

February 4, 1981

LB 39A, 45, 64, 65, 92, 165,
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments; LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)

March 23, 1981

LB 39, 39A

Warner wants to protect the state. I would too if I were in his position in the Legislature, but I don't know what the counties are supposed to do. We have got the same problems. They have the same problems of changing tactics from the government, from the state. The only trouble is they have a seven percent lid to deal with, which the state does not have, and apparently the federal government does not have either. I don't know what kind of a lid they are going to have. But it just seems to me that, I don't know, Senator Cope said they had some control. I have been sitting here trying to think of what it might be. I am sure they do have a right to screen the applicants and look at some of the records, but if they do anything about it and that welfare director has screened those people according to the state specifications, they are just whistling Dixie in the dark because nothing is going to happen. They are going to put them right back on, if we take them off, or if the county takes them off. So I really don't see the relationship. I think it is a state program. It should be funded by the state, at least to a degree. I am not sure I want to take it all off either. But the kind of money we are talking about, ten percent is still a considerable chunk of it, and I don't think it is unreasonable at all to think that the state should pick up the rest of it. This is a priority bill for the counties. If you think the state is in trouble financially trying to raise money, we put a self-imposed lid on ourselves that Senator Warner and the Appropriations Committee and the Governor want to live by, self-imposed. The counties have a state-imposed lid on them to live by. So I think that we are being very wrong in trying to push that cost on the county just so the state will look good. Thank you.

SPEAKER MARVEL: The motion is to advance the bill, and Senator Kahle has closed. All those in favor of advancing the bill to E & R for Review vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Are you ready for LB 167?

CLERK: 39A.

SPEAKER MARVEL: Okay.

CLERK: Mr. President, LB 39A is a bill introduced by

March 25, 1981

LR 46
LB 39, 39A, 50, 72, 73,
104, 167, 171, 194, 197,
197A, 252, 425, 475, 500

SPEAKER MARVEL PRESIDING

SENATOR BEYER: (Prayer offered.)

SPEAKER MARVEL: I have a note here that indicates that today is the 35th birthday of Senator Howard Peterson and this occurred on the weekend, March 22, and there will be rolls served in his honor and we wish Senator Peterson the best for the year to come. Have you all recorded your presence? Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 252 to General File with amendments. (Signed) Senator Kremer.

Your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 39 and recommend that same be placed on Select File with amendments; 39A Select File; 167 Select File with amendments; 197 Select File with amendments; 197A Select File. All signed by Senator Kilgarin as Chair.

Your committee on Enrollment and Review respectfully reports we have carefully examined LB 72 and find the same correctly reengrossed. (Signed) Senator Kilgarin.

Senator Wagner would like to be excused for the day.

And, Mr. President, LB 73, 194, 50, 171, 194, 425, 475, and 500 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 73, LB 104, LB 50, LB 171, LB 194, LB 425, LB 475, LB 500. Item #4, resolution.

CLERK: LR 46 is offered by (read LR 46.)

SPEAKER MARVEL: Senator Lamb, this is your resolution.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this is a resolution which honors Senator Nichol's mother who recently passed away. The fine lady has been a long time credit to the State of Nebraska. I urge the adoption of this resolution.

April 2, 1981

LB 39, 39A

opposed vote no. Advancing the bill. Have you all voted?
The motion is to advance the bill. Record the vote.

SENATOR KAHLE: Mr. Speaker.

SPEAKER MARVEL: Yes sir.

SENATOR KAHLE: I would like to have a Call of the House and perhaps we can try it with the call in votes.

SPEAKER MARVEL: Shall the House go under Call, is this the first motion? All those in favor of placing the House under Call vote aye, opposed vote no. Record.

CLERK: 29 ayes, 0 nays to go under Call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators please record your presence. Unauthorized personnel please leave the floor. Call in votes will be accepted. Senator Fenger, Senator Burrows, Senator Wiitala, Senator Koch, Senator Warner, Senator Kilgarin, Senator Cope, Senator Beutler, Senator Lamb, Senator Hefner, Senator Wagner.

CLERK: Mr. President, Senator Labedz voting yes. Senator Richard Peterson voting no.

SPEAKER MARVEL: Senator Pirsch.

CLERK: Senator Landis voting yes.

SPEAKER MARVEL: Announce the vote.

CLERK: 25 ayes, 14 nays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. Okay, 39A.

CLERK: I have no amendments on the bill.

SPEAKER MARVEL: Senator Kilgarin do you want to move the advancement of the A bill.

SENATOR KILGARIN: I move we advance LB 39A to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion, Senator Marsh.

April 2, 1981

LB 39A

SENATOR MARSH: I would like to remove language, is it in the A bill the intent for the following years or is that in the bill itself? If we could remove language relating to the next two years it would not be as damaging.

CLERK: Senator, I'm obviously...just a cursory review I think the language for the continuation funding is contained in the bill itself and not in the A bill.

SENATOR MARSH: Thank you.

SPEAKER MARVEL: The motion is to advance the A bill. A machine vote has been requested. All those in favor of advancing the . . .39A vote aye, opposed vote no. Have you all voted? Clerk will record the votes.

CLERK: 28 ayes, 10 nays Mr. President on the motion to advance the A bill.

SPEAKER MARVEL: The motion is carried. The A bill is advanced. Clerk will read a couple items in and then we will recess and come back at 1:30 p.m. as per your motion.

CLERK: Mr. President, Senator Wesely and Schmit would like to print amendments to 389. Senator Koch to 298. Senator Schmit, do you still want to do your Exec Session at 1:00?

Mr. President, the Ag and Environment Committee will have an Executive Session at 1:00 p.m. underneath the north balcony. The Ag and Environment Committee Executive Session 1:00 p.m. underneath the north balcony.

SPEAKER MARVEL: Senator Higgins will you recess until 1:30?

SENATOR HIGGINS: Mr. President, I move we adjourn until 1:30...or recess until 1:30.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried we are recessed until 1:30.

Edited by


Mary Turner

May 12, 1981

LB 39, 39A

of the Koch amendment to LB 39. All those in favor vote aye, all those opposed vote nay. Have you all voted on the Koch amendment to LB 39? Record the vote.

CLERK: 29 ayes, 8 nays Mr. President on the motion to adopt the amendment.

SENATOR CLARK: The motion is adopted. Senator Koch will you want to move the bill.

SENATOR KOCH: Mr. Chairman, I move that LB 39 be readvanced to E & R Final.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. The bill is readvanced. A motion on 39A.

CLERK: Mr. President, Senator Kahle would move to return LB 39A to Select File for specific amendment. The amendment would read as follows: (Read Kahle amendment).

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, this is a later fiscal note to the bill that was brought to us by the Fiscal Office. I move its adoption.

SENATOR CLARK: The motion is to return the bill. Is there any discussion? All those in favor vote aye, all those opposed vote no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on returning the bill? Record the vote.

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

SENATOR CLARK: The bill is returned. Senator Kahle, on the amendment.

SENATOR KAHLE: Mr. President, I then move that the amendment changing the fiscal note be adopted.

SENATOR CLARK: You all heard the motion. All those in favor vote aye, all those opposed vote nay. Voting aye.

May 12, 1981

LB 39A, 168, 168A

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays on adoption of the Kahle amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator Kahle.

SENATOR KAHLE: Mr. President, I move LB 39A back to E & R for Engrossment.

SENATOR CLARK: You heard the motion. All those in favor say aye, all opposed. The bill is advanced. Another motion on 39?

CLERK: No sir, I have nothing further on the bill.

SENATOR CLARK: All right, we will take up LB 168.

CLERK: Read LB 168 on Final Reading.

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall LB 168 with the emergency clause be passed. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 46 ayes, 1 nay, 2 present and not voting. Vote appears on page 1945 of the Legislative Journal.

SENATOR CLARK. The bill is declared passed with the emergency clause attached. I would like to introduce a guest of Senator Goll under the north balcony, Miss Jean Haskell, a law student at Creighton, from Laurel, Nebraska. Will you stand and be recognized please, if she is still there. Also we have 55 fourth grade students from Dawes Elementary School, from Senator Beutler's district, Mrs. Haney, Mrs. Fabry and Mrs. McClain are the teachers. They are in the north balcony. Will you raise your hands so you can be recognized please. Welcome to the Legislature. The Clerk will read 168A.

CLERK: Read LB 168A on Final Reading.

May 13, 1981

LB 39, 39A, 179, 213

body is supposed to be at their desks anyway. The House is still under Call so we are now on Final Reading and you may read matters in while everybody is getting to their respective desk.

CLERK: Mr. President, Senators Pirsch, Hoagland, Cullan, and Hefner would like to print amendments to LB 213 in the Journal.

Your committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 39 and find the same correctly reengrossed; 39A reengrossed; and 179 correctly reengrossed. All signed by Senator Kilgarin as Chair.

PRESIDENT: There is a motion on the desk before we start Final Reading. Read the motion, Mr. Clerk.

CLERK: (Read Warner motion found on page 1990, Legislative Journal.) That is signed by Senator Warner.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I offer the motion once again to once again emphasize my concern that we cannot under our system have any kind of orderly presentation for considering priority of funding of programs, because of my concern that the operations of the...continuous operations of existing state responsibility should have first priority and resolved before we start new and expanded programs or expanded aid.

PRESIDENT: Could we have a little bit of order? It is just very difficult to hear up here even.

SENATOR WARNER: I freely acknowledge that I have some satisfaction and because the Governor is a friend of mine I have some satisfaction from that that the Legislature gives him both the privilege and the responsibility and the good PR of setting those priorities because of our inability or unwillingness to do it or to accept a system that permits it, but notwithstanding the fact that I like that, my prime concern is that that is a legislative responsibility and I think a responsibility that we should have and it is one I think we ought to jealously guard. I offered the motion again today. The statement has been made, and I am not going to pursue the motion, as is pointed out when you have lost you have lost, and from that point on, vote your conviction and let it go and the decision, in fact, was made Monday. Certainly it was made yesterday, and the Speaker is gone to defend the agenda, I will not pursue it further but

May 20, 1981

LB 39, 39A

begin Final Reading. I would make one comment before we start Final Reading and that is that if we do not get through most of the bills on Select File at the moment, we are going to have to meet tonight and we still may be in trouble as far as time goes. Now there is nothing I can do except to ask for your cooperation. They are your bills and there are ways of stalling these bills. There are ways of forcing them to remain where they are. I assume you would like to clear the agenda before we adjourn sine die. So would all legislators, first of all, please return to your seats and prepare for Final Reading. Then after Final Reading we will proceed with motions and also with Select File. It is my privilege at the moment to congratulate Senator Beyer on his 16th birthday. Senator Nichol.

SENATOR NICHOL: Mr. Speaker, you have just asked us to return to our seat. In view of the time I would certainly ask the senators to please so we can get started at least. I hate to sit here and have you suffer while we traipse around so I would sure hope we would get on with it.

SPEAKER MARVEL: I thought you knew I got adequately paid for this job. Are we all set for Final Reading? The Clerk will read on Final Reading, LB 39 with the emergency clause.

CLERK: Mr. President, I have a motion. Mr. President, Senator Warner would move to bracket LB 39 and 39A until the 1982 legislative session.

SPEAKER MARVEL: The Chair recognizes Senator Dworak since Senator Warner is not here this morning. Senator Dworak.

SENATOR DWORAK: Speaker Marvel and colleagues, the reason Senator Warner proposes that we bracket 39 and 39A until next year, I think is relatively apparent. It is the collective opinion of the Appropriations Committee that if this particular measure is passed, it would probably trigger a change in tax rates. Now of course there are a lot of things that are uncertain and a lot of things are fluid because, number one, we really don't know what will happen with other possible veto overrides. We don't really know what other bills will pass but assuming that we override nothing else, it is, in my opinion, this particular measure this year with the projections that we have received from the Department of Revenue, would trigger a tax increase. Another thing that I think has a lot of people very concerned and uneasy is the impact or ramifications of what the federal government may do in the area of budget cuts which certainly will affect the State of Nebraska and also in the area of tax decrease.

As you know we piggyback onto the federal income tax system and if, in fact, the current administration is successful in getting a tax reduction that is going to affect Nebraska income. So with these uncertainties that will crystalize and be clear next year, it is my personal feeling and the feeling of Senator Warner that it would be prudent to hold this over until next session. I think that the concept is good. There is no question about the validity of the concept. You can certainly argue the merits of LB 39 and 39A but I think we have to understand individually and collectively the very real ramifications of this bill being passed at this time. So I would urge that we support Senator Warner in his motion to bracket LB 39 and 39A, not kill it, keep it alive, keep it viable until some of these answers shake out and when we have the facts before us next year, then act on it.

SPEAKER MARVEL: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, I strongly object to this motion to return. This bill has had good support for General File and again on Select File. Those very people that have been talking about obstructing the process are the ones that obstruct the process and I think that this bill should be voted on, be read, be voted on, sent to the Governor. I know he does not like it. We did meet with the Governor earlier, some of the county officials and myself and he looked me straight in the eye and he said if you can find the money I will support it. Well I found the money. I found the money. It is the interest on the 70 million that the state did accumulate in the time when we held that money and we did not pay it out to the subdivisions of government that we should have paid out in my estimation. So I think the A bill on this is 2.3 or .4 million dollars we have collected. The state has collected around 2 million dollars in interest. I believe Senator Wagner has a better figure than that. So I think it is foolish for us to delay this bill at this time. This would be one way that the money would go back to the taxpayers directly because the medical vendor payments come from the county funds and from the property tax directly. So I object strenuously to holding this bill up another year. This is the year we need to pass it. Next year, we already took off two years and compromised so that we could take a look at next year as Senator Dworak talks about. And again I want to emphasize that that money for the, that was held up did draw interest and we have the figures to prove it from the departments that handled it. So I urge you not to delay LB 39 at this time. Thank you.

May 20, 1981

LB 39, 39A

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I rise to support Senator Dworak and Senator Warner who cannot be with us today and the Appropriations Committee in this move to hold LB 39. As you know, the Public Health and Welfare Committee did advance LB 39 to the floor. I have supported this bill to this stage in the legislative process and I do support the concept of reducing the counties involvement in the funding of welfare. In fact, I more actively support LB 522. I think it is time for us to realize that the counties do nothing but pay the bills and have very little, if any, significant control over the operation of the welfare programs in the state. So I really do not support the current system and I do support the philosophy of LB 39 but I believe that this is a time for us to be very cautious and very prudent so far as tax rates are concerned. We do not know what the changes in the federal level are going to be but we do know they are going to be significant and we know they are going to have a tremendous impact on welfare programs in particular and we may have to do some significant changes in the structure of the welfare system in the State of Nebraska in the near future. From my understanding other states are taking some action this year to significantly cut welfare cost and to cut many of the options the state has. Many of you may not know this but Nebraska has one of the most comprehensive welfare programs in the United States as far as Medicaid is concerned. We have adopted virtually every option that is available in this area and the Health and Welfare Committee took a look at cutting some of those things a couple of years ago and decided not to. The point I am trying to make is that there are many things that are going to change in the near future. It will not be that serious if we hold this bill until we see what those changes are and I think it would be wise of us to keep tax rates at the current level this year so that if we need to react in a major way next year to the changes at the federal level, we can do so without having to tremendously increase the state budget and the operations of the State of Nebraska. This is the same reason that for the first time I have decided to, this year, that I am not supporting an increase in state aid to education for the same reason. I think this year we need to maintain those tax rates as best we can so that we are in a position to react to the many changes at the federal level. I would urge you to bracket LB 39, to leave this bill until next year so that we can handle the changes in the welfare program more appropriately.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I

oppose the motion to bracket the bill until next year. Senator Dworak states that one of the reasons that we ought to hold the bill until next year is because we know that there will be some changes at the federal level. Those changes will affect our Medicaid program and accordingly we ought to at least wait until the changes are completed so that we can take into consideration the full measure of the change before we continue the process of reducing the county contribution requirement. Now under some circumstances I might support a move to bracket, knowing that changes are in the works but I cannot so support a move to bracket when the changes are federal changes as opposed to state changes. Three weeks ago or two weeks ago we decided to bracket a bill to allow Lancaster County a district court judge until next year. One of the major reasons we decided to bracket that bill was because we were going to undertake a study of judicial districting ourselves. That study is in our hands. We are conducting it and we will ultimately be able to gauge the outcome. That is not going to be true, however, for the federal program. I think we need to continue to operate on a course that we have been moving on for the last several years which very simply is to reduce the county Medicaid share until we get the job completed, irrespective of what changes may or may not occur at the federal level. Senator Cullan says that he supports basic revisions in the overall welfare program, particularly those embodied by LB 522. I support 522 because that is a bill that I introduced. Those changes are necessary but those changes, likewise, are predicated on relief to the counties of all Medicaid expenditures. Sooner or later we will come to the point literally of relieving the counties of the Medicaid share requirement. It is my opinion we are better off to continue the long, hard, slow and tedious course of reducing the county's share of the Medicaid level. We did 2% last year. We did 2% the previous year. We need to do 2% this year. Any stop in the momentum is a break in the dike of relieving counties of the Medicaid share. It is that kind of a break in the dike that we ought not to tolerate. For that reason, I specifically ask this body to reject the Dworak motion to bracket.

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I just want to correct a statement. If I understood what Senator Cullan said, he was rising to support the position of the Appropriations Committee and I just want to point out the Appropriations Committee has no position as a committee. We have not met or discussed, I mean no position on this issue. We do have a few positions but not on this one. As far as I know we have not met to discuss the bracketing as an official

May 20, 1981

LP 39, 39A

committee policy. Senator Dworak presented some of the fiscal information. Passage of this bill would exceed what the committee had recommended for an allocation for A bills by a million dollars. We had allowed 4 million. This bill would add a million above what we had considered a reasonable allocation. I am not sure that an additional million dollars out of 720 million is going to trigger a tax increase, however. A million may sound like a lot but compared to the 720 million total tax revenues it is a small percentage. So I am not sure that passage of this bill necessarily would trigger a tax increase.

SPEAKER MARVEL: Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to ask Senator Kahle a question or two if I might, please. Senator Kahle, you made a very significant statement in your presentation when you quoted the Governor as saying he would support this if you could find the money and you indicated you found the money. What was his response to that?

SENATOR KAHLE: Senator Rumery, I have not sprung that on him yet. I was going to do that after the bill passes.

SENATOR RUMERY: Well as you know I have been supporting this bill from the very beginning. My county commissioners want it and apparently most county commissioners want it and I understand the position of Senator Warner and Senator Dworak but I hadn't had an opportunity to really work on this part of it and I thought if the money was available from the interest of this 70 million why maybe we could take another look at it. My constituents who have ever talked to me really want this and I hope we can do it and I am not too much opposed to delaying it for six or eight months but I guess I would have to have more information from you before I can make a final decision.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, I ask for the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Senator Wagner.

SENATOR WAGNER: Mr. Speaker, I think one of the pages knocked my light off. I would like to talk on this motion here.

SPEAKER MARVEL: The motion now is to cease debate. Senator Newell.

May 20, 1981

LB 39, 39A

SENATOR NEWELL: Yes, Mr. President, if you would be so kind, I will defer just to allow Senator Wagner to speak and then I would, if you would call on me again I would...

SPEAKER MARVEL: The Chair will indicate that some additional discussion would be profitable and this is hard for me to say today...

SENATOR NEWELL: Okay.

SPEAKER MARVEL: ...but, so you withdraw your motion. So ordered and, Senator Wagner, the Chair recognizes you on the motion to bracket.

SENATOR WAGNER: Mr. Speaker, members, I am sorry about how the button got in. I didn't mean to offend any page either but I did have my light on and it is off now, was off. I am opposed to this bracketing of this bill at this time or any time really. There is money as Senator Kahle had indicated. We looked into it. The Investment Council indicated there is over 50 some million dollars was put into the fund and earned an interest of probably at the time the money was paid out, of probably of about a million point six, something like that and I have tried pretty hard to try to return some of this interest money to some of the people in the political subdivisions and we just have not been able to do it. The last chance to return some of this money is through LB 39 and, therefore, I am opposed to this bracketing of this bill and would support LB 39. Thank you.

SPEAKER MARVEL: Senator DeCamp. The question has been called for. Do I see five hands? Okay, all those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Dworak to close on his motion.

SENATOR DWORAK: Mr. Speaker and colleagues, Senator Fowler is essentially right in the fact that there is a...there could be a million dollars left and there will be a million dollars left assuming we don't pass the health insurance bill which is pending at the tune of about 800 thousand and also the miscellaneous claims bill which is about 300 thousand and that pretty well takes care of that million dollars that Senator Fowler very adequately indicated is left. Now we sent to the Governor approximately 760 million dollars worth of expenditures. He vetoed 24 million and that leaves us now with expenditures, not counting this, of 736 million

dollars. Now we are going, as Senator Fowler very correctly indicated, we are anticipating revenues of about 737 million and when you take into account the...which I think we are going to have to pass, that health insurance situation, I think you are going to have to take into account those miscellaneous claims against the state. I don't think in good conscience we can trade this bill off for those. Then we are going to break the tax rate level that is going to trigger a tax increase. So, you know, make no mistake about it, when the Governor's vetoes came back, Senator Kahle and Senator Warner, that took into account the interest money and everything else. That is all in there. There is not extra money other than what the Governor vetoed back to. So the point of the matter should be very clear that if we pass this we, in fact, are very seriously jeopardizing the possibility of a tax increase. Now that is our prerogative. If this body desires to do that, well so be it but I just do not think anybody ought to be unclear, anybody ought to make a mistake that that is what a vote not to bracket. If we pass this bill that is what is going to happen. So, I think that the fact that there has been a task force created with committee chairmen to study the whole Medicaid problem this summer, the fact that this task force is going to specifically study and coordinate the federal cutbacks in different grants, this bill does not need to go across that fast. This bill, I would like to keep it viable, keep it alive pending results of that study this summer. The study has been approved by the exec board. The committee has been formed, that special committee of committee chairmen and Senator Warner and I just think we ought to have the answers to some of these questions before we make a decision and then we are going to have the vehicle in place next session on Final Reading and pending the outcome and results of that study we can make a prudent decision. I think we are just going to be jumping too fast here and I think the consequences of that fast jump, which is a tax increase, are too serious to make at this time but there is no magic money that somebody found. We have already spent that and the Governor vetoed back 24 million dollars which puts us right at precariously a level of being able to continue the business of this state under the existing tax rates. So I would urge that you support the bracket motion this morning. You know we are already sending about 52% of our general fund money back to local subdivisions of government. It is not like we are not helping those local subdivisions out and it just appears to me that I know we are all very sensitive of property taxes but I have never heard people say I want to pay more sales and income tax either. So I would urge that we bracket this and have a good, thorough, careful look at it this summer and make our decision next session.

May 20, 1981

LB 39, 39A, 179

SPEAKER MARVEL: The motion before the House is the bracketing of the bill until the '82 session. Is that right, Senator Dworak?

SENATOR DWORAK: Yes, Senator Marvel.

SPEAKER MARVEL: Okay, all those in favor of the motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 13 ayes, 31 nays, Mr. President, on the motion to bracket the bill.

SPEAKER MARVEL: The motion lost. Okay, the Clerk will read on Final Reading LB 39 (E).

CLERK: (Read LB 39 on Final Reading.)

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

CLERK: (Read record vote as found on page 2129 of the Legislative Journal.) 36 ayes, 10 nays, 1 excused and not voting, Mr. President, 2 present and not voting.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The next, LB 39 A with the emergency clause.

CLERK: (Read LB 39A on Final Reading.)

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

CLERK: (Read record vote as found on pages 2129-2130 of the Legislative Journal.) 37 ayes, 10 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk will now read on Final Reading LB 179 with the emergency clause.

CLERK: (Read LB 179 on Final Reading.)

SENATOR CLARK PRESIDING

SENATOR CLARK: All provisions of law according to procedure

May 20, 1981

LB 39, 39A, 179, 252,
451, 499, 506, 529

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence, please. Okay, record.

CLERK: There is a quorum present, Mr. President. Mr. President, the bills that were read on Final Reading this morning are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign reengrossed LB 39, reengrossed LB 39A, reengrossed LB 179, engrossed LB 252, engrossed LB 451, engrossed LB 499. Do you have anything to read into the record, Mr. Clerk?

CLERK: Mr. President, one other item. Senator Chronister moves that the Legislature reconsider their action on the final passage of LB 529.

SPEAKER MARVEL: What was that announcement again?

CLERK: Mr. President, I have an Attorney General's Opinion addressed to Senator Lamb regarding LB 506. (See pages 2140 and 2141 of the Legislative Journal.)

SPEAKER MARVEL: From Senator Wesely's District we welcome forty-five students from Northeast High, Lincoln, Nebraska. Melvin Berka is the teacher. In the north balcony. Will you hold up your hands so we can see where you are? Welcome to the Unicameral. From Senator Sieck's District nineteen 4th Grade students and 2 adults from York Edison Elementary School, York, Nebraska, Mrs. Sue McDaniel, teacher, also in the north balcony. Where are you located? Welcome to the Unicameral.

SENATOR NICHOL: Senator Marvel.

SPEAKER MARVEL: Somebody says be kind. This is the time for action. I would like to read two or three paragraphs to you to emphasize the fact that we either get off of dead center, stop amending so many bills, stop putting discussion on certain pieces of legislation when we could do with maybe one-tenth of what has been offered. And I have indicated it is perfectly all right with me from a selfish standpoint if you want to continue the debate, if you want to continue to clog up the machinery, and it is clogged up, believe it or not, you can do that and you are going to lose some important legislation that practically everyone has, including reapportionment as an example. Now let me

May 20, 1981

LB 39, 39A, 179, 252, 451,
LB 548, 499

sure that they would do that, but I don't want to, because of equity the reasons I guess I don't want to create a problem but I am concerned about it because it is my impression that there are those groups that go around the country looking for these kinds of instances and I assure that the attorneys doing it probably have a fifty-fifty or something better share. I do not know on this particular case that that is true, but I can well imagine that there well may be other examples that could be significantly greater than \$13,900 that is involved in this issue today. And I think it...there is a great deal of reluctance on my part to establish a precedent of picking up with General Fund money those funds that were erroneously as it turned out or illegally as it turned out placed into this fund, and I think it is even hard for me to imagine that they couldn't file a suit on an equity basis and maybe have some basis as to when inasmuch as the money was not placed in the fund originally correctly. But again, as I have indicated, I probably...I guess I will withdraw the amendment, having called attention to it, but I have a great reluctance to see this precedent started and I think that certainly by next session we need to establish by statute some clear policy so that this does not result in some future substantial amount of funds being charged to the General Fund because of an error somewhere along the line on property that was escheated back to the state. So with that comment and because of my reluctance to for equity of the individual attempt to stop the payment entirely, I will withdraw the amendment, Mr. President, but I do so very reluctantly.

SPEAKER MARVEL: The motion is the advancement of LB 548. All those in favor vote aye, opposed vote no. All those in favor say aye. Opposed no. The motion carried. The bill is advanced. Okay, we are ready for 512. We are ready... yes, go ahead, and then we will take up 512.

CLERK: Mr. President, a few items to read in if I may. Mr. President, Public Works would like to have a meeting with the Natural Resources Commission at Noon on May 27 in Room 1517. Any Senators are invited to attend. That announcement is offered by Senator Kremer.

Mr. President, LBs 39, 39A, 179, 252, 451 and 499 have been presented to the Governor for his approval.

Mr. President, I have a proposed rules change offered by Senators Wesely and Beutler. That will be referred to the Rules Committee for their consideration. (See page 2144 of the Legislative Journal.)

May 24, 1981

LB 243, 216, 39, 39A, 472A

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

CLERK: 16 ayes, 0 nays, Mr. President, to go under Call.

SENATOR CLARK: The House is under Call. If all senators will return to their seats and check in please. Will you all check in please. Senator Lamb, Senator Hefner, will you check in please. Senator Wagner, Senator Newell, Senator Remmers. Get Senator Lamb checked in please. Senator Wagner is the only one we are missing and there he is. The Clerk will call the roll. He will read first what he is calling it for.

CLERK: Mr. President, the motion is to advance LB 243 to E & R for engrossment. (Read roll call vote as found on pages 2266-67 of the Legislative Journal.) 25 ayes, 20 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. LB 216. The Clerk would like to read a couple of things in.

CLERK: Mr. President, I have a message from the Governor. (Read. Re. veto of LB 39 and 39A.)

Mr. President, I have a motion from Senator Kahle that LB 39 and 39A become law notwithstanding the objections of the Governor.

SENATOR CLARK: LB 216.

CLERK: Mr. President, excuse me, but Senator Haberman would like to print amendments to LB 472A. (See page 2268 of the Legislative Journal.)

SENATOR CLARK: I would like to also announce there is an Executive Board meeting tomorrow morning at eight o'clock, the 27th of May. Senator Lamb has called that at eight o'clock tomorrow morning.

CLERK: Mr. President, with respect to 216 there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 216.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed no. The amendments are adopted.

May 27, 1981

LB 39, 39A

reductions in percentages that the counties pay, everyone that I know of has had an increase of over seven percent each year. So that money that they have put into this part of the medical vendor payments has had to come out of some other part of their budget. Now if we do not put this \$2.4 million into the program, it is certainly going to curtail many, many of the programs in the county, that they are going to have to use their road money and other money to make up that difference. I plead with you, vote your conscience but don't vote your politics. Thank you.

SENATOR NICHOL: The question is, shall the Governor's veto be overridden on LB 39? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Senator Kahle.

SENATOR KAHLE: Mr. Speaker, to save time as it is 12:04 p.m., let's have a roll call vote and have it over with.

SENATOR NICHOL: Mr. Clerk.

CLERK: (Roll call vote taken. See page 2318, Legislative Journal.)

SENATOR NICHOL: Mr. Clerk, do you have anything? I guess we will wait for the count. Mr. Clerk.

CLERK: 30 ayes, 18 nays, Mr. President, on the motion to override.

SENATOR NICHOL: The Governor's veto is overridden. We are going to go on the A bill next, Mr. Clerk.

CLERK: Mr. President, Senator Kahle would move that LB 39A become law notwithstanding the objections of the Governor.

SENATOR NICHOL: Did you want to say something on this, Senator Kahle? We are taking up the A bill. Did you wish to say anything?

SENATOR KAHLE: Mr. President, members, I move that we also advance the A bill for the same reasons we advanced the other bill. Thank you. Wrong statement...override.

SENATOR NICHOL: The question is, shall LB 39A be overridden, shall the Governor's veto be overridden on 39A? All those in

May 27, 1981

LB 39A

favor of overriding the Governor's veto vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record.

CLERK: (Record vote read.) 31 ayes, 14 nays, Mr. President, on the motion to override.

SENATOR NICHOL: The Governor's veto is overridden on 39A. Mr. Clerk, do you have anything else?

CLERK: One item, Mr. President, Senator Stoney asks unanimous consent to withdraw his previous request.

SENATOR NICHOL: Anything else?

CLERK: No, sir, that is all that I have.

SENATOR NICHOL: Senator Lowell Johnson has something to say to you.

SENATOR L. JOHNSON: Mr. President, I move that we recess until one-thirty this afternoon.

SENATOR NICHOL: All those in favor of recessing until one-thirty, please say aye. Opposed. We are recessed until one-thirty.

Edited by:

Marilyn Zank
Marilyn Zank

May 27, 1981

LB 12, 39, 39A

RECESS

PRESIDENT: The Legislature will come to order. Register your presence. Record the presence.

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

PRESIDENT: All right, do you have some matters to get into the record or what is the first order of business, Mr. Clerk?

CLERK: Mr. President, I do have letters and a certificate that needs to be signed by the presiding officer certifying the passage of LB 39 and LB 39A notwithstanding the objection of the Governor.

PRESIDENT: Okay, as presiding officer I shall sign these certificates while the Legislature is in session and capable of doing business. Yes, the Chair recognizes Senator Warner.

SENATOR WARNER: I did not understand the bill numbers that you are signing.

PRESIDENT: 39 and 39A.

SENATOR WARNER: If I was to make a motion relative to 39, is now the time to do it yet?

PRESIDENT: Well, I suppose you could, yes.

SENATOR WARNER: There is nothing signed (interruption)

PRESIDENT: Well it has not gone off the desk here.

SENATOR WARNER: Well I have a motion to reconsider LB 12 filed. I could not file the one on LB 39 as I was not on the prevailing side but I was on LB 12 and the only way I could bring up what I want to bring up is to file the motion. I did because that is the only motion I am eligible to do.

PRESIDENT: Okay, there is a motion. Why don't we just take up the motion and see what it is. Motion on the desk. Read the motion.

CLERK: Mr. President, Senator Warner would move to reconsider the override motion on LB 12.

PRESIDENT: The Chair recognizes Senator Warner.

May 27, 1981

LB 39. 39A, 234A

SENATOR WARNER: Mr. President, I will withdraw the motion. I helped vote to make the mistake on the first one, I did not make a mistake on the second one, but I think that without question there is no tax relief out of what we have done so I will just acknowledge my mistake and let it go at that.

PRESIDENT: Okay. Mr. Clerk, we are ready then for...yes, and I have now for the record, I have signed a certificate showing that LB 39 has been, having been returned by the Governor, after a reconsideration having been passed by the Legislature by a constitutional majority and has become law this 27th day of May, 1981, and the same for LB 39A, having passed the Legislature by a constitutional majority and been returned by the Governor has become law this 27th day of May, 1981, and I have so certified on both 39 and 39A.

CLERK: Mr. President, I have a new resolution to read in if I may.

PRESIDENT: All right, go ahead and read it in.

CLERK: (Read LB 190 by title. See page 2321 of the Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

PRESIDENT: All right, read the motion.

CLERK: Mr. President, the first motion I have is on 234A. It is offered by Senator DeCamp. Senator DeCamp would move to return the bill for a specific amendment. (Read DeCamp amendment as found on page 2321 of the Journal.)

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, when we took the money, the extra ten dollar Workmen's comp increase out of 234 we have to correct the A bill. This corrects the A bill. This saves money.

PRESIDENT: Okay, Senator Newell, did you have a question or is your light just on? You are just testing again for the afternoon, all right. Okay, any further discussion? The question is the adoption of the DeCamp amendment to LB 234A. All those in favor vote aye, opposed nay. This is for the return of LB 234A. Motion is to return. Record the vote.

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

PRESIDENT: The motion carries. LB 234A is returned. We are ready for the DeCamp motion. Senator DeCamp.

May 27, 1981

LB 39, 39A, 411, 544

Mr. President, Senator Vickers offers a rules change. That will be referred to the Rules Committee. (See page 2329 of the Legislative Journal.)

Mr. President, I have in my possession letters as well as accompanying certificates from the Secretary of State regarding receipt of LB 39 and LB 39A. Both will be inserted in the Journal, Mr. President. (See pages 2330-2332 of the Legislative Journal.)

Mr. President, Senator Dworak would now move LB 544 to Select File for a specific amendment.

PRESIDENT: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. Speaker, based on the previous discussion with Senator Cullan and Senator Marvel's inclination I ask unanimous consent to withdraw this amendment.

PRESIDENT: All right, the amendment is withdrawn. Thank you, Senator Dworak. That takes care of...anything further on LB 544? Well then it just remains where it is. There is no motion to return so we will go on to the next one which is LB 411.

CLERK: Mr. President, Senator Hoagland would move to return LB 411 to Select File for a specific amendment. (See pages 2332-2334 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, you will remember that last night between 8:15 and 8:30 p.m. LB 411 came up. It is Senator Sieck's bill and Senator Sieck was off the floor and Senator Landis handled the bill for Senator Sieck and we worked out an amendment which incorporated Senator Sieck's amendment and made one other change but we were unable to get the amendment up here in time to have it attached and Senator Landis indicated that we would offer that today. Now what this amendment does basically is it does away with the requirement in Nebraska law that a motion for new trial necessarily be presented to trial court as a prerequisite to appealing a case and in doing that it makes Nebraska procedure consistent with that of the federal courts in many other states around the country and does away with a relatively antiquated rule in Nebraska that a lot of trial lawyers feel is unnecessary, going back within ten days to the trial court to remind him of all those same areas you reminded him of during the trial and that he turned down and relieves trial lawyers of that burden, relieves the courts of necessarily having to consider motions