

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

March 19, 1981

LR 26, 28, 30 - 32, 35 - 39  
LB 116, 230, 245, 245A, 248, 351,  
367, 381, 424, 463, 484, 511

PRESIDENT LUETDKKE PRESIDING

PRESIDENT: Prayer by Dr. Randall Sailors, First United Methodist Church, Waverly, Nebraska.

DR. RANDALL SAILORS: (Prayer offered.)

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

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

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

CLERK: There are no corrections to the Journal, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 245 and recommend that same be placed on Select File with amendments; 245A Select File; 351 Select File with amendments. Signed Senator Kilgarin as Chair.

Mr. President, your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler reports 424 to General File; 248 to General File with amendments; 463 to General File with amendments; 367 Indefinitely postponed. All signed by Senator Fowler as Chair.

Mr. President, your committee on Appropriations whose Chairman is Senator Warner reports LB 381 to General File with amendments; 116 as indefinitely postponed; 484 as indefinitely postponed. All signed by Senator Warner as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 230 to General File with amendments; and LB 511 to General File with amendments. Signed Senator Kremer as Chair.

I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 245. That will be inserted in the Journal. (See page 1015.)

I have a series of resolutions ready for your signature, Mr. President, LRs 26, 28, 30, 31, 32, 35, 36, 37, 38, and 39.

April 13, 1981

LB

463, 381

SENATOR FOWLER: LB 463 is a simple bill. It says that people who work beyond the normal retirement age should be able to contribute to a retirement plan up to the age they choose to retire or are required to retire. The bill was introduced to provide uniformity in this area for all retirement systems but a question was raised with regards to the area of public safety, that is, police and fire service, and it was felt that in fact this principle we may not want to extend as broadly to police and fire as we do other areas so the committee adopted an amendment that remove police and fire from this of the primary cities and the first class cities and leave the law as is in those areas. I would move for adoption of that amendment.

SPEAKER MARVEL: The motion is the adoption of the amendment as explained by Senator Fowler. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendment is adopted. Senator Fowler.

SENATOR FOWLER: Mr. Chairman, I would move that the bill be advanced. As I indicated it simply establishes for all the remaining retirement systems the principle that if you work beyond age 65 to say age 70, you work beyond the normal retirement age, you should be able to contribute, continue to contribute to a retirement plan, and then when you retire, the benefits would reflect that contribution. So I would move advancement of LB 463.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We are voting on the advancement of LB 463. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record.

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

SENATOR NICHOL: The bill is advanced. We will move on to LB 381.

CLERK: Mr. President, LB 381 (Read title). The bill was read on January 19, referred to Appropriations. The bill

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LB 381

was advanced to General File. I do have committee amendments, Mr. President, by the Appropriations Committee.

SENATOR NICHOL: Senator Warner is not here. Senator Rumery, are you going to handle these amendments?

SENATOR RUMERY: Mr. President, I move that we adopt the committee amendments.

SENATOR NICHOL: All those in favor of adopting the committee amendments please vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Please vote. Record please.

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

SENATOR NICHOL: The committee amendments are adopted. Senator Warner, are you going to take the bill?

SENATOR WARNER: Mr. President, I move that LB 381 be advanced. 381 is the bill that reinstates or continues the Department of Administrative Services. It was subject to the sunset provisions and I can give you a quick run-down of the sections. Essentially it is not to say perhaps that the bill essentially reestablishes the Department of Administrative Services as we know it to exist. There are some sections that are deleted from existing law. By and large those would have been practices that was established back in 1965 that really have not been used or are obsolete and so in essence what the bill does is to have actual practice in the statutes be similar as it is currently practiced. Some of the examples of things that are eliminated that was in the original bill, a requirement for the testing of quality of all products purchased through Materiel. This is something that has never been done. The state is not in a position to do that...that kind of testing. There are some changes required that spells out more clearly what agencies can do in the way of direct purchasing, and rather than going through the central stores, at least here within Lincoln. There are a number of changes that covers the use of those vehicles under Transportation Service Bureau, tightening up such things as the use of cars over the weekend, the markings on these cars, and their title to the TSB as opposed to an agency, but there is no change from any agency that is currently assigned private cars by statute. There is another change in the Building Division.

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LB 381

The old statute required what was called a Comprehensive Capital Facilities Planning which never was really implemented or used and this is changed to provide some really better planning, broader planning, when capital facilities are constructed so that the cost of not only the facility but other changes that might be required. It clarifies the requirement of leases of real property through a bidding process. It currently was not all that clear. It also defines some of the rental charges that DAS can charge for office space as well as parking area and some of the parking funds that are acquired by DAS from parking facilities in downtown Lincoln, those funds are earmarked, in the cash fund, they are earmarked for to assist with restoration of the State Capitol. It includes a number of new sections making out a statement of purpose for different sections within the Department of Administrative Services. This is something that we generally find is lacking when we have done a lot of these sunset reviews and there is a number of those sections put in that spells out what each of these sections are generally required to do. I would be glad to answer any detailed questions about any of the sections somebody wants. I move the bill be advanced.

SENATOR NICHOL: There are apparently no questions so that will comprise your closing, I assume, Senator Warner. We are voting on the advancement of LB 381 to E & R Initial. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record please.

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

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LB 3, 381

SENATOR NICHOL: LB 381 is advanced to E & R Initial. We will go on to LB 3.

CLERK: Mr. President, if I may right before that, Senator Johnson would like to print amendments to LB 346, and new A bill, LB 11A offered by Senator Maresh. (Read title to LB 11A). Mr. President, LB 3 was introduced by Senator Glenn Goodrich and Harry Chronister. (Read title.) The bill was read on January 8, referred to Revenue. The bill was advanced to General File. I do have committee amendments by the Revenue Committee, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Carsten for the committee amendments.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendments. The committee adopted the amendment which substitutes new language for the original bill. The amendment provides in essence that the exemption would apply in case of new manufacturing and processing equipment for use in a new manufacturing facility. The amendment is specifically targeted for new industry locating in Nebraska and expansion of existing facilities for manufacturing of different types or lines of products. Now the phrase "new manufacturing and processing equipment" is intended to include those types of machines commonly found in manufacturing and processing plants such as press and milling equipment. It is not intended to include the normal business equipment such as electronic data processing equipment, telecommunications equipment, office typewriters and floor buffers. The phrase, "new manufacturing and processing equipment" as used in the amendment excludes farm and ranch equipment. The amendment also requires that the facility be one of new construction begun on or after July 1, 1981. The intent of the phrase "new construction" is generally defined in the amendment, but more specifically the intent is to exempt equipment creating new manufacturing or processing operations. This amendment is designed to encourage new industry location in Nebraska by exempting its machinery from sales and use tax upon entering into the state. Facilities currently located in Nebraska would receive the same exemption upon creating a new manufacturing or processing operation in the state, but would not receive the exemption on new or improved equipment which replaces existing equipment or on new equipment which only expands

April 15, 1981

LB 3, 40, 249, 366  
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

May 4, 1981

LB 463, 381

on 463. All those in favor say aye, opposed nay. They are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 463.

SENATOR CLARK: The motion is the advancement of 463 to E & R. All those in favor say aye, all those opposed say nay. The bill is advanced. LB 381.

CLERK: There are E & R on 381, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 381.

SENATOR CLARK: The motion is the adoption of the E & R amendments to 381. All those in favor say aye, all those opposed say nay. The E & R amendments are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 381.



LB 3, 11, 12, 70, 95, 99, 228,  
250, 257, 266, 266A, 296A,  
310, 318, 328A, 369, 381, 384,  
389, 428, 441, 470, 472, 472A,  
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

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

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

May 18, 1981

LB 129, 529, 381, 384

Reading for today.

CLERK: Mr. President, while we are waiting I have amendments from Senator Wesely to LB 129 to be printed in the Journal.

PRESIDENT: While we are also waiting, Senator Beyer has four students from Political Behavior Class at Papillion High School, Rick Cogruue, Rus Koski, Jim Wiedelhouse and Jeff Valenta. Would they all stand up over there and be recognized. Welcome to your Unicameral Legislature.

CLERK: Mr. President, Senator Chronister would like to print amendments to LB 529.

PRESIDENT: I believe we are ready Mr. Clerk. We will start with LB 381.

CLERK: Read LB 381 on Final Reading.

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 381 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 48 ayes, 0 nays, 1 excused and not voting. Vote appears on pages 2064-65 of the Legislative Journal.

PRESIDENT: LB 381 passes with the emergency clause attached. The next bill on Final Reading, LB 384.

ASSISTANT CLERK: Read LB 384 on Final Reading.

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 384 pass. All those in favor vote aye, opposed nay. The board is open on LB 384. Record the vote.

ASSISTANT CLERK: 31 ayes, 16 nays, 2 present and not voting. Vote appears on page 2065 of the Legislative Journal.

PRESIDENT: LB 384 passes. Before we get to the next bill I have been asked to make an announcement that there is a blue Triumph automobile parked on H Street with the lights on, license number, 2-V2207, if it belongs to anyone, if you know anyone, you had better get there before the battery is worn out. Also, we will

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LB 11, 11A, 113, 113A, 228, 266,  
266A, 296, 296A, 310, 328,  
328A, 334, 334A, 369, 381, 384,  
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Sal-verda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 on Final Reading.)

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

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at

May 22, 1981

LR 188  
LB 179, 181, 252, 273, 273A, 303, 322,  
346, 376, 381, 384, 389, 441, 451, 470, 472A  
485, 497, 501, 543, 512, 552, 545, 553, 554.

Senator DeCamp. All those in favor vote aye. All those opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator DeCamp.

SENATOR DeCAMP: How many are excused? Eleven?

SENATOR CLARK: Two.

SENATOR DeCAMP: Two? Okay, we still stand a shot, so I would ask for a Call of the House and take call in votes if that would be okay. But I would ask for a Call of the House first.

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

CLERK: 19 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats, and if all Senators will check in, please. The Clerk would like to read some things while we are trying to get everyone registered in here.

CLERK: Mr. President, while we are recording our presence, I have a communique from the Governor addressed to the Clerk. Engrossed LBs 181, 252, 303, 381, 441, 451, 470, 485, 497, 543, 179, 346 and 384, 273, 273A, 501 and 545 were signed by me May 22 and delivered to the Secretary of State. Sincerely, Charles Thone, Governor.

Mr. President, I have an Attorney General's Opinion addressed to Senator Barrett on 376; one to Senator Hefner on 552. (See pages 2228 through 2233 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined 406 and recommend that the same be placed on Select File with amendments; 551 Select File; 552, 553, 554 all on Select File with amendments. (See pages 2233 through 2234 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 322 and find the same correctly engrossed; 376, 389 and 512 all correctly engrossed.

Mr. President, new resolution, LR 188 by Senator Wagner.