

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 4, 1981

LR 21, 28  
LB 173, 195, 382, 384, 385

SPEAKER MARVEL PRESIDING

REVEREND LELAND OSWALD: Prayer offered.

SPEAKER MARVEL: Roll call. Record the vote.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Item #3.

CLERK: Mr. President, your Committee on Public Works gives notice of hearing in Room 1517 for March 11 on LR 21.

Mr. President, on Public Works whose Chairman is Senator Kremer to whom was referred LB 382 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed. (Signed) Senator Kremer.

Mr. President, new resolution, LR 28, offered by Senator Dworak. (Read LR 28 as found on page 737 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your Committee on Agriculture and Environment whose Chairman is Senator Schmit reports LB 173 to General File with amendments; LB 384 to General File with amendments; and LB 385 to General File with amendments. That is signed by Senator Schmit as Chairman. (See pages 737 through 739 of the Legislative Journal.) That is all I have, Mr. President.

SPEAKER MARVEL: Okay, we are ready for item #4, motions, and the first one is LB 195.

CLERK: Mr. President, Senator Warner moves to return LB 195 to Select File for a specific amendment, that amendment being to add the emergency clause.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I forgot to do this yesterday when it was on Select File. This was the bill that dealt with the investment procedures for fire and casualty companies and I think it is generally recognized that it is useful and helpful information or legislation and it ought to be put in effect earlier, and, of course, with the emergency clause it can. So I move the bill be returned

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LB 99, 385

About 90 percent of your County Court costs are born by the state, so your counties are not picking up their net loss with respect to fees...however, in the City of Lincoln and in the City of Omaha we are. Our Municipal Courts, if they operate at a loss, are paid for by city funds, property tax funds, if you will, and our city courts have been operating at a loss because the fees that have been generated by the cases have not kept pace with the expenditures to keep those courts in operation. The difference right now in the City of Lincoln between what we raise through fees and our court costs and the cost to the courts rather is roughly a half a million dollars. We have about a million dollars of expenditures in court personnel and all of the functions of the court, but we raised only \$451,000 through court fees, and this shortfall of about half a million dollars is born by the City of Lincoln through its property tax. One fact that is very significant is that in your area when there is a highway patrolman that brings in somebody for a fine or a county sheriff, or the like, they take them into your County Courts and those County Courts are essentially state funded, but here in the City of Lincoln where we operate at a loss because the fees are set so low statutorily these state cases, these highway patrol cases are being funded because of Lincoln taxpayers. Roughly 20 percent of the caseload in the Muni Courts are cases from the highway patrol and the county sheriff traffic cases and the like outside the City of Lincoln, and yet Lincoln taxpayers are picking up the shortfall. It is simply a matter of keeping pace with inflation and the costs of opening and keeping open a Municipal Court. Again the essential distinction being that Municipal Courts are funded by the city and our city is now paying roughly half a million dollars to keep the courts open because we can't generate enough money because the Legislature hasn't given us an increase in 10 years in the ability to raise money through fees. And with that, I will open myself up to questions from the body in the event you have a specific area of information that you would like to know about that I have not made clear. Thank you, Mr. Speaker.

PRESIDENT: Any further discussion on LB 99? Senator Landis, I guess that is the opening and closing, and the question before the House is the advance of LB 99 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries and LB 99 is advanced to E & R Initial. The next bill on the consent calendar is LB 385.

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LB 385

CLERK: Mr. President, LB 385 was introduced by Senator Loren Schmit. (Read title.) The bill was read on January 19, referred to Ag and Environment. The bill was advanced to General File. There are committee amendments pending by the Ag and Environment Committee, Mr. President.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: As a member of the Ag and Environment Committee Senator Wagner has an amendment to the committee amendments which I would accept at this time if he wishes to offer it. It is merely a technical amendment. The committee amendments, in fact, are technical.

PRESIDENT: Oh, there are committee amendments, Senator Wagner? Oh, okay, there are committee amendments. So we had better take those up then at this time to get your amendment on there. Unless you want to explain it first, Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments merely provide that the employees and the Board of Directors of the Nebraska Conservation Corporation shall be reimbursed for their expenses, actual and necessary, as provided in state law for all other individuals employed by the state. I move the adoption of the committee amendments.

PRESIDENT: Mr. Clerk, do you have the Wagner amendment read in?

CLERK: Mr. President, Senator Wagner's amendment is...(Read the Wagner amendment as found on page 1683 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, it is a technical amendment. It just coordinates everything with LB 204, in fact just the committee amendments do the same thing. This should have been incorporated there. I left it out, so it is technical in nature. I encourage your adoption.

PRESIDENT: Any further discussion on the Wagner amendment? If not, the question before the House is the adoption of the Wagner amendment to LB...to the committee amendments of LB 385. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 25 ayes, 0 nays on adoption of Senator Wagner's amendment to the committee amendments, Mr. President.

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LB 385

PRESIDENT: Motion carries. The Wagner amendment to the committee amendments is adopted. Now any further amendment?

CLERK: Just adopt the....

PRESIDENT: Go back to Senator Schmit then on the committee amendments.

SENATOR SCHMIT: I move the adoption of the committee amendments as amended by the Wagner amendment.

PRESIDENT: All right, motion then before the House is the adoption of the committee amendments as amended. All those in favor vote aye, opposed nay. Record the vote.

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

PRESIDENT: Motion carries. The committee amendments are adopted. Now the Chair recognizes Senator Schmit on the bill itself.

SENATOR SCHMIT: Mr. President and members of the Legislature, I introduced LB 385 at the request of Mr. Lee Orton of the Nebraska Natural Resources Districts. The reason is to provide a method of low cost funding for soil and water conservation and land treatment programs. We are well aware, of course, of the need for this kind of activity. There is approximately 10 million acres of crop land in the State of Nebraska that needs conservation treatment, about 12 to 15 million acres of pastureland. The treatment that is necessary is expensive. The results from the treatment is not immediately...is not an immediate return to the farmer. As a result of this many farmers are unable to go out and provide the kind of necessary land treatment that is commensurate with good conservation practices. We have seen a resurgence of interest in soil and water conservation treatment. We all recognize the necessity of having some adequate water conservation methods employed on the farms. We recognize that the most effective method of conservation of water and soil is that which takes place on the land as it has been evidenced for many years and the individual land treatment is tremendously important. This kind of financing would be perhaps able to be handled by a local agency such as a local bank. The Natural Resources Board of Directors would serve as the Board of Directors of the Conservation Corporation. The expenses would be paid out of the income of the corporation. The amount of money that we expect to be issued annually will be somewhere between

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LB 385

7 and 10 million dollars. We think it would be an ideal method of providing for some long range funding for projects which are of long range benefit to the State of Nebraska. The bonds, of course, would be revenue bonds and they would be tax exempt. I would answer any questions you might have on the issue.

PRESIDENT: Okay, the Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Senator Schmit, I wonder if you would yield for a brief question?

SENATOR SCHMIT: Yes, Senator.

SENATOR HOAGLAND: Senator Schmit, I am neither a farmer or a rancher, of course, as you frequently point out on other issues and I wonder if...and I have not had a chance to read the bill yet, and I wonder if you would tell us exactly what kind of projects this is intended to fund. I mean are they small scale soil and conservation projects?

SENATOR SCHMIT: It would fund projects that would be located on individual farms principally, Senator Hoagland. But it would not bar several landowners from going together to work on a cooperative project if it required the cooperation of overlying landowners.

SENATOR HOAGLAND: Now is there some language in the bill that sets out just the nature of the kind of projects that can be funded?

SENATOR SCHMIT: No, the language...the only limiting factor would be the Board of Directors who were made up of one member from each of the 24 Natural Resource Districts. The approval would have to be granted by the Board of Directors of the Nebraska Conservation Corporation.

SENATOR HOAGLAND: Thank you, Senator Schmit. That's all I have, Mr. President.

PRESIDENT: The Chair recognizes Senator Vickers.

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

PRESIDENT: Senator Schmit, will you respond?

SENATOR SCHMIT: Yes, Mr. President.

SENATOR VICKERS: Senator Schmit, I guess I am a little bit

different than Senator Hoagland in that I do understand a little bit about the need of this program, but I would have a few questions about the way the bill is drafted, and just to get a little bit of intent perhaps from you. On page 5 I noticed in the definition section it talks about what a second mortgage is and that it shall mean a lien on the property and so...or a lien, and I assume that that means a lien on the property. Is that correct? A lien on the property that the project might be built on?

SENATOR SCHMIT: That is correct, Senator.

SENATOR VICKERS: Now, I also have not been able to find the language in the bill that would indicate who would be eligible for these projects. Would this...in your opinion, would this fund...or these dollars go to the Natural Resources Districts and then if I was eligible under the existing ASCS Natural Resource or NRD guidelines, then I could get the project through the NRD. Is that the way it would work?

SENATOR SCHMIT: The Natural Resource District would participate only to the extent that the...first of all, one member of the Board of Directors would be from each individual Natural Resource District. The Board of Directors would approve the loans. The NRD may participate or may not participate in the project as is also true with ASCS funds. But the principal loan would be made to the individual landowner and the individual landowner would be required to repay the loan. It is not a grant program and it is not a subsidized program except for the low rates of interest. It is a direct loan to the individual landowner.

SENATOR VICKERS: Well, Senator Schmit, could you point out to me what section in the bill might give that language that it goes directly to the landowner? I noticed it says that part of the...on page 11 where it is talking about the powers granted to the corporation and it talks about entering into contracts with departments, agencies and so forth, now I assume that would be like ASCS and NRDs. Does it also talk about entering into contracts with individuals?

SENATOR SCHMIT: The bill provides, Senator Vickers, for the direct loans to the individual. The participation by the Natural Resource Districts, as I pointed out, is only on the basis of whatever funds they might want to commit or to the extent that the Natural Resource Districts are involved in the operation of the corporation. But the loan is to the individual and it can be made to any individual who owns land.

SENATOR VICKERS: The determination being made by the Board.

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LB 385

SENATOR SCHMIT: That is correct.

SENATOR VICKERS: By the 24 member Board.

SENATOR SCHMIT: Yes, that is correct, Senator Vickers.

SENATOR VICKERS: Okay, thank you, Senator Schmit. Coming from an area of the state where, as my father used to say, our land is tableland only it's laying upside down, I know the value of soil conservation and I certainly understand the concern of Senator Schmit and many other members of this body, myself included, in providing assistance to individuals to construct necessary soil conservation practices. However, I am a little bit reluctant at this point in time not having been able...I just started reading this bill this morning...having been able to study the ramifications of LB 385, and I compliment Senator Schmit on being able to get a bill of this nature and this magnitude on consent calendar. But I am going to have to study this considerably before I can really stand up and support the bill because of the fact that the language is in there about second mortgages and liens and so forth. At the present time under the Conservation Practices Act that we operate under now with the CCS and the development fund and the conservation fund and so forth, that the Natural Resource Districts administer, to my knowledge there is no lien put on their property, and I guess I am a little bit reluctant to get into a situation where there is such a lien put on. Also I am a little bit reluctant to get in...philosophically I have a little problem with the selling of revenue bonds in order to fund projects that I think the government should help fund, but it seems to me that I think Senator Schmit has got an amendment coming up in one of the appropriation bills, or Senator Kremer, one or the other, to put more funds in the development fund. And I would personally much rather see us put more dollars in the conservation fund to assist in this type of project. But I do just want to put up a slight red flag, Senator Schmit, for the members of the body that this is quite an act and we should be careful and cautious as we send LB 385 on across the board.

PRESIDENT: Senator Schmit, we are ready for closing.

SENATOR SCHMIT: Well, Mr. President and members of the Legislature, I agree with Senator Vickers that it's a substantial act. I agree with him also and I am glad to know and I did know, of course, that he supports additional water for the conservation fund and the development fund. These funds, of course, are in addition to that and are supplemental to it. In regard to the provision for the lien on the property, there must be a provision for a lien



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LB 385, 451, 477A

in order to be able to sell the bonds. I don't think it would be at all possible to sell bonds without giving some security and it would have to be in this case the real estate upon which the projects were constructed. I recognize that this is not going to be the total answer to the problem. It is one answer. I think we know today that if the cost of money continues to escalate we are looking at 16 and 17 percent money. I don't think it is... I think it is totally impossible to construct conservation practices on land today and pay those kind of interest rates. I want to remind you of one thing more, that this is a loan to the farmer to be repaid. The other programs we are talking about are grants. Albeit, the loan is at a lower rate of interest, but the ASCS funds we know are limited and we know they are going to be limited much more so in future years. I think the federal government has made that plain to us. I think that the tight fiscal policy of the State of Nebraska is going to limit the amount of money that can be made available for either the development fund or the conservation fund. I think we should encourage....

PRESIDENT: One minute left on your closing...(interruption).

SENATOR SCHMIT: ....if possible the utilization of these kind of funds for the individual farmers who are willing to accept the responsibility for the loan and the repayment of that loan to develop conservation practices. I ask you to advance the bill.

PRESIDENT: Senator Koch, for what purpose do you arise? We are....time is about up on this bill, and he was closing. Go ahead. Nothing, okay. The question then is the advance of LB 385. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 4 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 385 is advanced to E & R Initial.

CLERK: Mr. President, while we are waiting, Senator Cullan would like to print amendments to LB 451. (See page 1683 of the Journal.) And new A bill, 477A, offered by Senator Pirsch. (Read title.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, go ahead.

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LR 76  
LB 12, 99, 228, 257, 361, 385,  
LB 561, 428, 451, 472, 472A, 501

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands? I don't see them. Now I do. All those wishing to cease debate will vote aye, opposed no. Have you all voted to cease debate?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you want to close?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, in all due respect to my distinguished colleagues, Senator Warner and Senator Marsh, since the legislative intent has been placed in the record by their remarks as far as the responsibility to the duties of the Performance Review and Audit Committee, I would respectfully withdraw my amendment at this time. Thank you.

SENATOR CLARK: It is withdrawn. Do you have anything else on the bill?

CLERK: Mr. President, if I may read some matters in right before?

SENATOR CLARK: You go right ahead.

CLERK: Mr. President, a new resolution, LR 76 calling for a study offered by Senator Hoagland. (Read LR 76 as found on page 1724 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 12 and recommend that same be placed on Select File; 501 Select File; 472 Select File with amendments; 451 Select File with amendments; 428 Select File with amendments; 472A Select File; 99 Select File with amendments; 385 Select File with amendments; 361 Select File with amendments. 228 Select File. (See pages 1725-1726 of the Journal.)

And Senator Remmers would like to print amendments to LB 257, Mr. President. (See pages 1726-1727 of the Journal.)

Mr. President, the next motion I have on LR (sic) 561 is a motion by Senator Landis to reconsider the body's action in adopting the Kremer-Schmit amendment to LB 561.

SENATOR CLARK: Senator Landis.

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LB 460, 487, 487A,  
218, 385

lot of bankers in the rotunda lately. Maybe you could talk to them. And with that, I would move the bill be advanced and we would commit ourselves to providing more information before Final Reading.

PRESIDENT: The motion is to advance LB 460 to E & R for engrossment. All those in favor signify by saying aye, opposed nay. LB 460 is advanced to E & R for engrossment. Next bill on Select File is LB 218. Yes, Mr. Clerk, you may read in or do any announcements.

CLERK: Very quickly, Mr. President, Senator Schmit would like unanimous consent to add his name to 487 and 487A as cointroducer.

PRESIDENT: 487, any objections? If not, so ordered.

CLERK: Mr. President, then I move to 218. I have E & R amendments pending, Mr. President.

PRESIDENT: All right, E & R amendments. The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 218.

PRESIDENT: Motion to adopt the E & R amendments on LB 218. Any discussion? All those in favor of adopting the E & R amendments to LB 218 signify by saying aye, opposed nay. The E & R amendments are adopted. Anything further on LB 21, Mr. Clerk?

CLERK: Nothing further on the bill, Mr. President.

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 218.

PRESIDENT: LB 218, motion is to advance to E & R for engrossment. Any discussion? All those in favor of advancing LB 218 to E & R for engrossment signify by saying aye, opposed nay. LB 218 is advanced to E & R for engrossment. The next bill is LB 385.

CLERK: Mr. President, there are E & R amendments to LB 385.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 385.

PRESIDENT: Motion to adopt the E & R amendments to LB 385.

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LB 385

Any discussion? If not, all those in favor of adopting the E & R amendments to LB 385 signify by saying aye, opposed nay. The E & R amendments to 385 are adopted. Anything further, Mr. Clerk?

CLERK: Mr. President, Senator Schmit would move to amend the bill.

PRESIDENT: Motion by Senator Schmit. The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, the amendment that I have here provides that if the corporation is dissolved after all indebtedness and other obligations of the corporation are discharged, its remaining assets shall inure to the benefit of the State of Nebraska. That is the amendment, the same as the one I had on LB 384. I move adoption of the amendment.

PRESIDENT: Any discussion of the Schmit amendment to LB 385? The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, could he just repeat what the amendment does? I am sorry. I didn't hear it.

PRESIDENT: Senator Schmit, would you repeat your reason for the amendment?

SENATOR SCHMIT: The amendment provides that if a corporation should be dissolved after all indebtedness and other obligations are taken care of, any remaining funds revert to the State of Nebraska. It is necessary to have this amendment on the bill or else they are not qualified for a tax free status.

PRESIDENT: Anything further to the Schmit amendment to LB 385? Senator Schmit, I guess that is it. Do you have anything further by way of closing? Motion then is the adoption of the Schmit amendment to LB 385. All those in favor vote aye, opposed nay. Motion is the adoption of the Schmit amendment to LB 385. Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of the Schmit amendment, Mr. President.

PRESIDENT: Motion carries. The Schmit amendment is adopted. Any further amendments to LB 385?

CLERK: Nothing further on the bill, Mr. President.

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LB 548, 460, 218, 385

SENATOR CLARK: The next bill is 548.

CLERK: Mr. President, if I may, right before that, the committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 460 and find the same correctly engrossed; 218 correctly engrossed and 385 correctly engrossed, (Signed) Senator Kilgarin, Chair.

Mr. President, with respect to LB 548 Senator Nichol would move to return the bill for a specific amendment. The amendment would read as follows: (Read amendment found on page 2,35 of the Legislative Journal.)

SENATOR CLARK: Senator Nichol. Senator Nichol, on 548.

SENATOR NICHOL: Mr. Chairman, this is a reconsideration of something we did the other day which has to do with a claim for Misterns Nance and Parratt and I feel that this has far-reaching implications that we may not perceive and contrary to the information given to the Legislature the other day, they committed no intentional acts of wrongdoing and I would just like to tell you what happened. On December 23, 1976, Booker Robinson was placed in the adjustment center at the penitentiary for possession of narcotic paraphernalia and contraband. This placement was on the order of the Deputy Warden David Watson. On December 29, 1976, the penitentiary's principal hearing officer, John Tyrenerry met with Robinson and notified him of the disciplinary charges being brought against him, lodging those charges on the proper forms. However, no formal misconduct report was prepared concerning Robinson's disciplinary violations and no hearing was held. Then, as now, the deputy warden and the principal hearing officer were assigned the responsibilities of enforcing inmate discipline and coordinating procedural due process. Unfortunately, due to the staff changes, Robinson's case did not received the procedural attention that it warranted. David Watson resigned on January 27, 1977, and John Tyrenerry left the employ of the penitentiary on February 26, 1977. Mr. Vance (sic.) replaced Watson in acting deputy warden until late February 1977. Tyrenerry papers were left in a state of chaos and Robinson's status did not come to the attention of Warden Parratt until shortly after the present Deputy Warden Tom Mason assumed the position at the end of February 1977. Neither Warden Parratt nor A.V. Nance knew that Robinson was in the adjustment center without benefit of the proper procedures. As soon as warden discovered the matter he ordered Robinson's release into general population. That was on March 2, 1977. No evidence of Robinson vs. Parratt case showed any intentional wrongdoing on the part of Parratt or Nance, however,

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

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

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LB 321, 385, 396, 396A, 411, 460,  
487, 487A, 494, 544, 552, 561.

health when they reach there. I ask you to support the motion to reconsider the previous motion.

PRESIDENT: All right, motion is suspension of the rules, which will require 30 votes also. Those in favor of the Schmit motion on LB 561 vote aye, opposed nay. Sorry you can't do it. There is three excused. They are all back, okay, I'm sorry, they are all back. So you have all the people here now. Do you want a Call of the House?

SENATOR SCHMIT: Let's have a Call of the House and a roll call vote.

PRESIDENT: All right, erase the board, and all those in favor of a Call of the House vote aye, opposed nay. Record the vote.

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

PRESIDENT: The motion carries. The House is under Call. Sergeant at Arms will see that all members are returned to the Chamber. All members will return to your desks. All members will register your presence. While we are waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 385, LB 552, LB 544, LB 494, LB 321, LB 396, LB 396A and LB 411, LB 460, LB 487 and LB 487A. Looking for Senator Cullan, Senator Kremer, Senator Lamb, Senator Sieck, Senator Nichol, Senator Labedz, Senator Higgins... oh, there she is. Senator Pirsch. Senator Kremer, Senator Lamb, Senator Pirsch, Senator Sieck. Do you want to wait until they arrive, Senator Schmit? All right, we will wait. Then do you wish a roll call vote? All right, sir. It will be done. Senator Kremer is here. Senator Lamb is on his way. All right. Senator Pirsch. Does anybody know where she is? Oh, okay. One more and we can go. Proceed, Senator Schmit. All right, proceed with the roll call, Mr. Clerk. The question is the suspension of the rules on LB 561 for purpose of the override.

CLERK: (Read the roll call vote as found on page 2419 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails, so therefore the second motion is not possible. What is the next motion on the desk, Mr. Clerk? Okay, the next motion.

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