

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

April 1, 1981

LB 5, 40, 261, 335, 353,
428.

SPEAKER MARVEL: Meanwhile in the south balcony from Senator Dworak's District, 49 students, 4th, 5th, 6th Grades, from Humphrey Public School, Humphrey, Nebraska, Mrs. Debbie Trabert, Miss Nancy Gallop, Miss Mamie Anderson are teachers. In the south balcony, will you raise your hands so we can see where you are?

CLERK: Mr. President, Senator Richard Peterson voting yes. Senator Wagner voting yes. Senator Goodrich voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 31 ayes, 8 noes on the motion to reconsider, Mr. President.

SPEAKER MARVEL: All provisions relative to procedure having been complied with, the question is, shall LB 5 pass? All those in favor vote aye, opposed vote no. 30 votes. Have you all voted? Have you all voted? Senator Beutler. Record the vote.

CLERK: (Read the record vote as found on page 1244 of the Legislative Journal.) 30 ayes, 10 nays, 6 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, your committee on Judiciary whose Chairman is Senator Nichol reports LB 428 to General File, and LB 335 to General File with amendments, and 353 General File with amendments, all signed by Senator Nichol. (See pages 1244 and 1245 of the Legislative Journal.)

The Appropriations Committee will meet in Executive Session today upon adjournment in Room 1003.

Mr. President, Senator Wesely would like to print amendments to LB 261 in the Journal. (See page 1245 of the Journal.)

SPEAKER MARVEL: I would like the attention of the Legislature, if I could. Yesterday afternoon after rather extensive debate on LB 40 the time ran out and, therefore, it is the judgment of the Chair that the time for that particular bill should be completed. Some of you have questions about the way the priorities are set. I welcome you, first of all, to visit the office and

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LR 204, 205
LB 335, 353, 840 - 845

SENATOR MARSH: It will be kept in separate file now rather than having them placed together. It will be the same number as this that you are referring to, the emergency number, so there is not duplication of services.

SENATOR PIRSCH: It will be the same number, and as I understand it, they are reporting these on the child abuse hot line that we now have established.

SENATOR MARSH: That is correct.

SENATOR PIRSCH: Will this remain the same number or will they add another?

SENATOR MARSH: No. We need to have one number that is known throughout the state for those emergency services. We will keep them in separate files. They will be treated separately at that end but the response is through an emergency number, not to try to duplicate services at our state level. To make our state dollars go as far as they possibly can go, we need not to be adding but combining services wherever necessary and there are plans, as I understand it, to incorporate even other things into that emergency number. Thank you.

SENATOR PIRSCH: Thank you. I just wanted to clarify that.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. The advancement of the bill. Have you all voted? Clerk, record the vote.

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion carried. Bill is advanced. Yes, the Clerk has some items on the desk.

CLERK: Mr. President, a new bill, LB 840 (title read); LB 841 (title read); LB 842 (title read); LB 843 (title read); LB 844 (title read); LB 845 (title read).

Mr. President, I have a report of registered lobbyists for January 9 through January 14.

And LR 204 and LR 205 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 LR 204; LR 205. Next order of business, LB 353.

CLERK: Mr. President, LB 353 offered by Senator Nichol. (Title read.) The bill was first read on January 19. It was referred to Judiciary for public hearing. It was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, the Judiciary Committee adopted two amendments to LB 353. The purpose of these amendments is to further clarify the authority that the Department of Welfare has in the disposition of children placed with the Department. Ideally this authority is shared between the court making the placement and the Department of Public Welfare. The committee amendment striking the word "exclusive" which appears in two places in the bill attempts to make it clear that this authority is shared and not the "exclusive" province of the court or the Department. In the course of the public hearing it became apparent that the Department has responsibility for some children not directly committed to it. This is true in the area of Indian children where the Department has responsibility towards such children without having such children directly committed to it. To avoid potential conflicts with federal law, the committee thought it best to strike the words "The Department shall be given no responsibility for those children not committed to it.", where these words appear in page 3 and 4 of the bill. These are the reasons for the committee amendments and I would move for the adoption of the committee amendments and I will discuss later in the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as explained by Senator Nichol. Okay, I am sorry. Senator Johnson.

SENATOR V. JOHNSON: Yes, I have a couple of questions I would like to ask of Senator Nichol with respect to the amendment.

SPEAKER MARVEL: Senator Nichol, do you yield?

SENATOR V. JOHNSON: My comments are these. I think that this bill is probably generated by the juvenile court in Sarpy County and also the county judge sitting at the juvenile court in Dodge County and two cases where the juvenile court committed a youngster to the Nebraska Department of Public Welfare and ordered the Nebraska Department of Public Welfare to provide special services to that youngster which ended up being very high cost services that the Nebraska Department of Public Welfare did not want to provide. Now it is very

clear the way the bill was initially drafted that once a juvenile court made such a commitment to the Department of Public Welfare the juvenile court could not make any orders with respect to that youngster in services because the authority for that youngster was totally in the hands of the Department of Public Welfare. Now the committee amendments would take out the word "exclusive". So Senator Nichol, where will authority repose even with the committee amendments for the care and the cost of the youngster, with the Department of Public Welfare or with the juvenile court?

SENATOR NICHOL: It is supposed to be an agreement of the two. Now I assume your question is, what happens if they don't agree?

SENATOR V. JOHNSON: Yes, that really is it, Senator Nichol.

SENATOR NICHOL: What happens if they don't agree, and I ask you a question, who is going to be paying for it? The areas where the Department of Welfare will be paying for it, I would think that the authority would rest mostly with the Department of Welfare. And as we will get into later in the bill, what has been happening is that they have been prescribing programs, not medical, programs outside the state that have been very expensive and that is what we are trying to get to.

SENATOR V. JOHNSON: Okay, so let me make sure I understand then. What you are really saying is we are going to take the word "exclusive" out, then the court and the department will sit down and in effect negotiate services. If they really are in loggerheads, if they really just can't affect an agreement, then it is your opinion that the Department would have the final word on that?

SENATOR NICHOL: That is right.

SENATOR V. JOHNSON: Okay, thank you very much.

SPEAKER MARVEL: Motion now is the adoption of the committee amendments. Is there any further discussion? Committee amendments to LB 335 (sic). All those in favor of the motion to advance the bill vote aye, opposed vote no...adopt committee amendments.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? Voting aye, Mr. Clerk.

CLERK: Senator Clark voting yes.

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LB 353

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of committee amendments.

SENATOR CLARK: Committee amendments are adopted. Senator Nichol on the bill.

SENATOR NICHOL: The purpose of LB 353 is to address the specific problem which arises from time to time with regard to juvenile court placements. Juvenile court judges have a great deal of latitude in these placements and occasionally a few judges have made placements which have not set too well with the Department of Public Welfare. This will arise in cases where a juvenile court judge will commit a child to the Department of Public Welfare but will then instruct the Department of Public Welfare to send the child to some experimental group or camp situation outside the State of Nebraska. There have been instances in the past where the courts have sent children out of the state to get special medical care which isn't available within the state. We are not talking about that type of situation in LB 353. We are talking about what are essentially group therapy sessions organized around a camping trip or a wilderness program around the United States and recent studies have shown these are of questionable value to the child. If a court directs the Department of Welfare to pick up the tab for this type of activity under the present law, it isn't clear that the Department of Public Welfare can refuse. What we attempt to do with LB 353 is tighten up the regulations to the extent that once a court commits the Department of Welfare, the Department has authority to set up the initial plan of care. We also include a provision requiring the Department of Public Welfare to file with the court a progress report on each child at regular six month intervals or shorter intervals if ordered by the court or deemed appropriate by the Department. With LB 353 we hope to increase the cooperation between the juvenile courts and the Department of Public Welfare. I move for the advancement of LB 353 as amended.

SENATOR CLARK: Is there any discussion on the advancement of LB 353? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of LB 353? Record the vote.

January 15, 1982

LB 353, 208

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

SENATOR CLARK: The bill is advanced. The next order of business, LB 208.

CLERK: Mr. President, LB 208 offered by the Education Committee and signed by its members. (Title read.) The bill was first read on January 15 of last year. At that time it was referred to the Education Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Koch on the committee amendments.

SENATOR KOCH: Mr. President, I have an amendment on the desk and I would like to have that adopted prior to adopting the committee amendments.

CLERK: Mr. President, Senator Koch would move to amend the committee amendments: (Read Koch amendment found on page 306 of the Journal.)

SENATOR CLARK: Senator Koch, on your own amendment to the amendment.

SENATOR KOCH: What this does, that previously under free-holding when there is an action that was set aside in the transfer of property from an accredited school district to an unaccredited school district or nonaccredited district then it says shall be commenced within four years from this date of transfer, otherwise the transfer shall be valid as of the original date of the transfer. What we are doing is we are striking that and we are saying once a transfer has been made then that is it. The four year provision is deleted completely. So we are just taking that out. Once a transfer has been made, it is there and it is forever.

SENATOR CLARK: Is there any discussion on the Koch amendment to the amendment? Senator Kremer.

SENATOR KREMER: I think he said it plain enough. I should not even ask these questions, Senator Koch, but if the property would change hands, it is still forever. I mean if the ownership should change in the land, can you do something about it...no way at all.

SENATOR KOCH: Yes, sir. Even if the ownership should change, the property once the determination has been made by the proper authorities on petition then that land stays there.

January 20, 1982

LB 36, 208, 212, 263, 267, 335,
353, 370, 402, 448, 449,
450, 525

LB 448 and recommend that same be placed on Select File with amendments; LB 449 Select File with amendments; LB 450 Select File with amendments; LB 263 Select File with amendments; LB 212 Select File with amendments; LB 370 Select File with amendments; LB 335 Select File with amendments; LB 353 Select File; LB 208 Select File with amendments; LB 36 Select File; LB 402 Select File; LB 525 Select File with amendments, all signed by Senator Kilgarin. (See pages 388-391 of the Legislative Journal.)

SENATOR CLARK: We are now ready for item #5, LB 267.

CLERK: Mr. President, LB 267 introduced by Senator Richard Peterson. (Read title.) The bill was read on January 16 of last year, referred to the Public Health and Welfare Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: Senator Wesely, do you want the committee amendments?

SENATOR WESELY: Yes, Mr. President, members of the Legislature, this bill was referred to the Public Health Committee, was heard last year and there was a concern at that time about the fact that it applied only to Dental Review Committee and the feeling was that by just limiting it to the Dental Review Committee there might be some special legislation constitutionality problems and so we thought that the concept was worthy of application across the board to all peer review committees and so the committee amendment would strike the fact that this is specifically dealing with the Dental Review Committee and make it applicable to all Nebraska peer review committees and again the concept is this in LB 267 that proceedings before a peer review committee would still take place and function as they have before. The question comes when court action is taken and some action is taken before a dentist or anybody associated with a peer review committee. They cannot then go to the committee records and use the committee action against the person or for the person for that matter who is being brought to court and being contested in court. So that you could still use materials and all that that would be brought before this peer review committee but the actual work of the committee would be kept out of the court process and decided that would be separated from the court action. That is what we are trying to do and we thought if it was applicable to dentists it ought to be applicable to others. So that is what the committee amendment does, Mr. President.

January 29, 1982

LB 198, 263, 353, 370

have an amendment on 305. Pat, why don't we pass over that one and we will go down to the others and we will come back to that one and the amendment. Let's go to LB 263.

CLERK: There are E & R to 263.

SENATOR KILGARIN: I move the E & R amendments to LB 263.

SENATOR CLARK: What did you say?

SENATOR KILGARIN: I move the E & R amendments to LB 263.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 263.

SENATOR CLARK: The motion is to advance LB 263. All those in favor say aye, opposed. The bill is advanced. LB 370.

SENATOR KILGARIN: I move the E & R amendments to LB 370.

SENATOR CLARK: The E & R amendments to be adopted. All those in favor say aye, opposed. The E & R amendments are adopted.

SENATOR KILGARIN: I move we advance LB 370.

SENATOR CLARK: The motion is to advance 370. All those in favor say aye, opposed. The bill is advanced. LB 353.

SENATOR KILGARIN: I move we advance LB 353.

SENATOR CLARK: The motion is to advance LB 353. All those in favor say aye, opposed. The bill is advanced. We will now go back to LB 198.

CLERK: Mr. President, with respect to LB 198, I have first of all E & R amendments to the bill, Senator.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 198.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. The next amendment.

CLERK: Mr. President, the next amendment I have is offered

February 2, 1982

LB 284, 353, 417, 421,
465, 255A, 702, 801

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer by the Chaplain, Reverend Gilbert Visser, Hope Reformed Church.

REV. VISSER: Prayer offered.

SENATOR CLARK: Roll call. Will everyone check in please. Senator Vickers, will you let us know you are here please. The Clerk will record the attendance.

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

SENATOR CLARK: We are ready for item #3, messages, reports or announcements.

CLERK: Mr. President, your committee on Business and Labor whose chairman is Senator Barrett to whom was referred LB 801 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Barrett.

Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp reports LB 702 advanced to General File with committee amendments attached. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 353 and find the same correctly engrossed; 417 correctly engrossed; 421 correctly engrossed; 465 correctly engrossed, all signed by Senator Kilgarin as Chair.

Mr. President, I have a report to the Legislature from the Lewis and Clark Natural Resource District regarding payment of attorney fees and I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 284 passed last session. That will be inserted in the Journal. (See pages 502-504 of the Legislative Journal.)

SENATOR CLARK: We are ready for item #4, LB 255 by Senator Wagner. The Clerk will read.

SENATOR WAGNER: Mr. Speaker, members, this is the A bill that went with 255. It hadn't got on the floor when we moved 255 so it is just the A bill to it so I just move the advancement of it so it can catch up with the other bill on Select File.

SENATOR CLARK: Is there any discussion on 255A? If not, all those in favor vote aye, opposed vote nay. Senator VonMinden, did you want to say something?

February 5, 1982

LB 454, 408, 628, 353,
LR 216, 217, 218

SPEAKER MARVEL: Senator Carsten has closed, we will now vote on the advancement of the bill. All those in favor of advancing the bill vote aye, opposed vote no.

CLERK: 30 ayes, 6 nays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: The bill is advanced. Clerk has some items on the desk before. . .and after that we will attempt to try to move some bills.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 408 in the Journal. (See pages 571-572).

Mr. President, Senator Howard Peterson would like to print amendments to 628, Senator Fowler to 267 and Senator Nichol to 353. (See pages 572-74).

I have a report of registered lobbyists for January 29th through February 4th. That will be inserted in the Journal. (Page 574).

Committee on Government, Military and Veterans Affairs give notice of cancellation and resetting of public hearings.

Mr. President, I have three new resolutions, LR 216 offered by Senator Cullan, (Read LR 216). That will be laid over. LR 217 by Senator Koch, (Read LR 217). LR 218 by Senator Peterson and Senator Hefner (Read LR 218). That too will be laid over Mr. President.

SPEAKER MARVEL: Okay, I would like to give you a list of bills and then we will proceed to attempt to implement. 402, 525, 255, 255A, 435, 589, 115, 115A, 440, 314, 131, 287, 649, 571, 598, 646. Senator Beutler, your light is on.

SENATOR BEUTLER: Mr. Speaker, I think I would like to make a comment on this procedure. I don't know if others operate the same way I do but, when I come in each day I normally look at the ones on the top of the list first on the assumption that we will be dealing with those and in that manner I can prepare for the day. When we skip around like this and we go down to the bottom of a list it seems like I am often caught unprepared and the result of that, I think, is that I end up occasionally on Final Reading suggesting amendments to bills and I'm sure that others are doing this. I'm not sure in the long run, Mr. Speaker, whether there is anything

February 11, 1982

LB 353

Select File with committee amendments attached. (See pages 647 and 648 of the Legislative Journal).

SPEAKER MARVEL: Okay, will all legislators please take your seats and prepare for Final Reading. As you can see by the agenda the Final Reading will take at least two hours. The first bill is LB 353.

CLERK: Mr. President, I have a motion on the desk. Senator Nichol would move to return LB 353 to Select File for a specific amendment. The amendment is found on page 572 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, as you recall LB 346 dealing with the recodification of Juvenile Code passed last year but we put a delayed effective date on it as of July 1, 1982. LB 346 repeals Sections 43-203 and 43-210.01. LB 353 would amend Sections 43-208 and 43-210.01. If LB 353 passed in its present form, it would only be effective until January 1, 1982, when the effective date of the last year's bill, LB 346, would become effective and repeal the section, and thus discussing this problem with the bill drafter's office, they agree that if LB 353 would pass in its present form, it would be repealed on July 1st. What this amendment would do, it would coordinate the effective date of LB 353 of last year's 346 so that we don't lose this bill on July 1st. This bill was introduced on behalf of the Department of Public Welfare and they informed me that they still desire to see the provision of LB 353 become law. With that explanation, I would ask that 353 be returned to Select File for the specific amendment which I have just outlined for you.

SPEAKER MARVEL: The motion is to return the bill. Senator Vickers. Speaking on the motion to return the bill, right?

SENATOR VICKERS: Yes, Mr. President.

SPEAKER MARVEL: Okay.

SENATOR VICKERS: Mr. President, I wonder if Senator Nichol would respond to a question, please.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: If it is easy.

February 11, 1982

LB 353

SENATOR VICKERS: It is going to be an easy question because as I read the amendment, is the new language in the amendment basically the same as the new language in the bill, and if that is the case then why do you have to strike all the sections and insert all new language when, in fact, it would appear that the only new language that you are adding with the amendment is Section 3 that puts an operative date on this statute. Is that correct? The reason I ask, Senator, if you will look in the Final Reading of 353, the new language in 353 would seem to be the same new language that you have got in your amendment. Is that correct?

SENATOR NICHOL: The only thing I can tell you, Senator Vickers, is this was according to the bill drafter's way of doing it so that the effective dates would coordinate. Now I am not a technician, so....

SENATOR VICKERS: But the new language is the same in both?

SENATOR NICHOL: Yes, I understand....

SENATOR VICKERS: There is no meaning change made in the intent?

SENATOR NICHOL: That is correct, there is no meaning or intent changed in the bill or the bills. It coordinates the effective date only. That is all that it does.

SENATOR VICKERS: Okay, thank you, Senator Nichol.

SPEAKER MARVEL: Okay, the motion is to return the bill. Okay, the first motion is to return the bill for a specific amendment. All those in favor of returning LB 353 as discussed by Senator Nichol vote aye, opposed vote no. It takes 25 votes. Record.

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

SPEAKER MARVEL: Okay, the bill is returned. The motion now is to adopt....do you want to make the motion?

SENATOR NICHOL: Mr. Chairman, I would move for the adoption of the amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment. All those in favor vote aye, opposed vote no. Record.

CLERK: 35 ayes, 0 nays on adoption of Senator Nichol's amendment.

February 11, 1982

LB 353, 417

SPEAKER MARVEL: The amendment is adopted. Now, Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move for the advancement of the bill, 353.

SPEAKER MARVEL: The motion is the advancement of 353. All those in favor say aye. Opposed no. The motion is carried. The amendment is adopted. Now, LB 421. The Clerk....417, Mr. Clerk.

CLERK: Mr. President, Senator Warner would move to return LB 417 to Select File for a specific amendment.

SENATOR WARNER: Mr. President and members of the Legislature, 417, Senator Cullan's bill dealt, if you will recall, dealt with requiring certain precautions for combines in excess of 15 feet, warning the traffic. And I offered an amendment to make it 18 feet rather than the 15 foot, and primarily because there is a great many six-row cornheads in this area at least that would have come under the requirement and if that amendment was adopted, unfortunately the wording elsewhere in the same section apparently ended up that the amendment I offered would result in requiring a combine operator to get a permit to go on the road if it was between 15 and 18, which obviously was not my intent. So the purpose of the amendment is to properly draft the amendment that I should have offered in the first place, which would have permitted combines up to 18 feet to operate as they have been and those in excess of 18 feet would then have the additional precautions for safety purposes. So I would move the bill be back so that the amendment can be adopted to reflect what I thought it did and what I said it did.

SPEAKER MARVEL: The motion is to return the bill. All those in favor of Senator Warner's motion vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is returned. We now vote to adopt the amendment as explained by Senator Warner. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 37 ayes, 0 nays, Mr. President.

February 16, 1982

LR 222
LB 126, 137, 139, 212,
212A, 215, 278, 304,
353, 410, 417, 421

PRESIDENT: Any discussion on the motion to appoint a committee of five to escort the Chief Justice into the Chamber? Hearing none, all those in favor then of the motion to appoint the committee signify by saying aye, opposed nay. Motion carries and the Chair appoints the following committee to escort the Chief Justice; Senator Nichol, Senator Vard Johnson, Senator DeCamp, Senator Cullan, and Senator Beutler. Those members would please follow Senator Nichol up the aisle and go to escort the Chief Justice. And now the Chair will read some matters in.

CLERK: Mr. President, new resolution, LR 222 by Senator Chambers. (Read.) Pursuant to our rules, that will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 215 and find the same correctly engrossed; LB 304 correctly engrossed; LB 410 correctly engrossed; LB 278 correctly engrossed; LB 126 correctly engrossed; LB 212 correctly engrossed; LB 212A correctly engrossed; LB 353 correctly engrossed; LB 417 correctly re-engrossed; LB 139 correctly engrossed; LB 421 correctly engrossed; all signed by Senator Kilgarin.

Mr. President, your committee on Banking whose Chairman is Senator DeCamp instructs me to report LB 137 advanced to General File with committee amendments attached, Mr. President.

PRESIDENT: While we are waiting for the committee to come back, the Chair takes pleasure in introducing Bill Hefner, son of Senator Elroy Hefner. He is under the North balcony. Will Bill stand up and be recognized. Bill, where are you? Welcome to the Unicameral, Bill. The Legislature will be at ease until the committee returns. The Chair recognizes Sergeant at Arms, Ray Wilson.

SERGEANT AT ARMS: Mr. President, your committee now escorting his honor the Chief Justice of the Supreme Court of the State of Nebraska.

PRESIDENT: The committee will escort the Chief Justice to the podium. Chief Justice Norman Krivosha.

CHIEF JUSTICE NORMAN KRIVOSHA: (Gave the State of Judiciary Message as found on pages 689 - 703, Legislative Journal.)

PRESIDENT: The committee will escort the Chief Justice

February 25, 1982

LB 304, 353, 410

SPEAKER MARVEL: We are dealing with the motion to return the bill to Select File for a specific amendment. Call the roll.

CLERK: (Read the roll call vote as found on page 868 of the Legislative Journal.) 19 ayes, 22 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: The motion lost. Okay, the Clerk will read LB 304.

ASSISTANT CLERK: (Read LB 304 on Final Reading).

SPEAKER MARVEL: We are on Final Reading. Will all legislators please be in their seats.

ASSISTANT CLERK: (Read LB 304 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill, 304, pass? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 869 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 353 with the emergency clause.

ASSISTANT CLERK: (Read LB 353 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass with emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 870 of the Legislative Journal.) The vote is 44 ayes, 2 nays, 3 excused and not voting.

SPEAKER MARVEL: The bill is declared passed with the E clause attached. We now go to 410 with emergency clause attached.

CLERK: Mr. President, Senator Landis would move to return LB 410 to Select File for a specific amendment. The amendment is found on page 838 of the Legislative Journal.)

February 25, 1982

LB 215, 304, 353, 408, 431,
608, 641, 653, 688, 702,
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

SPEAKER MARVEL: The motion is to adopt the Landis amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

March 1, 1982

LB 152, 222, 304, 335, 348,
353, 358, 431, 440, 508,
525, 527, 578, 594, 624,
771, 772, 795, 799, 844,
871, 872, 877, 898, 921, 955

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Have you all recorded 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: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand published as is. Any messages, reports or announcements?

CLERK: Mr. President, a series of things. Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp instructs me to report LB 358 advanced to General File with committee amendments attached. (See pages 881-884 of the Legislative Journal.)

Your committee on Education reports LB 578 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 885 of the Legislative Journal.)

Your committee on Government reports 921 advanced to General File; 594 indefinitely postponed; 624 indefinitely postponed; 795 indefinitely postponed; 844 indefinitely postponed; 871 indefinitely postponed; 872 indefinitely postponed. That is all signed by Senator Kahle as Chair, Mr. President.

Your committee on Banking whose chairman is Senator DeCamp reports 799 advanced to General File with committee amendments attached. 877 is advanced to General File from the Public Works Committee. 152 indefinitely postponed; 222 indefinitely postponed; 348 indefinitely postponed; 508 indefinitely postponed; 527 indefinitely postponed; 771 indefinitely postponed; 772 indefinitely postponed; 955 indefinitely postponed, all signed by Senator Kremer as Chair. (See pages 885-886 of the Legislative Journal.)

Mr. President, your Enrolling Clerk reports that she presented to the Governor LB 353, 304 and 431. The Governor has received engrossed LB 440 and signed that bill on February 25, Mr. President. (See page 886 of the Legislative Journal.)

Rules gives notice of a hearing for Tuesday, March 16.

I have a series of Attorney General's opinions, the first addressed to Senator DeCamp regarding LB 898; one to Senator Culllan regarding LB 525; one to Senator Wagner regarding interpretation of Statutory Section 2-1504; one to Senator DeCamp regarding 335. (See pages 887-895 of the Legislative Journal.)

March 4, 1982

LB 139, 139A, 304, 353,
431, 458, 685, 801

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Robert Hansen, First Lutheran Church, Fremont, Nebraska.

REVEREND HANSEN: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your....received a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 139A, 304, 685, 139, 353 and 431.)

Mr. President, Senator DeCamp would like to print two amendments to LB 458 in the Legislative Journal. (See pages 965 through 975 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for Select File, Special Order. We are going to start, however, at the advice of the Speaker with LB 801 rather than 717 because there are some people that are still trying to get here through the traffic this morning and the snow. So we will start with 801 and come back to LB 378. That is agreeable to Senator Cullan, I understand, so we will do that according to the Speaker. So we will start with 801, Mr. Clerk.

CLERK: Mr. President, I have E & R amendments to LB 801.

PRESIDENT: Who wants to handle the E & R amendments? Senator Barrett, would you just handle the E & R amendments on 801? We will just move the E & R amendments.

SENATOR BARRETT: Mr. President, I move the E & R amendments.

PRESIDENT: Motion to adopt the E & R amendments on LB 801. Any discussion? Senator DeCamp, did you wish to discuss the E & R amendments? This is on 801.