiing back and forth that is being done now. Hopefully, it will decrease the number of failure to appears, it will increase court revenue since nonresidents will not ignore our state's tickets and citations, and lastly, highway enforcers...highway law enforcement enforcers, rather, will be able to devote more time to highway patrol safety, apprehension and surveillance rather than dealing with nonresident violators and taking them into the county seats. Most of our surrounding states are members so that we have a high rotential of utilizing this act... Iowa, South Dakota, Missour:, those are all members of the compact and we can expect to utilize this in conjunction with drivers from those states. I would move its adoption and I would hope it will be sent on to Select File.

SPEAKER MARVEL: The motion is the advancement of the bill to E & R for Review. All those in favor...we're talking about LB 344, all those in favor of advancing that bill vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 mays on the motion to advance the bill, Mr. President.

May 7, 1981

of the Chamber. That's the big thing. All right, we will proceed then, Mr. Clerk, with the reading of LB 559.

CLERK: (Read LB 559 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 559 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1813 of the Legislative Journal.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

PRESIDENT: LB 559 passes with the emergency clause attached. You may read some things in, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 303 and recommend that same be placed on Select File; LB 216, Select File; LB 322, Select File with amendments; 411, Select File with amendments; 344, Select File with amendments; 172, Select File with amendments; LB 529, Select File, with amendments; LB 529A, Select File with amendments. (See pages 1815 through 1817 of the Legislative Journal.) Mr. President, new resolution, LR 116, offered by Senator Rumery. (Read LR 116 as found on page 1815 of the Legislative Journal.) Mr. President, that will be laid over pursuant to our rules. That's all that I have, Mr. President.

PRESIDENT: We will proceed then, Mr. Clerk, with LB 160.

CLERK: (Read LB 160 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 160 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1814 of the Legislative Journal.) 43 ayes, 1 nay, 5 excused and not voting, Mr. President.

PRESIDENT: LB 160 passes with the emergency clause attached. The next bill on Final Reading is LB 161.

CLERK: (Read LB 161 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure

a majority of those present to overrule the Chair. I thought it was a majority.

SENATOR CLARK: A majority of those present.

SENATOR WESELY: Would overrule?

SENATOR CLARK: Yes.

SENATOR WESELY: I guess we will go to a roll call. That will be fine.

SENATOR CLARK: A majority of those present and voting. Call the roll. Shall the Chair be overruled.

CLERK: 15 ayes, 18 nays, 1 present and not voting, 14 excused and not voting, 1 absent and not voting. Vote appears on page 2295 of the Legislative Journal.

SENATOR CLARK: The Chair is sustained.

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

SENATOR CLARK: The question before the House is the advancement of 544. All those in favor say aye, opposed. The bill is advanced. LB 344.

CLERK: Mr. President, with respect to LB 344, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 344.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. The E & R amendments are adopted. Anything further on the bill?

CLERK: Mr. President, I have an amendment from Senators Landis and Koch.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I would move the advancement of LB 344 which is the non-resident violators compact. Oh, excuse me. I move the adoption of the amendment.

SENATOR CLARK: Senator Lamb, do you want to talk on this?

SENATOR LAMB: I just wanted a "slight" explanation of the amendment.

SENATOR LANDIS: I was doing my John DeCamp impression and it didn't work. But I will yield to Senator Koch. I can't recall the page number and. . . .

SENATOR KOCH: Pat. what page is that in the Journal?

CLERK: Senator, it is not printed. It says, "Strike standing committee amendment 1 on page 1388 of the Journal". Strike standing committee amendment 1 on page 1388 of the Journal.

SENATOR LANDIS: We strike the 30 day notice in there and make it as soon as practical. That has to do with procedural difficulties with making sure that appropriate notice gets out in 30 days. That is right.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote ave, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 1 may on the adoption of Senators Landis and Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted.

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

SENATOR CLARK: Senator Landis.

SNEATOR LANDIS: I move the advancement of the bill. After the last amendment was adopted I have a 1956 Chevrolet that I would like to sell to anybody in the body who would be interested in it.

SENATOR CLARK: No advertising please.

SENATOR LANDIS: I move the advancement of LB 344.

SENATOR CLARK: The motion before the House is the advancement of 344. All those in favor say aye, opposed, the bill is advanced. LB 172.

SPEAKER MARVEL: The House is under Call. All legislators should be in their seats and record your presence. Senator Burrows, will you record your presence? Senator Koch, will you record your presence? Senator Schmit, will you record your presence? Senator Remmers. Mr. Sergeant at Arms, we have two excused and we need to find Senator Schmit. After we have completed this activity, will you please remain. We have an announcement to make. Senator Newell, are you ready for the roll call. Do you want a roll call vote? Okay, call the roll.

CLERK: (Roll call vote taken. See page 2313, Legislative Journal.) 23 ayes, 25 nays, Mr. President.

SPEAKER MARVEL: The motion lost. May I have the attention of the Legislature for just a moment. I would like to read a statement. "The Governor has notified us that he will act on all legislation by Friday, May 29th. Through the Governor's cooperation in taking this prompt action, it will enable us to meet on Friday, May 29, 1981, and adjourn sine die that day." It is now my recommendation that we continue with our original calendar and meet this Friday and adjourn that date sine die. I believe this accommodates most of the members desires. However, please understand that all bills not correctly engrossed at the start of business today, the 88th Day, cannot be considered on Final Reading until the final date, the 90th Day. This proposal allows us to accomplish all goals set forth for this legislative session. If you have questions, I would suggest that you talk either to Senator Lamb or to Mr. O'Donnell. Do you have something you wish to read in?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 172 and find the same correctly engrossed; 242, 302, 321, 344, 411, 488, and 494 all correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have an Attorney General's opinion addressed to Senator Lamb regarding LB 376.

SPEAKER MARVEL: Underneath the South balcony, it is my privilege to introduce as a guest of Senator Jim Goll his daughter visiting from San Francisco, Mrs. Sarah Goll Haskell. Where are you located? Will you please stand up so we can see where you are? Welcome to the Unicameral. What is the next order of business, Mr. Clerk?

PRESIDENT: LB 321 passes without the emergency clause attached. Messages may be read in at this time.

CLERK: Mr. President, I have two veto messages from the Governor. (Read veto messages from the Governor Re. LB 389A and 389. See pages 2403-2404 of the Legislative Journal.)

Mr. President, I have a second veto message addressed to Dear Mr. President and Senators: (Read. Re. LB 318.)

Mr. President, I have explanation of vote from Senator Howard Peterson.

Mr. President, Senator Wesely asks unanimous consent to add his name to LB 404 as cointroducer.

PRESIDENT: No objections, so ordered.

CLERK: That is all that I have, Mr. President.

PRESIDENT: All right, we are ready then for the next bill on Final Reading, is LB 344, Mr. Clerk. We might ask... Speaker Marvel, there have been some questions about when we want to break for lunch. Do you wish to give some indication so that they know we are?

SPEAKER MARVEL: I think it would be a good idea if we broke at noon and then recess until one-thirty. The way we are going this morning, we are going to have trouble meeting the deadline.

PRESIDENT: All right, thank you.

SPEAKER MARVEL: The deadline when we get out of here. When you get whatever business you have I would appreciate it if you would recognize Senator Newell. He has a proposal that he wants to make.

PRESIDENT: Senator Newell, do you want to...? What is this? Senator Newell, we recognize you for whatever purpose. Okay, go ahead, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, the Omaha delegation has asked me to present this plaque to Senator Fitzgerald for his tremendous sacrifice, primarily giving up his legislative district, which is important so that I could still serve in the Legislature next year and, very important as you can well understand. Senator Fitzgerald, if you would come forward the delegation would like to present you this for your hard work and your sacrifice. (Applause.)

SENATOR FITZGERALD: I thank you and, I thought I knew what was going around here but I guess this caught me unaware but maybe I don't want to say anything bad about my good friend, David, but I mean, you know I had to keep him going for two years. I thought maybe he would have a little trouble. So I know if I went down to Sarpy County I knew Dave would not follow me down because they all love him down there you know, over that little interchange down there they are having. So I thank you very much and I am going to miss you because I love each and every one of you. (Applause.)

PRESIDENT: While you are all in a festive mood, I would like to announce that May 31st is Senator Don Wagner's birthday. He will be at the great age of fifty-four years of age, that youngster, on that day and it is also his wedding anniversary. He and his wife, Gert, will have been married thirty-three years. So would you also give Senator Wagner a little bit of attention at this time too. Congratulations, Don. Okay, now that gives us enough of a break now. You can all sit down and relax until lunch. We have a couple of short bills to read and then, Mr. Speaker, do you want to break for lunch after that? There is a couple short bills here we understand. LB 344, Mr. Clerk, if you will read on Final Reading.

CLERK: (Read LB 344 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 344 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERM: (Read record vote as found on pages 2405-2406 of the Legislative Journal.) 46 ayes, 0 mays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 344 passes with the emergency clause attached. Before we go to LB 352 the Chair would like to introduce some guests of Senator Wiitala, Sally Prescott and Laurie Vail. They are under the North balcony. Would Sally and Laurie stand up and be recognized and welcome to your Legislature. And now, Mr. Clerk, will you read LB 352 on Final Reading.

CLERK: (Read LB 352 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 352 pass. All those in favor vote aye, opposed vote nay. Mr. Speaker, the next bill will take us about ten or twelve minutes and that will get us to right about noon. Do you

May 29, 1981

want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes,  $\delta$  nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and nct voting, Mr. President, 4 present and not voting.

PRESIDENT: 1B 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARSH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.

Edited by Mary A. Turner

6106