

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

January 30, 1981

LR 11
LB 30, 37, 39, 69, 140,
207, 312, 363.

your vote for the resolution.

PRESIDENT: Is there any discussion on the Wesely resolution which is LR 11? Seeing none, Senator Wesely, I guess that will be your opening and your closing. The question before the House is the adoption of LR 11. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 0 nays on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution LR 11 is adopted. Mr. Clerk, are there any matters to be read in?

CLERK: Yes, sir, there are. Mr. President, I have a Reference Committee report referring LBs 533, 534 and 535. The Committee on Ag and Environment gives notice of hearing in Room 1520 for March 5 and March 6. The Committee on Public Health and Welfare gives notice for a hearing on February 9, 10 and 17. Your Committee on Public Health and Welfare whose Chairman is Senator Cullan to whom was referred LB 39 instructs me to report the same back to the Legislature with the recommendation it be advanced to General file with amendments; LB 69 to General File with amendments. (See pages 378 and 379 of the Legislative Journal.)

Mr. President, your Committee on Revenue whose Chairman is Senator Carsten to whom was referred LB 140 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File.

Mr. President, I have a motion from Senator Chambers to re-refer LB 363 from Education to the Government Committee. Senator Stoney asks unanimous consent to...or he makes a motion to withdraw LB 312. Pursuant to our rules that will be laid over, Mr. President. Senator Stoney also asks unanimous consent to have his name added to LB 37 as co-introducer.

PRESIDENT: No objections, so ordered.

CLERK: Mr. President, Senator Koch would like to print amendments to LB 207 in the Legislative Journal. (See pages 380 and 381 of the Legislative Journal.) Your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 37 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments, and LB 30 General File with amendments. (Signed) Senator Landis (See pages 380 and 381 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Stoney.

SENATOR STONEY: Mr. President and members of the Legislature, the provisions encompassed in LB 312 are also in a proposal that has been before the Urban Affairs Committee, LB 37, introduced by Senators Newell and Wiitala. It is a comprehensive proposal that deals with Sanitary Improvement Districts and I see no reason for the Legislature to hold another hearing on provisions that are presently in a bill that has been advanced to General File. So for this reason I am asking that LB 312 be withdrawn. It was introduced on behalf of the Metropolitan Omaha Builders Association. There is a consensus with this organization that the bill be withdrawn and I ask that you support me in withdrawing the bill at the present time. Thank you.

PRESIDENT: Any further discussion on Senator Stoney's motion to withdraw LB 312? If not, that will be your closing I guess, Senator Stoney, opening and closing. The question before the House is the motion to withdraw LB 312. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to withdraw.

PRESIDENT: The motion carries. LB 312 is withdrawn. The next motion before the House is on LB 363, Senator Chambers. Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Chambers moves to rerefer LB 363 from the Education Committee to the Government, Military and Veterans Affairs Committee.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is a bill which I have handed you some information on in your boxes Friday so I hope it is clear what the nature of the bill is. Simply put, it declares that football players will be employees of the state. This discussion this morning is not to touch on the merits of the bill but rather on the proper referral of it. I had talked to some members of the Executive Board and my understanding is that there were four votes when the issue came up to rerefer it but somebody passed so I am in a position where I have to present it to the body. I have discussed it with Senator Koch who is Chairman of the Education Committee and he has no objection. To give you the rationale, this is a bill that relates to state employees. The information I handed to you before shows you the types of bills related to employees, state employees, that have all gone to the

Government Committee. There is one on the list even that related to the exemption of Technical Community Colleges from the personnel system. I mentioned that one to show you that the mere fact that these players are connected with the University is not sufficient basis to send it to the Education Committee. It is pure and simply a matter of state employee matters, thus it should go to the Government Committee as have other such bills and for those of you who may not have had a chance to review the paper that I handed you, the bills are just a sampling to give you an idea of the types that have gone to the Government Committee. In 1978, LB 882 provided for overtime compensation for state employees. In 1977, LB 88 was to change the manner of adjusting compensatory time. In 1976 there was LB 176 and it dealt with minimum salary requirements for state employees. In 1974 there was LB 872 which again dealt with minimum salary requirements for state employees. In 1973 there was one dealing with...it was LB 469 with sick leave provisions. In '73 again there was LB 340 dealing with sick leave provisions as well as unused leave payment. In 1973 there was LB 236 the one I have mentioned which would exempt Technical Community Colleges from the personnel system. In '69, LB 559, qualifications for the Director of DAS. In 1969 there was LB 463 which was to deal with increased vacation time for state employees. So from this list of bills you can see that the issue should have properly gone to the Government Committee. I don't think a power struggle or anything else is involved in this particular issue because I say again for emphasis, I have talked to the chairman of the Education Committee and there is no conflict. It is just a matter of the bill going to where similar bills have been referred. So I am asking that you vote to send this employee bill to the Government Committee.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I oppose the motion by Senator Chambers. The Reference Committee considered his request and it was denied. Dr. Rodgers assigned the bill originally to Education Committee. I think that was proper and at our meeting the Reference Committee upheld that decision. As you know, the bill does deal with the University. It is an educational matter. It deals with athletics as connected with the University, still an educational matter. I believe that the referral is correct and that the bill should not be rereferred. I ask that the motion be denied.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President, members, I probably should stay out of this foray but I think it is kind of interesting that Senator Chambers mentioned that he had spoken to Senator Koch about it but he didn't speak to me as chairman of the Government and Military Affairs Committee. I personally feel that this is an educational matter. Every other university in the United States, I think, considers the University an educational matter and so I, on this occasion, would support the Executive Committee in their referral. I believe this is an educational matter and I have a feeling that Senator Chambers feels a little more confident about the bill if it would be referred to a committee that he is a member of and he has that right and I don't fault him for that at all. It is worth a try but I think we have stuck to the Exec Board's decisions up to now and I would just as soon it would stay that way. Thank you.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Question.

PRESIDENT: There isn't anybody else, John, so we will go ahead. Since there are no further speakers, Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Kahle may have forgotten but I did speak to him about this bill. As a matter of fact he was over here, I think, by Senator Nichol when I mentioned it to him and he referred to the bill as a little rascal or something to that effect and said we may as well have that one too or something like that. Maybe he was distracted at the time but I did discuss the matter with him and I discussed it with various members of the Executive Board. Now the mere fact, I say again, that these football players attend the University is not sufficient to make this an education bill because it deals with a public employees' situation and Senator Kahle is the last one to stand on this floor and say that you ought to uphold the Executive Board when he just Friday led an effort to have a different bill referred other than the way the Executive Board referred it. It is ironic that Senator Lamb would suddenly place the stamp of infallibility on Dr. Rodgers when he led an effort to overturn Dr. Rodgers' reference on another bill. So what I am trying to get the body to do, if you will, is to exclude me from all this bickering back and forth that is existing among these various factions because I am not a part of any of them. Now I say again, Senator Lamb is justifying the improper reference of this bill by saying Dr. Rodgers did it. Yet, just Friday, he led an assault against Dr. Rodgers'

reference. Senator Kahle says, uphold the Executive Board's referral, when he led an effort Friday to overturn a referral by the Executive Board. So what I would like you to do if you can is extricate yourself from all of those discussions and remember, this is a bill that deals with state employees. There are state employees working for every agency of government and when a matter related to them comes up, no consideration is given to the particular agency. The guiding factor is that the person is a state employee. We are not talking about credit hours, educational requirements to remain eligible or any of the matters that would properly fall within the province of the Education Committee or the Board of Regents. This is a bill to declare an employee's status and I think that after all that has been said by various members of the Executive Board about maintaining the integrity of referral of bills, we are seeing that whole thing fragment and go by the boards. It is like so many political promises that are made when people are trying to seek a position but the promises are made with an eye toward not necessarily keeping them. I think promises once being made ought to be kept. If you will look at this bill you will see that it properly goes before the Government Committee. If you do not vote to properly refer it like so many other things there will be another day, another time, another situation where this type of vote can come back to haunt various ones of us. So I am asking you that you refer this bill to the Government Committee. Thank you.

PRESIDENT: The motion before the House is Senator Chambers' motion to rerefer LB 363 from the Education Committee to the Government Committee. All those in favor vote aye, opposed nay. Have you all voted? Senator Chambers, I am going to call the vote. How many are excused or absent? Four?

SENATOR CHAMBERS: Mr. Chairman, I am going to ask for a roll call vote but a Call of the House first.

PRESIDENT: All right, clear the board and the motion before the House is, shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLEPK: 19 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The motion carries. The House is under Call. The Sergeant at Arms will see that all members are at their desks. All other persons will leave the floor. All members will register your presence and the House is under Call. As soon as we have them here, Senator Chambers, you let me know and we will proceed with the roll call vote. Senator Cope, would you register your presence. Thank you. Senator Wiitala,

will you show your presence. Thank you. Senator Landis, are you....? Thank you. Senator DeCamp seems to be the only one who is not here. The Sergeant at Arms will find Senator DeCamp and then we will proceed. There are five absent, Senator Chambers, so we have just one left. Shall we wait for Senator DeCamp or do you want to...? All right, we will proceed, Mr. Clerk, with the roll call vote.

CLERK: (Read roll call vote as found on page 387 of the Legislative Journal.) 17 ayes, 25 nays, Mr. President, on the motion.

PRESIDENT: The motion fails. We will proceed then, Mr. Clerk, with agenda item #5, General File.

CLERK: Mr. President, LB 165 was introduced by Senator Howard Lamb of the 43rd District. (Read title.) The bill was first read on January 14 of this year. The bill was referred to the Education Committee for public hearing. It was advanced to General File. There are committee amendments pending by the Education Committee.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, members of the body, LB 165 deals with a very unique situation in education, the very sparsely settled area in this state and how we are going to educate students for the best benefit of each of those individuals. This bill has been before this body as long as I have been here going back to Senator Kime who preceded Senator Lamb and it affects his district probably the most direct way. The committee adopted an amendment which I believe is a fair amendment trying to treat this problem. The bill has been in the court and it has been treated by the courts. We are trying to solve an issue in the Education Committee to help resolve this issue. I ask this body to adopt the committee amendments to the bill, LB 165. I will turn it over to Senator Lamb since he is the chief introducer.

PRESIDENT: Senator Lamb, do you wish to speak to the committee amendments at this time or...if you don't, I'll see if Senator Beutler wanted to speak to the committee amendment. No, all right. Senator Lamb, you just may proceed on both or either though we are speaking to the committee amendments at this point.

SENATOR LAMB: Mr. President, members of the Legislature, the committee amendment, in effect, cuts the cost of the bill by one-half, 50%. It is an amendment which I supported in the committee because I believe it is a fair resolution to the problem in that area. It is very

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

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

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

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

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

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 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 9, LB 34, LB 124, LB 178, and LB 345.