

January 19, 1981

LB 357-388

Journal a motion he is submitting pursuant to Rule 6, Section 2, to rerefer LB 245.

Mr. President, new bills: (Read title to LB 357-388 as found on pages 261-268 of the Legislative Journal.)

SPEAKER MARVEL: Your agenda for tomorrow will show that we will adjourn until 9:30 a.m. There will be a chairmen's meeting at nine o'clock and Exec Board at eleven o'clock. Those two latter meetings will be in Room 1520. Senator Haberman, would you like to adjourn us until nine-thirty tomorrow.

SENATOR HABERMAN: Mr. President, I move that we adjourn sine die until nine-thirty tomorrow morning.

SPEAKER MARVEL: Leave out the sine die.

SENATOR HABERMAN: Move we adjourn until nine-thirty tomorrow morning.

SPEAKER MARVEL: All those in favor say aye, opposed no. We are adjourned until nine-thirty tomorrow morning.

Edited by:


Mary A. Turner

February 27, 1981

LB 34, 58, 114, 125, 144,
195, 205, 246, 272, 273,
273A, 325, 355, 359, 388,
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

January 7, 1982

LB 180, 180A, 198, 359,
387, 687, 688, 689

Senator Fowler would like to print amendments to LB 387.
(See page 142 of the Journal.)

Senator Warner would like to print amendments to LB 198.
Senator Landis to 180 and 180A. (See page 143 of the Journal).

Mr. President, two new bills. LB 687 offered by Senators Haberman, Nichol, Kahle and VonMinden. (Read title). LB 688 offered by Senators Fowler, Landis and Wesely. (Read title). LB 689 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title). (See page 144 of the Legislative Journal).

SPEAKER MARVEL: Next take up LB 359.

CLERK: Mr. President, LB 359 was a bill introduced by Senator Newell. (Read title). The bill was introduced on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I am not sure how to proceed procedurally and would ask the opinion of the Chair. There is before the Clerk a substitute amendment which would, in effect, gut all of 359, at least as it is written, and rewrites much of the same provisions placing all responsibility for elections rather than with the SID as it is now currently with the Election Commissioner. Much of what was to be accomplished by the committee amendments and the terms of LB 359 would be accomplished under this substitute amendment but ultimate responsibility would be shifted, and I think since that is what the introducers want to approach now, I would ask that we not handle the committee amendments at this time but proceed to the substitute amendment and since that is in effect the LB 259 incarnation that the introducers want to talk about perhaps we should pass over the committee amendments at this time.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, I was going to suggest to Senator Landis that perhaps since they have changed the bill considerably they might wish to take it back for another hearing. I notice it changes it substantially, whatever that means and I wonder if you would consider that,

January 7, 1982

LB 359, 413

Senator Landis.

SENATOR LANDIS: I certainly would, Senator Nichol. I would just ask for a moment to confer with the introducers of the amendments, if that is the case to see if it is acceptable to them.

SPEAKER MARVEL: Do you want to get together the two of you? Okay, the Legislature will be at Ease for about five minutes.

EASE

SPEAKER MARVEL: Temporarily at Ease. I will alert you to some discussion this afternoon in regard to specific definitions which will clarify for instance the difference between special order and pass over bills, for instance. We are getting into a different dimension. I think that we have to clarify this for you hopefully sometime this afternoon. Senator Landis.

SENATOR LANDIS: (Microphone not activated)..conferring with the introducers of the amendments, can I offer this as a way to proceed? Let's pass over the bill at the present time. The Urban Affairs Committee will volunteer to hold a hearing giving appropriate notice to all parties, make a recommendation back to the body. It would be in the event we agree with the introducers substitute committee amendments and we will bring it back to the body following a public hearing on the General File stage. That way the bill does not need to be rereferred to our committee but there will be a public hearing on this language that is being offered now.

SPEAKER MARVEL: The motion is to pass over the bill which goes through the proper receptacle, and....

SENATOR LANDIS: Could I just say until such time as the Urban Affairs reports back to the body following the public hearing on the amendments?

SPEAKER MARVEL: Okay, is there any objection? Otherwise we have a new item set up which we have used before and which we hopefully will talk about this afternoon. The motion is to pass over the bill. Any objection? Hearing none, so ordered. LB 413.

CLERK: Mr. President, LB 413 offered by Senator Chambers. (Read title). The bill was read for the first time on January 20 last year, referred to the Judiciary Committee. The

January 7, 1982

LB 359, 413, 643,
690, 691, 692

SPEAKER MARVEL: Yes, there are some.

CLERK: Senator Clark voting yes.

SPEAKER MARVEL: Okay, six excused. Senator Fenger, will you please record your presence?

CLERK: Senator Vickers voting yes. Senator Beyer voting no.

SPEAKER MARVEL: Roll call vote has been requested. Proceed, Mr. Clerk.

CLERK: (Read the roll call vote as found on page 145 of the Legislative Journal). 25 ayes, 13 nays, on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The bill advances. Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, Senator Newell would like to print amendments to LB 359 in the Legislative Journal. (See pages 146 through 150 of the Journal).

Mr. President, new bills. LB 690 offered by Senator Hefner. (Read title). LB 691 offered by Senator DeCamp. (Read title). LB 692 offered by Senator Rumery. (Read title). (See page 150 of the Legislative Journal).

Mr. President, Senator Marsh would ask unanimous consent to be excused Friday and Monday, January 8.

Mr. President, Senator Kilgarin asks unanimous consent to add her name to LB 643 as co-introducer.

SPEAKER MARVEL: No objection, so ordered. Senator Kahle, will you recess us until 1:30.

SENATOR KAHLE: Mr. Speaker, with pleasure I move we recess until 1:30 this afternoon.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. We are recessed until 1:30.

Edited by

L. M. Benischek
L. M. Benischek

January 7, 1982

LR 203
LB 32, 127, 359, 693

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence, please. Senator Dworak, would you like to record your presence. Thank you. Senator Beutler, would you record your presence please. Pat, we have a quorum. Record.

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

SPEAKER MARVEL: Do you have items to read in?

CLERK: Mr. President, just a few brief items. I have a new bill, LB 693 (Read title). (See page 151, Journal.)

Mr. President, Committee on Urban Affairs gives notice of hearing in Room 2230 for consideration of amendments to LB 359.

Mr. President, I have reports to the Legislature from two Natural Resource Districts regarding payment of attorney fees.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle to whom we referred LB 127 reports same back to the Legislature as advanced to General File and that is signed by Senator Kahle as Chairman.

Mr. President, I have a new resolution, LR 203 offered by Senator Landis and Senator Chambers. (Read. See pages 152 and 153, Legislative Journal.) Mr. President, under our rules that will be laid over. No, sir, I do not. That is all that I have.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise? We have a distinguished guest in the Chamber underneath the North balcony. It is my privilege to say "hello" to Senator Ed Zorinsky. Ed, we are glad to see you. Okay, LB 32.

CLERK: Mr. President, LB 32 introduced by Senator Tom Vickers and Senator Von Minden. (Read title). The bill was introduced on January 8 of last year. At that time it was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. Mr. President, there are committee amendments pending by the Judiciary Committee.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

January 26, 1982

LB 378, 32A, 359, 574, 630,
631, 728

LB 378 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 11 nays, Mr. President.

PRESIDENT: The motion carries. LB 378 is advanced to E & R initial. Alright, the Clerk will read some matters into the record.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten reports LB 630 advanced to General File; LB 631 advanced to General File with amendments, and LB 728 advanced to General File with amendments, all signed by Senator Carsten. (See page 418 of the Legislative Journal).

Your committee on Urban Affairs whose Chairman is Senator Landis reports LB 574 as indefinitely postponed. That is signed by Senator Landis.

Senator Vickers makes a motion to withdraw LB 32A. That will be laid over pursuant to our rules.

Your committee on Public Works gives notice of hearing in Room 1517 for February 11, 18, 19, 24 and 25. That is signed by Senator Kremer as Chairman.

PRESIDENT: Okay, we are ready then for the next bill on General File, LB 359, Mr. Clerk.

CLERK: Mr. President, LB 359 offered by Senator Newell. (Read title). The bill was first read on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Urban Affairs Committee.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: If I could have the attention of the Chair and the body, I would like to apprise you that we have had due to some problems in bill drafting, the committee amendments that sprang from the hearing that we held about a week ago are held up. But we have as a committee acted on those amendments to the approval of the unanimous committee and to the approval of Senators Newell and Hoagland. And although I want us to act today on LB 359, I guess I have to tell you what the committee amendments are and indicate to you that they will be available for passage on Select File. They, in fact, constitute substitute committee amendments, and so let me outline what I think we need to do and how to proceed. We had amendments introduced this session to change LB 359. As a courtesy to the members of the committee and in furtherance of good policy we sent it

back to the committee. The committee adopted those amendments and essentially the amendments do this. They make SID elections in Douglas County the responsibility of the Election Commissioner. That was with the approval of the county board there at the behest of Lee Terry, the Election Commissioner, and with the approval of Senators Hoagland, Newell and the interested members of the committee. I am going to move at this time to accept the committee amendments that were prepared for last year. They will not be the amendments that we inevitably add to this bill. What I want to ask the body to do is accept the committee amendments, move the bill to Select File, on Select File the amendments that I just described to you will be offered as an alternative and then at that point will clean up the bill. It is simply that because of the ten day bill drafting series of tasks to be done, we could not get the errors in the committee bill drafted quickly enough to have them available. I apologize to the body, but I assure you that this will meet with everyone's approval, and to that end could I ask Senator Newell if he would yield to a question?

PRESIDENT: Senator Newell, will you respond to Senator Landis?

SENATOR LANDIS: Senator Newell, in the event the amendments which place the obligation to prepare and carry out SID elections in Douglas County is given to the Election Commissioner and if those amendments are made available on Select File, is that acceptable to you as introducer of those amendments, and are you prepared to have the bill go forward to Select File at this point?

SENATOR NEWELL: I am, Senator Landis.

SENATOR LANDIS: Senator Fenger, would you yield to a question?

SENATOR FENGER: If I can.

SENATOR LANDIS: Senator Fenger, knowing the committee has taken action on this and that you have the good faith of the committee to accept those committee amendments, in the event we delay until Select File their ultimate approval, would that procedure meet with your approval?

SENATOR FENGER: Senator Landis, your explanation was perfect and I think every member of the committee concurs with every word you have spoken this morning.

SENATOR LANDIS: Lastly, would Senator Hoagland yield to a question? Senator Hoagland is also a co-introducer of the amendments we are talking about. Senator Hoagland, is it acceptable to you if we adopt last year's committee amendments here, move the bill to Select File and then substitute the committee amendments that you have seen that we have agreed to at the Select File stage?

SENATOR HOAGLAND: Yes, it is, Senator Landis.

SENATOR LANDIS: With that, I would move for the adoption of the committee amendments. These are last year's committee amendments. I tell the body that we will strike those amendments on Select File and offer the amendments which we have had problems with drafting but will be available on the Select File stage.

PRESIDENT: Any further discussion then on the adoption of the committee amendments at this time that are from last year that are in the book which Senator Landis... Chairman Landis asks? Okay, Senator Landis, I guess that is your opening and closing. The question then is the adoption of the committee amendments to LB 359. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays on adoption of the committee amendments, Mr. President.

PRESIDENT: Motion carries, the committee amendments are adopted. Any other amendments on the bill, Mr. Clerk?

CLERK: Mr. President, I have a set of amendments from Senators Newell, Hoagland and Landis found on page 146 of the Journal that are going to be withdrawn.

PRESIDENT: Senator Newell, those are withdrawn.

SENATOR NEWELL: Withdrawn.

PRESIDENT: All right, they shall be withdrawn.

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

PRESIDENT: Before we start, Senator Newell, I would like to introduce...the Chair takes privilege in introducing 13 students from Irving Junior High School in Senator Marsh's District with Cleo Austin, their teacher. They are up here in the north balcony. We welcome Irving Junior High to their Unicameral. Welcome to the

Unicameral. Now, Senator Newell, if you will address yourself to LB 359.

SENATOR NEWELL: Mr. President and members of the Legislature, I am going to address myself to the problem and to the solution that is not yet affixed to the bill, the one that will be coming at Select File. Basically, the problem is simply this, we have had in Douglas County and, in fact, throughout the state numerous problems with SID elections. Now we all understand, or some of us understand what SIDs are and the problems that they have in conducting elections. They have a unique situation where residents and landowners vote as opposed to all voters in the traditional electoral system or electoral type process vote. Basically, they make decisions regarding the operation of the SID. Now what has happened in the past is simply this. The election commissioner or the county clerk in the various counties had the responsibility for conducting the election but not for the preparation and so a number of people did not get notice, a number of people incorrectly got notice. Notice was quite in advance of the elections and many people forgot them, etcetera, etcetera. So we are basically trying to deal with these problems so that we can put the primary responsibility in the hands of the election commissioner in Douglas County. And that is what the amendments that we will be offering on Select File will do. Originally, the bill was intended to deal with all SID elections, but at Senator Fenger's urging in Sarpy County they asked to be opt out of the bill for some very unique reasons and we agreed with that. So basically on Select File the amendments that will be offered will only change the election process in Douglas County giving that authority to the election commissioner to not only prepare the election but also conduct the election. One other little problem that is not so insignificant is many of you know SIDs pay in warrants and so they paid the election workers in warrants which sometimes were two or three, four years before they got their \$20 for the election, and so this whole process will give it to the county and the county will then pay in cash and then they will some day down the road collect the warrant...redeem the warrant from the SIDs and that will resolve many problems in Douglas County. Thank you.

PRESIDENT: Any further discussion on LB 359? Senator Newell, I guess that is your opening and closing. The question then is the advance of LB 359. All those in favor vote aye, opposed nay. Record the vote.

January 26, 1982

LB 359, 270

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

PRESIDENT: The motion carries and LB 359 is advanced to E & R Initial. The next bill on General File is LB 349, Mr. Clerk.

CLERK: Mr. President, I have a request from Senator Haberman as an introducer to pass over LB 349.

PRESIDENT: No objection, so ordered. We will pass over the....Senator Haberman has passed over then. Then we are ready for LB 270.

CLERK: Mr. President, LB 270 offered by Senator Burrows. (Read title). The bill was first read on January 16 of last year. It was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Public Health Committee.

PRESIDENT: The Chair recognizes Senator Cullan for purposes of discussing the committee amendments.

SENATOR CULLAN: Mr. President and members of the Legislature, the Public Health and Welfare Committee adopted a couple of amendments to LB 270 prior to advancing it. The amendments provide that a license is required for a family daycare provider who cares for six or more children. It has clarified that foster homes are not covered by this definition. The amendment also allows a county board of commissioners to enact a requirement for licensure when fewer than six children are being cared for in a daycare home. The rationale for these amendments was to give some local autonomy in the area of regulation of basically babysitting services, and that is what I think we are talking about, to counties. It was felt particularly by some citizens in Lancaster County that six....not regulating babysitting services or daycare services for fewer than...or for more than four children would be disadvantageous and almost all the testimony from rural areas indicated that, in fact, there was no reason for regulating babysitters at all. And while I personally agreed with the latter philosophy, I think the committee decided to give the counties the option to set up and run their own programs if they believe that they have a problem with regulation of daycare services provided in the home or babysitting services. I guess that pretty much summarizes the amendments.

January 28, 1982

LB 127, 270, 359, 378,
423, 465, 572, 610

SENATOR KILGARIN: I move we advance LB 423.

SENATOR CLARK: The motion is to advance LB 423. All those in favor say aye, opposed. The bill is advanced. LB 192.

SENATOR KILGARIN: I move the E & R amendment to LB 192.

SENATOR CLARK: There are amendments to 192 so we will hold that bill up. 231.

SENATOR KILGARIN: The introducer requests that we pass over 231.

SENATOR CLARK: Well and 304 has amendments so that will complete them. The Clerk wants to read some things in.

CLERK: Mr. President, I have a hearing notice from the Judiciary Committee for February 22, signed by Senator Nichol. I have a hearing notice by the Appropriations Committee for February 2, 3, 5 signed by Senator Warner.

Senator Clark would like to print amendments to LB 127 in the Journal; Senator Howard Peterson and Hefner to print amendments to LB 610. Senator Warner offers proposed rules change. That will be referred to the Rules Committee for public hearing and, Mr. President, Senator Cullan moves to reconsider the body's action in indefinitely postponing LB 270. That will be laid over. (See pages 450-451 of the Legislative Journal.)

Mr. President, in addition to that I have an E & R reports. Your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 378 and recommend that same be placed on Select File with amendments; LB 359 Select File with amendments and LB 572 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 451-455 of the Legislative Journal.)

SENATOR CLARK: I would like to introduce to the Legislature 75 fourth grade students from the Zeman School in Lincoln, Shirley Marsh's District. Bob Larson, Mrs. Soukup, Mrs. Durst and Mrs. Diava (phonetic) are the teachers. Would you stand and be recognized please. Welcome to the Legislature. We are glad to have you here. We will now take up LB 465.

CLERK: Mr. President, there are E & R amendments on LB 465.

SENATOR CLARK: Senator Kilgarin, E & R amendments on 465.

SENATOR KILGARIN: I move the E & R amendments to LB 465.

January 28, 1982

LB 421, 359

SENATOR CLARK: The bill is advanced. Senator Kremer, would you like to listen to what I have to say after the Clerk reads in?

CLERK: Mr. President, real quickly, Public Works gives notice of hearing. That is signed by Senator Kremer.

Mr. President, Senator Landis wants to print amendments to LB 359 in the Legislative Journal. (See page 464) That is all that I have.

SENATOR CLARK: Senator Kremer, would you like to adjourn us until nine o'clock tomorrow morning so we can get down for a seven and a half hour hearing in Public Works this afternoon.

SENATOR KREMER: Mr. Chairman, I move we adjourn until nine o'clock tomorrow morning so we can have a seven hour hearing before our Public Works Committee this afternoon.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until tomorrow morning at nine o'clock.

Edited by Arleen McCrory
Arleen McCrory

March 3, 1982

SENATOR HABERMAN: A Call of the House.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye. Record the vote.

CLERK: 9 ayes, 1 nay, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. All Senators will return to their seats and check in, please. Will all those that are in their seats please check in and we'll get the Appropriations Committee in here. Senator Cullian, will you check in please. Senator Newell, will you check in. If everyone will return to their seats please. We are waiting for the Appropriations Committee. Just as a little side light I thought you might like to know this process usually takes eight minutes to get a vote when you have a Call of the House. Senator Schmit, will you check in please. Sergeant at Arms, will you keep everyone in their seats, please. We're looking for Senator Warner, Senator Rumery, Senator Cope, Senator Dworak, Senator Lowell Johnson, Senator Goodrich. The Clerk would like to read a few things in here while we are waiting.

CLERK: Mr. President, a new A bill offered by the Revenue Committee. (Read LB 740A. See page 950 of the Legislative Journal.)

New resolutions, LR 235 by Senator Kremer and Vickers. (Read.) LR 236 is a resolution offered by Senator Fowler, Beutler and Burrows. (Read. See pages 950-952 of the Legislative Journal.) That too, will be laid over, Mr. President.

Senators Landis, Hoagland, Newell, Beutler, Fenger would like to print amendments to LB 359. (See pages 952-953 of the Legislative Journal.) And I have an Attorney General's opinion addressed to Senator Labeledz regarding LB 138 and LB 531. They will both be in the Journal. (See pages 953-954 of the Journal.)

SENATOR CLARK: Sergeant at Arms, have you gotten the Appropriations Committee? We're looking for Senator Warner, Senator Johnson, Senator Cope, Senator Rumery. Senator Haberman, did you want a roll call vote? Alright, thank you. Senator Dworak, Senator Goodrich, would you check in, please. The Clerk will call the roll.

CLERK: (Read roll call vote as found on pages 949-950 of the Legislative Journal.) 24 ayes, 22 nays, Mr. President.

SENATOR CLARK: The motion lost. Next motion.

CLERK: Mr. President, Senator DeCamp would now move to amend the bill. The amendment is on page 833 of the Legislative Journal.

March 4, 1982

LB 208, 359

SPEAKER MARVEL PRESIDING

ASSISTANT CLERK: Mr. President, there are E & R amendments on LB 208.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker, I conferred with you a moment ago about the possibility of laying over 208 until next week due to several amendments that some people would like to review. I respectfully request to lay it over.

SPEAKER MARVEL: You want to lay over the bill?

SENATOR KOCH: Yes, sir.

SPEAKER MARVEL: Any objection? Hearing no objection, so ordered. The next item is LB 359.

ASSISTANT CLERK: Mr. President, there are E & R amendments to LB 359.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 359.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

ASSISTANT CLERK: Mr. President, the next amendment I have is offered by Senator Landis. That amendment is found on page 464 of the Journal.

SPEAKER MARVEL: Okay, the Chair recognizes Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker. My recollection is we did this on General File but I have a copy of the amendments here and they are available from the Clerk. The purpose of LB 359 is to transfer authority to control the election process in SIDs from the SID to the election commissioner's office. The idea comes from Douglas County. And the problem is this. SIDs cannot pay people in cash for their services. By law they can only remunerate with warrants and those are negotiable or redeemable at the call of the SID, and those depending on which SID you are talking about can be two, three and four years after the date of issuance. Election workers which are recruited by and supervised by the election commissioner are then paid by

March 4, 1982

LB 359

these warrants under the current system so that the election commissioner puts people in the field, they are conducting elections and for their work they receive a warrant for which they must wait then two and three years to redeem for money. The Douglas County Election Commissioner, Lee Terry, felt this was a most inappropriate way since it put him behind the eight ball with the people he was recruiting to do this work because those workers weren't being paid. He has decided that his office can assume those responsibilities, pay those people and then charge the SID for the cost of the election, and that is what LB 359 seeks to do. Now the bill that we have here, these amendments are a substitute for the bill that was initially introduced because that one covered all areas of the state and in our public hearing that we had this session we agreed that we would try to apply that first of all only to the Douglas County area since that was the one area that had been asked to be put into the bill. I can tell you subsequently that Lancaster County has also asked to be placed in the bill. Sarpy County which is the third largest county with SIDs has asked not to be placed in the bill. They are not prepared to accept the cost for their county election commissioner and, therefore, following the adoption of this amendment, we will have a second amendment that will place the limitation at counties of 100,000 or more which will cover only Douglas and Lancaster County. I move the adoption of the amendments.

SPEAKER MARVEL: Senator Landis, do you have a second bill?

ASSISTANT CLERK: Mr. President, I have an amendment to Request 2526. That is offered by Senator Landis, Hoagland, Newell, Beutler and Fenger.

SENATOR LANDIS: Thank you. Can we take that up at this time, Mr. Speaker, because by doing so we will be able to handle everything at one time.

SPEAKER MARVEL: Go ahead.

SENATOR LANDIS: There had been as a reaction to Request 2526 several suggestions from a variety of Senators. Senator Fenger, Senator Newell, Senator Hoagland, Senator Beutler, all had some changes. I have incorporated all of those and rather than forcing me to go through four or five amendments, I have placed them in one. You will find them in the Journal. Dick, the page number of that.

ASSISTANT CLERK: 952.

SENATOR LANDIS: 952. Thank you. Essentially, this is a clean-up but if you will look on 952, the first amendment changes from 300,000 to 100,000 the counties that are covered. That means Douglas and Lancaster County. The second one changes the date of elections of SIDs and this will be a standard provision, and everyone will be electing according to that time change. The third time change is the delay between notice and election and that is also a uniform provision that will be covered for every SID in the state regardless of what county they live in. It moves from 45 to 20 days that period of delay. And lastly there is a provision that says, in the event an SID crosses a county line, it is an SID for the purposes of this statute depending on in which county the preponderance of area exists. I can say that all of the introducers of those amendments have withdrawn their amendments in deference to this one, and it is agreeable, I believe, to all parties, although some of them are not here. Senator Fenger is here and could I ask him to yield to a question?

SPEAKER MARVEL: Senator Fenger, do you yield?

SENATOR FENGER: Certainly.

SENATOR LANDIS: Senator Fenger, with these changes, are the provisions of the amendment to the amendment and then the amendment satisfactory to you and to the individuals that you know to be concerned in this area?

SENATOR FENGER: The amendment as proposed, Senator Landis, cleans the bill up to the complete satisfaction of everyone that I have discussed it with.

SENATOR LANDIS: Thank you. With that I will move the amendment to the amendment and hoping that it passes I will then move the amendment to 359.

SPEAKER MARVEL: Okay, Senator Landis, you first of all have an amendment to the amendment. Is that right? Okay, all those in favor of the first Landis amendment vote aye, opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: 32 ayes, 0 nays on the Landis amendment to the Landis amendment, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Okay, Senator Landis, you have a second amendment.

SENATOR LANDIS: I now have the amended amendment and I

March 4, 1982

LB 359, 435

would move for the adoption having explained that this shifts responsibility for SID elections from the SIDs to the election commissioners who have asked for that authority.

SPEAKER MARVEL: Any further discussion? All those in favor of the Landis amendment to the amendment vote aye, opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: 31 ayes, 0 nays on the Landis amendment as amended.

SPEAKER MARVEL: Okay, the motion is carried and the amendment is adopted. Senator Landis, the floor is yours.

SENATOR LANDIS: Mr. Speaker, I move the advancement of LB 359 to E & R Engrossment.

SPEAKER MARVEL: Any further discussion? Okay, the motion is the advancement of 359 as explained by Senator Landis. All those in favor vote aye, opposed vote no. Okay, record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. Okay, the next one is 435.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on LB 435.

SPEAKER MARVEL: Senator Landis, go ahead.

SENATOR LANDIS: I move the adoption of the E & R amendments to LB 435.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The E & R amendments are adopted.

ASSISTANT CLERK: Mr. President, I now have an amendment to LB 435. That amendment is offered by Senators Landis, Fenger, Duda, Remmers and Higgins. The amendment is found on page 713 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, the amendment found on page 713 is offered by the Urban Affairs

March 15, 1982

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Roll call. Record the vote, Mr. Clerk, or the presence, I mean.

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 stand as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, I have a report from the Department of Roads. That will be on file in my office.

The Committee on Business and Labor whose chairman is Senator Barrett instructs me to report LB 967 advance to General File with committee amendments attached; LB 968 as indefinitely postponed, both of those signed by Senator Barrett.

A new resolution, LR 248 offered by the Administrative Rules Committee calls for an interim study into the feasibility of employing an independent hearing examiners system for state agencies in Nebraska. (See page 1149 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 69 and find the same correctly engrossed; 359, 428, 571, 623, 659, 705, 724, 779 all correctly engrossed, those signed by Senator Kilgarin as Chair. (See page 1151 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 652 and recommend that same be placed on Select File with E & R amendments attached; 522 E & R amendments attached; 568 E & R amendments attached. Those are signed by Senator Kilgarin as Chair. (See pages 1150-1151 of the Legislative Journal.)

Your committee on Public Works whose chairman is Senator Kremer reports LB 785 advance to General File and LR 212 advance to General File. Those are signed by Senator Kremer. (See page 1152 of the Legislative Journal.)

I also have a committee on Public Works report on a gubernatorial confirmation hearing.

And, Mr. President, Senator Beutler would like to add his name to LB 577 as cointroducer.

March 18, 1982

LB 827, 69, 359, 428

PRESIDENT: LB 827 passes. The next bill on Final Reading, Mr. Clerk, is LB 69.

CLERK: (Read LB 69 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 69 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read as found on page 1253, Legislative Journal.) 34 ayes, 11 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 69 passes. We will proceed then with the Final Reading of LB 359, Mr. Clerk.

CLERK: (Read LB 359 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 359 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1253 and 1254, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 359 passes. The next bill on Final Reading is LB 428, Mr. Clerk.

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

PRESIDENT: Read the motion.

CLERK: Senator Beutler would move to return, Mr. President, LB 428 to Select File for specific amendment. (Read Beutler amendment found on page 1254, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think there is an important question that we should discuss before we proceed to pass this bill and that is a question that this Legislature as I understand it discussed a number of years ago when it passed the Uniform Probate Code, and the basic question that I am addressing with this amendment is whether in the case of guardianships the court should be required to appoint an attorney for each and every incapacitated person that comes before it or whether that should be left to the court's discretion after reviewing the facts of

March 18, 1982

LR 249
LB 69, 359, 435, 626, 628,
687, 722, 782, 827

ASSISTANT CLERK: (Read LB 435 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 435 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1257 of the Legislative Journal.) 38 ayes, 9 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 435 passes. That will conclude Final Reading today. Mr. Clerk, you probably have some matters to read in which you will do at this time and then we will immediately proceed to agenda item #5 to take up the two resolutions on the agenda for today. Proceed, Mr. Clerk.

CLERK: Mr. President, explanation of votes offered by Senators Warner and Kilgarin to be inserted in the Journal.

Mr. President, your Enrolling Clerk has presented to the Governor the bills that were signed this morning. Mr. President, Senator Rumery would like to print amendments to LB 626; Senator Hoagland to 687. (See page 1258 of the Legislative Journal.)

Mr. President, LBs 628, 722, 782, 827, 69, 359 and 435 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 628, 722, 782, 827, 69, 359 and 435. Before we take up agenda item #5, the Chair takes pleasure in introducing Greg Krieser from Eagle, Nebraska who is seated under the south balcony. At the present time Greg is in Senator Warner's District and he will be in Senator Carsten's District. So, Greg, would you step forward there if you are still over there and welcome, Greg, to the Legislature. Proceed then, Mr. Clerk, with agenda item 5, resolutions, commencing with LR 249.

CLERK: Mr. President, LR 249 offered by Senators Howard Peterson, Senators Wagner, Cope and Kremer, found on page 1171 of the Journal. (Read LR 249.)

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, so we don't take a lot of time, I just want to say a special word of thanks to this legislative body and to the Governor of this state

March 18, 1982

LB 69, 359, 435, 628,
722, 726, 782, 827

people and if the instrumentalities that they use to control the water situation do not please them ten years down the line they can adjust it. Finally it was suggested that this is a tool for land use control. It is not land use control. It is water use control. Now we all recognize that it has an effect on land use just as limiting withdrawal of water has effects on land use but at the same time not to act, not to act at all, is equally land use control because you will simply dictate that the use of the land will be for the developer who is putting the land into grain crops. That is the land use control that you will dictate by not acting. If you act, then you don't dictate anything. You say to the people in the local community, decide the issues yourself, resolve the differences, determine where your benefits are and where your detriments are and make the best of it in your own local community. In conclusion, I was distressed to hear that many of us who would be voting on this issue have no interest whatsoever in the issue. Time and time again in this Legislature the agricultural interests have pointed out to us and rightfully so, that the cities of this state and the city folk of this state depend in the end on agriculture. To suggest to us today that we should take no interest in agriculture is a contradiction of the grossest type and I don't think anybody believes in that. As the old beer commercial goes, "We're all in this together."

PRESIDENT: The question before the House is the motion to advance LB 726 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? All right, record vote. Record the vote and a record vote is requested.

CLERK: (Read record vote as found on page 1262 of the Legislative Journal.) 27 ayes, 16 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: The motion carries and LB 726 advances to E & R initial. Next, do you have some matters to read in? Go right ahead.

CLERK: Mr. President, a few items to read in. New resolution, LR 255 offered by Senator Schmit. It calls for a study committee of the Legislature to conduct an interim study of the problem of theft of electricity, gas and water. That will be referred to the Executive Board for reference, Mr. President. (See pages 1262-1263 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor for his consideration the bills that were read this morning on Final Reading. (Re: LB 628, 722, 782, 827, 69, 359, 435. See page 1263 of the Legislative Journal.)

LB 69, 267, 359, 435, 449, 579, 606, 628,
630, 654, 662, 692, 702, 703, 717, 718,
719, 722, 728, 729, 778, 782, 801, 829

March 22, 1982

PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30.

Edited by:

Marilyn Zank
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