

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 17, 1981

LR 16
LB 24, 109, 110, 114, 143, 188,
188A, 207, 207A, 234, 234A, 246,
325, 388.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Paster Rodney Hinrichs from the Rejoice Lutheran Church here at Lincoln.

PASTOR RODNEY HINRICHS: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused. Senator Labeledz and Chronister until....

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your Enrollment and Review Committee respectfully reports they have carefully examined and reviewed LB 207 and recommend that same be placed on Select File; 207A; 188; 188A; 234; 234A; 110; 143 and 109 all placed on Select File. (See pages 525 and 526 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 24 and find the same correctly engrossed.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 114 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 246 General File with amendments; 325 General File with amendments; 388 General File with amendments. (Signed) Senator Kremer, Chair. (See pages 526 and 527 of the Legislative Journal.)

Mr. President, I have a unanimous consent request to have Senator Clark add his name to LR 16.

PRESIDENT: Any objections? If not, so ordered.

CLERK: Mr. President, LR 16 is ready for your signature.

February 25, 1981

LB 388

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 388.

CLERK: Mr. President, LB 388 was introduced by Senators Wiitala, Schmit, DeCamp, Beutler and Kremer. (Read title.) The bill was read on January 19. It was referred to the Public Works Committee. It was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Again, Mr. Chairman and members of the Legislature, this again is purely a technical amendment. It has to do with an internal problem. It makes reference to Sections 4 and 5 I believe that should be corrected to another section. So I move the adoption of the amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 388. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. Senator Kremer, have you explained the bill to your satisfaction?

SENATOR KREMER: Mr. Chairman, Senator Wiitala is the principal introducer. He will explain the bill.

SPEAKER MARVEL: Okay, Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, members of the Legislature, LB 388 addresses a problem in Natural Resources Districts whereby Natural Resources Districts cannot provide for special benefit projects that are of a nonrevenue producing nature. For example, I would like to use the union dike, levee, that exists between Valley, Nebraska, and Fremont. The NRD can repair that dike and service it but it cannot improve it largely because as NRDs are constructed they can only create projects that are of a general benefit nature. This bill would provide for projects of a special benefit. There is no fiscal impact that I am aware of that is involved but it will allow citizens out of their own volition to petition for a special project that would benefit a limited number of people in a Natural Resources District,

first by petition and a hearing on the petition and then later by levying assessments on those who are going to be especially benefitted. Without any further ado, unless you have some questions, I would recommend that this bill be advanced to E & R initial.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: I have a couple of questions, Senator Wiitala, if you might yield.

SENATOR WIITALA: Yes, I will.

SENATOR V. JOHNSON: The first one is this, I guess the City of Omaha is included within a Natural Resource District because we sure vote for Natural Resource District directors. Would it not be possible for example, for the Mockingbird SID, for the persons there who want to construct a community center, to approach their Natural Resource District with petitions and ask that a special improvement area be allowed within that particular SID so that, in fact, such could be done, notwithstanding the laws that we have on the books right now for the SIDs themselves going forward to the local city council and the like for approval of those kind of projects? Do you understand what I am saying, Senator Wiitala?

SENATOR WIITALA: Right, it is my understanding that it would not be. I think you would have to relate to the intentions of most NRDs and that is largely to deal with flood control and watershed problems and projects. If I am not correct in that assessment, I would be willing to yield to anyone that could address that question.

SENATOR V. JOHNSON: Well, I could take it a step further then. I mean, this may be a little bit bizarre but I know what you have in mind with respect to the Union Dike project but supposing that we wanted in a city in an urban center to do something with parks, claiming simply that parks have a certain recreational aspect which does come within some of the purview of the NRD law and we decide that the neighbors want to set up a special improvement area to develop the park. Is there any reason in this legislation why that could not be done, notwithstanding this NRD is operating within the urban center?

SENATOR WIITALA: I really can't answer that question, Senator Johnson.

SENATOR V. JOHNSON: That is okay. I will check it out. The question came up while I was looking at the bill.

The second question I have is this. The Revenue Committee has been putting together LB 167 which is on the floor and it has kind of had some fits and starts and has not gotten very far and I am looking in my black book and I see it has a whole series of amendments to it but that is to set a uniform rate of interest on tax delinquencies and that includes special assessments. In this particular bill the special assessment delinquency rate of interest is whatever is declared by the NRD Board, I mean as I read the bill. It does not relate to any concept of uniform rates of interest on a delinquency. Would you have any problems, Senator Wiitala, if we were to key the delinquency on special assessments here to whatever we do with LB 167?

SENATOR WIITALA: No, I wouldn't.

SENATOR V. JOHNSON: Okay, thank you.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, just simply to support the bill and say it is really ultimately simple. It is merely a legal financing system so that let's say we forty-nine senators are living in an area where we have had some flood problems and you know where I am talking about over where by...what, on the Platte River over there. It just says we can legally set up a system so we can assess ourselves to pay for it in a uniform fashion and that is about it. I urge you to advance the bill.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I wish to speak in support of LB 388. The Public Works Committee heard the bill and my name is on the bill. What we are doing here, we are going back to the original concept of 1357 whereby G.O. bonds were eliminated. This bill puts them back in and can be used in special purpose districts, however, it is up to the people. It goes to the people for a vote. Therefore, it is protected and many of these areas within an NRD do have a special need and allows them to assess themselves if they want to and pay for it as they want to in the way these bonds are arranged and sold. I do support the bill. I think it is a good one. We need this to take care of them, the special interests within a Natural Resource District.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I would have a question of Senator Kremer or Senator Wiitala. Could this project be a 100% recreation?

SPEAKER MARVEL: Senator Kremer. Oh, excuse me.

SENATOR KREMER: I would have to go back and reread the old 1357, however, 1357 did provide that there could be some recreational facilities established or areas established. Now when you say 100%, I would have to do some more checking. I don't know.

SENATOR NICHOL: I am not trying to ruin the bill or anything because I think I am in favor of it. The reason I question it, we are having a bill coming down the pike in a few days that sets that at 50% and I don't know how you figure a percentage of the benefit or cost or whatever is for recreation or something else. So, I just would like to know some time in the future, I'm not attempting to do anything to the bill. Thank you.

SPEAKER MARVEL: Senator Johnson. Senator Kremer.

SENATOR V. JOHNSON: Senator Kremer, my question is simple. Senator Kremer, you said that the issue was put to a vote of the people. The question is, which people, those only within the special improvement district or those of the entire Natural Resource District?

SENATOR KREMER: Those in the special improvement district because they are the ones that are paying the bill.

SENATOR V. JOHNSON. All right, thank you.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support LB 388 and in order to hopefully answer some of the questions and the concerns that have arisen this morning, I think we need to examine the Natural Resources Districts and their purposes for which they were created and I certainly stand to be corrected if I am wrong. Senator Kremer knows much more about this subject than I do but as I read Chapter 2-3201, the declaration of intent for Natural Resources Districts, Senator Johnson, I don't believe that the Natural Resources Districts would have the authority to operate as an SID necessarily because I believe the intent was pretty clear in that section that they are dealing with the natural resources of the state. Now I would just suggest that perhaps you read that yourself. I am not quite as clear on law, matters of law as you are of course, but I believe that this is a good bill. Last year or the year before we heard a bill very similar to this and it did not get acted on but I think there is a real need in certain areas of this

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LB 388

state for this type of legislation and would certainly urge the body's adoption of it.

SPEAKER MARVEL: Senator Wiitala.

SENATOR WIITALA: I would just like to clarify some of the processes that the bill addresses. One of my main concerns was, what redress did the public have that they favored or disfavored, the enactment of such a project. I just want the body to understand that such a project is initiated by the landowners or the property owners that are involved and there are provisions there that if 51% of those landowners agree with that project that it can be terminated. In answer to Senator Nichol's question on whether it could be a recreational project, I suppose it probably could be but again, it would be by the vote, it would be by the initiative of those property owners that were involved and I doubt whether the right of eminent domain would probably be used in this as it pertains to this bill.

SPEAKER MARVEL: The motion is the advancement of LB 388 to E & R for review. All those in favor vote aye, opposed vote no. Record.

CLERK: 26 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill is advanced. Do you have anything to read in before we adjourn?

CLERK: One brief item, Mr. President. LR 25 by Senator Kilgarin. (Read title.) Mr. President, that will be laid over pursuant to our rules. (See pages 670-671 of the Legislative Journal.) That is all I have.

SPEAKER MARVEL: Senator Marsh, do you want to adjourn us until tomorrow morning at nine?

SENATOR MARSH: Mr. Speaker, I move we adjourn until nine o'clock tomorrow morning, February 26.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until tomorrow at 9:00 a.m.

Edited by:

Marilyn Zank
Marilyn Zank

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.

March 4, 1981

LB 114, 246, 325, 388

Mr. President, I have a Reference Report referring LB 546 and 547 from the Reference Committee. Mr. President, I have a Reference Report from the Reference Committee referring certain gubernatorial appointments to the Education Committee. (Page 742 of the Journal.)

SPEAKER MARVEL: Unless there is objection, we will pass over 355 temporarily on Select File and proceed with LB 114.

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move that LB 114 be advanced to E & R for Engrossment.

SPEAKER MARVEL: Those in favor of the motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 246.

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 246 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. 325.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 325 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. 388.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 388.

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

SENATOR KILGARIN: I move LB 388 be advanced to E & R for Engrossment.

March 9, 1981

LB 55, 114, 128, 190, 198, 217, 246,
271, 279, 297, 327, 388, 434, 462,
407, 258

fellows walk around lobbying for this bill. They say, we hear you are against our bill, Rex, we are going to...we have some lobbyists working against you. They are sure are. They have been working their heads off this morning. I don't mind standing up here all alone, I have done it before, but I would like to have you fellows stop and think, we are only raising it from 6 to 8. They had a profit, a net profit of forty million in 1979. Thirty percent crosses the state. So I will ask for you to think down the road, raise it the two percent and then we will go from there. Thank you.

SPEAKER MARVEL: Motion is the Haberman amendment to legislative bill 190. All those in favor vote Aye, opposed vote No. Have you all voted? O.K. Record the vote.

CLERK: Eight Ayes. Fifteen Nays, Mr. President.

SPEAKER MARVEL: O.K. The motion lost. Now do you have some items to read in?

CLERK: Yes, sir.

SPEAKER MARVEL: While you are bringing them up, the Chairmen of the various committees have received a note this morning that we will meet tomorrow at 8:30a.m. in Room 2102. We need to start talking about priorities. If you will look at the sheet, you will find that this is the 39th day. Okay.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 55 and find the same correctly engrossed; 114, 128, 217, 246, 279, 388, 434, 462, all correctly engrossed.

Mr. President, your Committee on Government reports LB 407 to General File. (Signed) Senator Kahle). LB 297 indefinitely postponed. Your Banking Committee whose Chairman is Senator DeCamp reports LB 271 to General File with amendments. (Signed) Senator DeCamp. (See page 809 of the Legislative Journal.) Miscellaneous Subjects Committee whose Chairman is Senator Hefner reports LB 258 to General File with amendments. (See pages 809 and 810 of the Legislative Journal.) (Signed) Senator Hefner. Your Banking Committee reports 327 to General File with amendments. (See page 810 of the Legislative Journal.)

Finally, Mr. President, Senator Warner would like to print amendments to LB 198 in the Legislative Journal. (See pages 810 through 815 of the Legislative Journal.)

SPEAKER MARVEL: Senator Peterson, will you adjourn us until 9:00 o'clock tomorrow morning. Howard Peterson.

March 12, 1981

LB 217, 246, 279, 388

ASSISTANT CLERK: (Read the record vote as found on pages 878 and 879 of the Legislative Journal.) The vote is 27 ayes, 20 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 246.

ASSISTANT CLERK: (Read LB 246 on Final Reading.)

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

ASSISTANT CLERK: (Read the record vote as found on page 879 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 246. LB 279, sorry.

ASSISTANT CLERK: (Read LB 279 on Final Reading.)

SPEAKER MARVEL: All provisions of law subject to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 279 on Final Reading. Announce the vote.

ASSISTANT CLERK: (Read the record vote as found on page 880 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 388.

ASSISTANT CLERK: (Read LB 388 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 881 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading

March 13, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Larry Spader, Central Alliance Church.

REVEREND SPADER: Prayer offered.

PRESIDENT: Roll call. While we are waiting to get everyone checked in this morning we will take this opportunity to introduce from Senator Wesely's district some 9 students from Riley Elementary School here in Lincoln, Mrs. Barth and Mrs. Frogge, teachers. They are up here in the North balcony. Would you welcome Riley Elementary School up here in the North balcony. Welcome to your Legislature. Record the presence.

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 correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 56 and recommend that same be placed on Select File with amendments; 313 Select File; 84 Select File; 47 Select File with amendments, (Signed) Senator Kilgarin, Chair.

Mr. President, engrossed LBs 55, 114, 128, 217, 246, 279, 388, 434, 462 and LR 33 and 34 are ready for your signatures.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 55, LB 114, 128, 217, 279, 388, 434, 462, LR 33 and LR 34. We will proceed then with Final Reading. The Sergeant at Arms will secure the floor. All members of the Legislature will please return to your desks and as soon as everyone is at your place we will commence with Final Reading. All unauthorized personnel, non-legislative personnel will leave the floor of the Legislature. We are on Final Reading. We are awaiting Final Reading then. All legislators will be at their desks. We will commence with Final Reading.

CLERK: Mr. President, while we are waiting...

PRESIDENT: Go ahead, Mr. Clerk.

March 17, 1981

LR 21, 30
LB 24, 38, 51, 55, 83, 114, 128,
136, 150, 154, 195, 217, 246, 250,
272, 275, 279, 288, 302, 325, 354,
388, 409, 434, 444, 457, 462, 515

SPEAKER MARVEL PRESIDING

REVEREND RON WASIKOWSKI: (Prayer offered. Microphone not on. See page 951, Legislative Journal.)

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

CLERK: Yes, sir, I do. Mr. President, first of all, the Journal is without error this morning.

Mr. President, a communication from the Governor addressed to the Clerk. (Read. Re: LBs 55, 83, 114, 128, 136, 150, 154, 195, 217, 246, 272, 275, 279, 288, 325, 354, 388, 409, 434, 457, 462, 24, 38, and 51. See pages 951 and 952, Legislative Journal.)

Mr. President, I have a series of Attorney General opinions. One to Senator DeCamp regarding the Executive Board and the powers thereof; one to Senator DeCamp regarding payment of salary; one to Senator Nichol regarding LB 515.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 250 to General File with amendments; LB 444 to General File with amendments. Signed Senator Kahle as Chair.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 302 to General File with amendments and Public Works reports LR 21 back to the Legislature with amendments. Signed by Senator Kremer as Chair.

SPEAKER MARVEL: From Senator Barrett's District in the North balcony it is my privilege to introduce 19 senior high students from St. Ann's Catholic School, Lexington, Nebraska. Mr. Roger Lucas, Government teacher; Dr. Phillip Vreeland, English teacher. Will you hold up your hand so we can see where you are and greet you? Okay, we will go to item #4.

CLERK: Mr. President, the first resolution is offered by Senator Dworak. It is LR 28. It is found on page 737 of the Journal.

Mr. President, while Senator Dworak is missing, LR 30 by Senator Vickers. It is found on page 787. (Read.) That resolution, Mr. President, is found on page 787 of the Journal.