

January 20, 1981

LB 389-433

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman and Senator Chambers, I merely want to state the fact that your very presence here and the fact that we are listening to you is a contradiction of your remarks that you do not have freedom. Thank you, Mr. President.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Speaker, members of the body, I would like to request permission we lay over the resolution until the hostages are in the air.

SPEAKER MARVEL: Any objection? If not, so ordered. We will go to item #6 now, introduction of bills.

CLERK: Mr. President, new bills. (Read by title LB 389-432. See pages 271-280 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Could I have your attention just a moment, please? The AP has reported that the American hostages will fly out of Iran in the next thirty minutes. (applause).

CLERK: (Read by title LB 433. See pages 280-281.)

SENATOR CLARK: Senator Nichol, for what purpose do you arise?

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wanted to say something but I don't want to say it if we have urgent business to do. This will take about two or three minutes.

SENATOR CLARK: Continue, we don't have any business right now.

SENATOR NICHOL: Okay, Senator Marsh has a bill in having to do with mammals and I wanted to tell you the story of the three mammals if I may. May I do that, sir?

SENATOR CLARK: Go right ahead if it is funny.

SENATOR NICHOL: Well, I don't know about that but once upon a time there were three mammals who lived happily in Mammalary Land. There was a papa mammal that we called Pappy and mama mammal that we called Mama and baby mammal we called Babble and the reason we called baby mammal Babble was because he talked a lot and asked embarrassing questions.

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on that list who wants to trade places, wants to yield to another person in this Legislature, another legislator, it is up to that person when he or she is recognized to say "I yield to that person". Otherwise the presiding officer, at least when I am presiding, I am going to call on the names as they appear on the list and that person can do what he or she wants to do at that time but I am not going to attempt to substitute up here for you down there. I am going to call the list and you are going to have to yield and let it be known that you are the one that wants to yield your time. Is that clear? I want to make sure so there is no misunderstanding. Okay, Senator Chambers I guess is it. Senator Koch, Senator Chambers I believe is the only one not in the Chamber. Do you wish to wait for Senator Chambers? Here he is. Do you wish a roll call vote now on the issue?

SENATOR KOCH: I will request a roll call vote, please.

PRESIDENT: Roll call vote then. The question before the House is the advance of LB 207 to E & R Initial. Roll call vote, Mr. Clerk. You may proceed.

CLERK: (Roll call vote taken. See page 359, Legislative Journal.) 23 ayes, 23 nays, Mr. President.

PRESIDENT: LB 207 fails to advance. Mr. Clerk, do you have some matters to read in?

CLERK: Yes, sir, I do. Mr. President, I have four Attorney General's opinions. The first is addressed to Senator Warner, the second addressed to Senator Sieck regarding LE 58, the third to Senator DeCamp regarding LB 284; and a fourth to Senator DeCamp regarding LB 68.

Mr. President, your committee on Appropriations gives notice of rescheduling of public hearing for February 20. Senator Warner gives notice of Appropriations Committee hearing for Monday, February 9 and Friday, February 13.

Mr. President, A bill, LB 207A. (Read title. See page 365, Legislative Journal.)

Mr. President, a new resolution, LR 11. (Read. See pages 365 and 366, Legislative Journal.) Mr. President, that will be laid over pursuant to our rules.

Finally, Mr. President, I have a motion from Senators Chambers, Kilgarin, Landis, Kahle, V. Johnson and Chronister by the Government Committee to re-refer LBs 406 and 523 to Government from Miscellaneous Subjects.

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PRESIDENT: We will proceed then with agenda item #4, motions on two bills. Motion first, Mr. Clerk, on LB 406. All right, they can be handled because they both are just changing...referral. Okay, handle both of them with one motion.

CLERK: Mr. President, the motion I have is offered by the Government Committee and signed by the members. It reads as follows: To re-refer LBs 406 and 523 to the Government Committee from the Miscellaneous Subjects Committee.

PRESIDENT: The Chair recognizes Senator Kahle on the motion.

SENATOR KAHLE: Mr. President and members of the body, we had a lot of discussion about this among our committee members, and first of all I want to assure you that there is no animosity between myself, for instance, and Senator Hefner who is Chairman of the Miscellaneous Subjects Committee, or any of the members of the Miscellaneous Subjects Committee. I had asked if our committee members wanted to bring this up that they get the signatures and if over half of the committee wanted to bring it up, I would also sign the resolution, which I did. I am sure there will be others speak about this but my concern, if there is one, is that if our committees are named correctly, and I think most of them are, that the reapportionment of state government should certainly be under the jurisdiction of the Government Committee, and I believe that that is the main reason that I even consider bringing it up. It was, of course, under Miscellaneous Subjects ten years ago, my notion assigned wrongly or to the wrong committee. I think it should have been Government then. I don't know the circumstances that happened ten years ago. But the reason we are bringing it up this morning, we want the full body to have a look at it and with the noise on the floor I doubt if very many are listening so I think I am wasting my time. But that is the reason for the motion. Personally, I feel that if we are going to have a committee called a Government Committee, it should at least have a chance to handle government matters and then, of course, this year, of course, the assignment was really earmarked for the Government Committee by Dr. Rodgers' office, and I think that is a good indication of where he thought it should go. I also have no fight with the Executive Board. They certainly have a right to go with it where they want to, but we are asking you this morning to reconsider and if we lose the vote, why we lose the vote. But I personally

believe that we are setting a precedent that is wrong in not letting the Government Committee handle what is really government. Thank you.

PRESIDENT: The Chair recognizes Senator Landis. All right. Senator Lamb.

SENATOR LAMB: Mr. Chairman and members of the Legislature, I oppose the motion as you could guess. The Reference Committee has worked long and hard in referencing bills this year. We admittedly have not done a perfect job. We have on various occasions reversed ourselves when it was brought to our attention that we were in error, and so we have given everyone adequate time, I believe, to present their case and we have taken their arguments under consideration. The Executive Board acting as a Reference Committee decided and, Mr. Chairman, I do not believe I am being heard, but I would say that the Board acted properly....(interruption).

PRESIDENT: Let's pay some attention to this debate and hold the noise level down. It is very, very hard to hear.

SENATOR LAMB: I am opposing the motion to re-refer because I think the Board acted properly. The reapportionment bills were assigned to the Miscellaneous Subjects Committee ten years ago, and another consideration is that the Miscellaneous Subjects Committee is evenly distributed among the four caucus groups. There are two members of that committee from each of the four caucus groups, and I believe in something as important as reapportionment it is important that the various areas of the state be equally represented. We are talking about an issue which has come before our committee. Senator Landis appeared before the Executive Board. He made his arguments. He was given his day in court before the committee, and his arguments were rejected. The Board decided to send the bills to Miscellaneous Subjects. I think it is important that the Executive Board and, in fact, all the committees be upheld in this matter because once we start fracturing the committees we are going to have chaos on the floor, we are going to spend a lot of time here. So I ask that this motion be rejected.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I rise to support the motions to re-refer. The Executive Board did a very interesting thing in assigning these bills to the Miscellaneous Subjects Committee, and

they have created for us an interesting mystery that I think I would like to pursue. In the first place, they overturned a longstanding significant precedent. The rules of this body for over thirty years indicated in the subject matters to be covered by committees that the Government Committee should be responsible for reapportionment bills. That was a part of the legislative rules for over thirty years. They also overturned the suggestion, the impartial decision by our staff, Jack Rodgers, who suggested that the Government Committee was the appropriate committee, and they chose to ignore that impartial staff member. Apparently they placed some credence in the fact that in 1970 this bill went to the Miscellaneous Subjects Committee, and those who were in this body at that time or who worked for the Legislature might well remember that the membership of that committee was very unique and probably was the determining factor as to why that bill went to Miscellaneous Subjects. Senators Mahoney, Skarda and others served on that body, and that aberration in 1970 might well have been politically motivated and now the Board wants to continue that politically motivated aberration. So we have an interesting problem here, the reversal of a longstanding precedent, the reversal of our own staff who has expertise and knowledge going back almost thirty years in legislative references. If you have a mystery, it is best to look at somebody who solves mysteries, and I was looking through Sherlock Holmes the other day for the way that he solved a mystery and he says, "When you eliminate everything that can't be true, what remains must be true". Well why did the Exec Board act the way they did? Is it because the Miscellaneous Subjects Committee is more experienced? Hardly. Forty percent of the committee has roughly three weeks of legislative experience. No member on the Miscellaneous Subjects Committee has ever worked on a reapportionment bill before or was even in the body when reapportionment was considered last time. So it could hardly be experience that justified the change. Is it interest? Well, the Miscellaneous Subjects Committee did not offer a bill for reapportionment; the Government Committee did, thought ahead, planned for it and introduced a bill, but not the Miscellaneous Subjects Committee. Now it is true that Ron Bowmaster has been working on this, but he could work with any committee. So I don't think we have any evidence of forethought or interest in this area necessarily that justifies the Miscellaneous Subjects Committee. Is it geographical breakdown? Well, we have a four-four rural-urban split on both committees. We also have an interesting problem, sort of a catch-22. You see we have more than one kind of caucus, and if you wanted to justify something, of course you could say

geographical breakdown because regardless of how the committees were structured, you would have at least one caucus system that was out of whack and you could always justify it on that basis, couldn't you. We decided this time to use the Exec Board caucus. We could have used the Committee on Committees caucuses if this one did not serve our purposes. So this hardly is a determinative. Lincoln, one-seventh of this state's population, doesn't have a representative on the Miscellaneous Subjects Committee and we are talking about geographical representation. That's a glaring error...(interruption).

PRESIDENT: One minute, Senator Landis, one minute.

SENATOR LANDIS: What is left? Well partisanship is left. There is a six-two partisanship on the Miscellaneous Subjects Committee in favor of the Republican Party. On the other committee it is four-three-one; four Republicans, three Democrats and one Independent. There is no party that rules the Government Committee and that is the problem, isn't it? We have the party Chairman of the Republican Party saying publicly that reapportionment is the primary vital concern of that party. I also was told two days ago by a member of the Miscellaneous Subjects Committee that 1970 was a Democratic reapportionment, this is going to be the year of a Republican reapportionment. Now we have above and below the Executive Board those statements, and what is in the middle? The Executive Board referring it to the Miscellaneous Subjects Committee. I think if you add all that up, Sherlock Holmes, and even those not as bright as Sherlock Holmes, should be able to come up with the real agenda behind what is happening in the reference by the Executive Board. Mr. Chairman, I would ask that this vote be a record vote so that the constituencies of the Senators here will know who believes in the process being nonpartisan and who are dancing to the tune of those outside this body. Thank you.

PRESIDENT: Before we go on to the next speaker, I have a couple of guests of some Senators. We have...Senator Nichol has some guests under the south balcony, Mike and Lynette Marten, Leonard and Arlene Woodson, and Ray Brethour, all from Scottsbluff. Will they stand and be recognized. They are standing. Welcome to your Legislature. And we also have under the south balcony a guest of Senator Haberman, Mardy McCullough from Grant, Nebraska. Will Mardy please stand and be recognized. Welcome to your Legislature. The Chair recognizes Senator Cope. Senator Cope.

SENATOR COPE: Mr. President and members, I call for the question.

PRESIDENT: The question has been called for. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor of ceasing debate vote aye, opposed nay. Have you all voted? The question is, shall debate cease? Record the vote.

CLERK: 15 ayes, 21 nays on the motion to cease debate, Mr. President.

PRESIDENT: The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I want to thank you for giving me an opportunity to defend the Miscellaneous Subjects Committee, and this is very hard for me to get up and talk against my good friend and colleague, Senator Kahle from Kearney. I know that his committee would do a good job on this too. But I think there is more to it than just this. I think we have got to remember here that this body just a few weeks ago elected a Chairman and a Vice Chairman of the Exec Board who also serves as a Reference Committee, and not only that we have caucuses from the various districts across the state and these caucuses elected the members of this committee, and so I think we must realize that they have done a terrific job in referencing these different bills to the various committees. I am not saying that they are always a hundred percent correct, but I think they try to do a conscientious and a sincere job. Now I would like to take a few minutes and talk to you about the Miscellaneous Subjects Committee. I think we have a good committee. I am proud of them. Senator Landis said that we have quite a few freshman Senators on, and I like this because they are good conscientious men. They are men that can listen to testimony and then come up with what I consider a fair and just decision, and I think this is what we need. There was mention that there was nobody on from Lancaster County on the Miscellaneous Subjects Committee, and this is true, but I can assure you as Chairman of this committee that I will be fair to the Lancaster County delegation. I think that we won't have too much work to do in this particular county because according to one of the Lincoln papers they haven't lost any population. They haven't gained any population and so I think they will not be a problem there. Ten years ago this body, or the body that was here at that particular time, the Senators that were here, gave this to the Miscellaneous Subjects. I could not see that this redistricting favored the Democrats. I don't think that this group will favor the Republicans this year. I certainly hope they don't. So I would say to you this morning, let's follow the Executive Board's or the

Reference Committee decision here and leave it with the Miscellaneous Subjects Committee. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hefner must have been talking to people who do not know what went on when the Executive Board and other organizational activities were occurring during the beginning and shortly prior to the beginning of this session. Politics was the rule and order of the day. The Republican Party frankly stated that they were intervening in various elections for members to the Legislature with a view toward having input and how redistricting would occur. So to stand here now on this floor, Senator Hefner, and say what you said is to indicate that either you don't read or after having read you conveniently forgot what you had read. The Republican Party has made it very clear what its intentions and desires are. If we would be completely frank, we know why Senator Hefner is even Chairman of that committee. We know because we are all a part of this body and we were all approached by people talking about the deals that were being cut in order to determine who would be given chairmanships and who would be denied them. So the record must be clear on these matters. We heard before the Government Committee yesterday a bill to set aside a day to honor George Norris. One young man came up and opposed the bill, but I think he did it to make a point, to draw into sharp focus the hypocrisy of politics and politicians. He documented from history the positions that George Norris had taken, then established factually how the existing and prior legislatures had acted in opposition and contravention of those principles. One of the greatest ironies was the fact that George Norris is primarily praised for establishing the idea of a non-partisan Unicameral in Nebraska. The irony is this, during a session when the Legislature has been converted into a de facto partisan body and was organized on that basis, in comes a bill to honor the man who wanted a nonpartisan Legislature. So this young man was struck by the hypocrisy and inconsistency and I was very comfortable with his testimony and I enjoyed it. So we are confronted this morning with another situation where the truth is being clouded although everybody sitting on this floor knew what the truth really is. The Executive Board, its composition, is an example of politics par excellence, and when I say politics I don't mean participation by the citizens and the election of representatives but politics in the sense of maneuvering, cutting deals and paying off and punishing. We know that... we can look at the reference of bills and we know the

same thing. So if there are members on this floor afraid to state the truth, I am not. My job is to tell the truth every time I speak. Now if there is information I don't have which causes my remarks to be untrue, I would like to know what that information is. But based on what I have seen this session of the Legislature, virtue has been dethroned and politics rules and governs all. Now there was a point I wanted to be sure and make. The goal, as I stated, the announced goal of the Republican Party is to influence redistricting, obviously to be sure that Republicans replace Democrats and in my case an Independent if they thought they could find somebody to unseat me, and I don't care what steps they take to try to unseat me. However, I will do all I can to make sure that equity is observed in the redistricting of this body, and if it became necessary for me to file a lawsuit in Federal Court to overturn an improper redistricting, that I would be prepared to do. Fortunately, the courts are not controlled by the Republican Party. They are not controlled by the Governor. They are not controlled by a collection of various senators who can intimidate other senators.

PRESIDENT: Half a minute, Senator Chambers.

SENATOR CHAMBERS: The Government Committee has Democrats, Republicans, the only Independent and also a woman. So if you want to talk about a mix, there it is. But primarily for the integrity of the Legislature and the reference process, this bill should go to Government Committee.

PRESIDENT: Before we go on, I would like to introduce on behalf of Senator Maresh, Stephen Songster of Exeter. Where is Stephen? Is he seated under the north balcony? Welcome, Stephen, welcome to your Legislature. The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. President and members of the body, I am a member of the Government Committee and have been such for the past two years. One of the major functions of our committee has been to look at election measures and in election procedures and in election districts. We have spent many, many hours pouring over bills brought to us by our Secretary of State to change election procedures by bills brought to us by various members to change the manner of electing Directors say to the Natural Resource Districts, the manner of electing persons to City Council in Omaha and elsewhere. Our committee, the Government Committee, truly is the

elections committee for the State Legislature. We consider, we spend a lot of time dealing with election type bills. Historically, apportionment has gone to the Government Committee and we had our staff person check it out to see when the procedure first began and it began many, many years ago. But in 1970, as Senator Landis pointed out, this body chose to put the subject with the Miscellaneous Subjects Committee and there apparently it is going to stay unless we refer it back to the Government Committee. Now in my opinion, as one of forty-nine, and I would hold this opinion even if I were not a member of the Government Committee, I think it is important that we keep virtually all election issues and election related issues in one group. It is important simply because that group brings to the study of this very delicate question as to how we elect people and how we send people to office. It brings to that question a sense of history and a sense of continuity, and to move those issues from committee to committee works a real injustice on the overall electoral process. So it seems to me this is an important issue and for purposes of continuing to assure fairness in our overall election procedures the apportionment question ought to go back to the committee to which it was originally referred many, many years ago, specifically the Government Committee. Now, I frankly think far more has been made of the reapportionment issue than should be made of it. I know that my party, the Republican Party, has taken an active interest in reapportionment. I have always had a hard time figuring out exactly why the party has done that. I guess that virtually all the other state legislatures in the nation are elected on a partisan basis, so I understand that probably the National Republican Committee decided that it was probably important to become involved with the 1980 elections so that when the boundary lines were redrawn in other states, that partisan considerations could occur. Now that is only just and proper if you have a partisan legislature, but we don't have a partisan legislature. This is a non-partisan legislature, and that means simply speaking that the best way to draw the boundary lines is to make certain that we adhere to the principle of one person, one vote, and that we try to draw boundaries that are fairly contiguous and geographically confined, and we don't engage in a lot of gerrymandering and the like, and that should be it. But no, we have in a sense found the reapportionment issue politicized beyond that which is necessary. We make more of this than I think is warranted, and for that reason it seems to me that we overblow, we blow out of proportion this issue and we allow ourselves to continue to see it as a terribly political issue that

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truly ought to go to say this Miscellaneous Subjects Committee...(interruption).

PRESIDENT: You have half a minute, Senator Johnson.

SENATOR V. JOHNSON:because of the way it is said the way it has been organized. I don't think it should be seen in that light. I think very simply the issue ought to go to the Government Committee because the Government Committee traditionally takes care of election and governmental matters.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I would like to ask Senator Hefner a couple of questions if possible.

PRESIDENT: Senator Hefner, will you respond?

SENATOR WESELY: I don't see him at this point. Can I ask Senator Kahle a couple of questions then?

PRESIDENT: Senator Kahle, will you respond?

SENATOR KAHLE: I will yield.

SENATOR WESELY: Senator Kahle, I guess I was wondering how you would see the process by which we would start to draft the different boundaries for the different subdivisions of government and also the legislative districts. What I am wondering is, would you anticipate, for instance, in Lancaster County we are looking at six districts wholly contained within the county of letting these six Lancaster County Senators draw up some boundaries and bringing them to the committee, would you see perhaps the different Committee on Committees' caucuses meeting and within our boundaries drawing up some alternative boundaries and presenting them to the committee, or do you see a staff just sitting down from the committee and drawing up some boundaries and then coming to the committee and not involving the other senators in the other areas to come up with some ideas on what we can do? How would you see the process working, I guess, with your committee?

SENATOR KAHLE: Senator Wesely, I think that we certainly would have to get the wisdom from those areas. I also feel, of course, we would have to have somebody take a general statewide overlook of the whole proposition. I think as was said here by someone this morning that

Lancaster County probably won't have as big a problem as perhaps they will out in my area where if any of you would look at the map you will see what they did to my people ten years ago. I guess that is one reason I am interested in trying to get a nonpolitical situation this time.

SENATOR WESELY: So you would allow us to sit down and work together and come up with some ideas, but then the committee would take the final review as the oversight function you have.

SENATOR KAHLE: Absolutely.

SENATOR WESELY: Okay. Senator Hefner, can I ask you the same question? Would you allow us to meet locally and develop different alternative boundaries and what we would recommend to the committee and then the committee would take that state overview and come up with a final draft? Is that how you see the process working?

PRESIDENT: Senator Hefner, will you respond?

SENATOR HEFNER: Yes, certainly. Senator Wesely, the way I understand this will work is that Ron Bowmaster who is with the Legislative Council's research staff, would start on this. He would meet with whatever committee gets this. At the present time he was ready to meet with the Miscellaneous Subjects Committee, and we would visit with him. He would brief us on what federal and state guidelines we would have to follow, and then at the present time he has the preliminary census figures and we would start on those. The final figures will be received I understand the first part of March. Then we would start using them. Ron and my staff would be working together and yes, I would say that we will try and get input from individual senators or groups of senators, and like with the Lancaster County delegation we would want to meet with them and see if we could work out any problems that we might have. I will assure you that our committee will be fair and just to all of those involved.

SENATOR WESELY: I guess the concern was, Senator Hefner, that if we can sit down and draft equitable boundaries within the county, we don't affect any other districts. Similarly I guess, we might say, Douglas County might be in the same boat, and if you are wholly contained within a county and those people within that county are able to work out their different

boundaries to their satisfaction, it seems as though that should be left to their local control rather than having, you know, the committees step in and try and rearrange things rather than allowing us to come up with our boundaries. Do you agree with that philosophy, or would you disagree?

SENATOR HEFNER: Senator Wesely, I agree with that philosophy if the federal and state guidelines are followed.

SENATOR WESELY: I see.

SENATOR HEFNER: I don't know what those guidelines are at the present time, do you?

SENATOR WESELY: I don't either but that is a fair answer and I appreciate it.

SENATOR HEFNER: And like I say, the Miscellaneous Subjects Committee handled this ten years ago and I think they did a real good job.

SENATOR WESELY: Okay, thank you, Senator Hefner. I appreciate the answers from both Senator Hefner and Senator Kahle.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. Chairman, are there a lot of lights on yet?

PRESIDENT: Yes, quite a number yet. We have seven, at least.

SENATOR NEWELL: I will forego my opportunity to speak.

PRESIDENT: All right, amendment on the desk.

CLERK: Mr. President, Senator DeCamp moves to amend the motion by referring LBs 406 and 523 to the Committee on Committees.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. Chairman, members of the Legislature, Mr. President, whatever, I am just trying to develop on what Senator Landis said and started going through the numbers here and his argument, as I understand it, for moving it to Government goes something like this. There is a difference in experience. Well I have added up the total years of experience of Government members,

Miscellaneous Subjects, what would you believe. It is about 19 to 20, and each one of them has about the same number of completely new members. Add up about the Democrats and Republicans, the balance there, you move it from one committee to the other, basically what it kind of amounts to is you are shifting her from Republicans over on the one to either Democrats or stalemate on the other. I mean if it is really politics involved, that is about what you are accomplishing. You develop the idea of representation and you have some of the same problems if you move it over to the one that you have of the other. You change representation and you deny somebody else. So I got to thinking if everybody is sincere in wanting a balance of representation, lots of experience, all these things if you would go with the Committee on Committees. Why? Well, they have got 56 years of experience, legislative years over there, versus a maximum of 20 or 21 on any of the others. They have got the broadest spectrum of representation in the state since you had this state divided into four districts and you put the people over there, each district represented, so Lincoln, Omaha, rurals, are all represented. Representative in terms of partisanship, you have got 8 Republicans over there and 5 Democrats, which just happens to coincidentally be about the balance or ratio of Democrats and Republicans in the Legislature, and they are all good honest people that have been here probably a little longer than the average rather than being brand new. Most of them have been there quite a while, and several of them have been involved in previous reapportionment. So if you are deciding you have to switch something and following the logic of Senator Landis you are not accomplishing anything switching to Government in terms of more balance or more representation or more experience, if you are sincere about that, then you would move it to the Committee on Committees. The final argument, that is the only committee, the only committee in the whole Legislature now with the experience, more than any other, with the representation and the most important element, they are the only committee that doesn't have another single thing to do in the whole Legislature now because you took all their work and gave it to every other committee. They could spend all the time putting the bill together you wanted. So if I were going to be voting to move anything at all, I would be moving it over there rather than any place else.

PRESIDENT: Senator DeCamp, if I understand your motion, it is to have the Committee on Committees hold the hearings on these bills. The Chair will observe that

there are rules to provide only for standing committees to have...to hold hearings. It appears to the Chair that you would have to have a suspension of the rules in order to do such a thing because you cannot have a committee such as the Committee on Committees which does not and cannot hear bills without a suspension of the rules. Now would you contemplate a suspension of the rules then?

SENATOR DeCAMP: Well, I don't think there is enough votes to do that but I am trying to illustrate a point... (interruption).

PRESIDENT: I am asking you a question.

SENATOR DeCAMP: If you are going to do some shifting, at least do it on some justifiable basis. There is no basis for shifting from one to the other so I will float it out to suspend the rules and clear it up one way or the other. If you want to put it in a committee that has all these things you say, that would be the one.

PRESIDENT: Well, my point is I think that you have to... your motion would have to provide somewhere along the line for a suspension of the rules in order to do that.

SENATOR DeCAMP: Float it out.

PRESIDENT: Otherwise I would have to call your motion out of order unless you did that.

SENATOR DeCAMP: Okay, I will make that motion. I think it has got about 12 votes.

PRESIDENT: Mr. Clerk, can you embody that in the motion?

CLERK: Yes, sir, we can.

PRESIDENT: All right, so you are speaking to the motion to suspend the rules and have them hold a hearing. That would be your motion. All right, now speaking to the DeCamp amendment which would require suspension of the rules. I have Senator Hefner, Senator Lamb, I think want to speak to....did you want to speak to the amendment? All right, in that order and then Senator....you see, we have the trouble here again of having seven or eight lights on before this happened and I have only had a couple of lights come on since, so I have to find out who wants to speak to the DeCamp amendment. We are speaking to the amendment at this point, which is a whole new ball game, so I am keeping all of the rest of you that

are in line to speak to the motion if the amendment does not carry, and I will add you to the motion at this point. So the first one to come on after that was Senator Hefner and then Senator Lamb and Senator Kahle, in that order. Go ahead.

SENATOR HEFNER: Mr. President and members of the body, I understand now we are talking to the suspension of the rules. Is this right, Mr. President?

PRESIDENT: Yes, Senator Hefner.

SENATOR HEFNER: This is correct that we are talking about suspending the rules so we can take....(interruption).

PRESIDENT: In order for this amendment to pass you would have to have a suspension of the rules which will require 30 votes.

SENATOR HEFNER: Okay, Mr. President and members of the body, I oppose the suspension of the rules for this purpose. I believe that this issue should go to a standing committee. I think it should go to the standing committee of the Miscellaneous Subjects Committee. This was the decision of the Executive Board or the Reference Committee, whatever we want to call them, and I think it should stay there. The reason I think it should stay there is because I feel that our committee is capable of handling this issue and coming out with a fair and just bill in the redistricting process, and therefore, I would oppose this body....or I would urge this body to oppose suspending the rules at this time.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, originally there was talk or we were thinking that this could be held in the Executive Board and that would be a very logical place to keep the redistricting because all these people on the Executive Board have either been elected at large or have been elected directly by a caucus committee, a caucus group. So there was a lot of logic in doing that. However, the Executive Board is in the same position as the Committee on Committees. Under the rules it cannot hold hearings on a bill, and so it was the decision that we should not try to suspend the rules and hold these bills in the Executive Board. It would be better to send it on to a standing committee, so if we were going to suspend the rules, I would suggest we should send the bills to the Executive Board rather than the Committee on Committees and so I oppose the

amendment and I oppose the motion. I hope you uphold the Executive Board as they referred the bill.

PRESIDENT: Before we take the next speaker, the Chair would like to introduce some 45 students from Senator Marsh's District from Zeman School with Mrs. Durst, Mrs. Soukup and Mrs. Walker, teachers. They are in the north balcony. Would you recognize these students from Zeman School? Welcome to your Legislature. The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I also oppose this amendment even though I am on the Committee on Committees. I think that is the wrong place for it to go. We talk about fracturing our committee system that Senator Lamb mentioned a while ago and this is the reason, of course, I am still sticking for the issue and hope that it would come to Government because I think that is where it belongs, but I don't think it belongs in the Committee on Committees. Thank you.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the rule change and support the motion as originally offered. My inclination is initially always to support the elected authorities that we have selected because obviously any system has to work on that basis. With all the discussion I hear on this reference and occasionally on others is the fate of the bill, and once you start down that route of consistently referring bills on the basis of the fate of the bill, you have created an absolutely impossible situation. But I am going to choose to support the Government Committee's motion because in this case I think it can be used to serve as an example of the consensus of opinion of the body to the Reference Committee that we do expect references of bills to be on the basis of subject matter and tradition and that is important because everyone of you in here, everyone of us, tends to select the committee that we seek in organization on the basis of what traditionally is the subject matter of that committee, and when you start to tamper with that historical fact, you begin to create real future problems. But I support it on another reason to go to Government because I don't think it has any significant difference on the outcome what committee you assign the reapportionment of the Legislature to. It never has in the past, with one possible exception and that was usually admitted to be a mistake. But all during the sixties when we had many, many reapportionment fights, what the

committee did was not the determining factor, it was what the body did, and that will be again the case this time. Secondly, there is no games of any significance or proportion that we play with reapportionment this time because as a matter of fact anyone that has looked at the least of the preliminary figures know there is no districts as a whole to be eliminated to make room for population growth in other areas. There will be and can be significant differences in some boundaries within a couple of urban areas but in terms of a complete elimination as we have experienced a couple times in the past, that will not occur, there is no need for that to occur this time. So since that argument is not there, and since I totally disregard the partisan argument as having no factual basis for the simple reason if that is the basis, the 32-16-1 of the body as a whole certainly would overcome any games that would not....if games were to be played they could be played in the body as a whole and I don't expect that to happen either. But I would think that this is an excellent opportunity for the body as a whole to remind the Exec Board that we do believe that traditional reference of bills ought to be held to. The outcome is not going to be affected by using this motion as an example of that and I fully support the reference to the Government Committee because I think that is where the bill subject matter ought to be discussed and the fate of the bill is absolutely not at stake in this issue, and let me point out at those of you who have looked at reapportionment, all you have got to do this year is kind of divide the state up in some sections such as Lancaster and Douglas County where you put five, six, seven, maybe districts together accumulative those district's population will be right on as far as the average median and the Senators from those areas can readjust the lines that are appropriate, taking into consideration the interest of the various communities where they shop, where they go to school, whatever common interest that seems reasonable to be within a district and that is it. I would hope that we would support the Government Committee's position.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion. I think my point has been made. It is just six of one and half a dozen of others in terms of experience and all that stuff.

PRESIDENT: The DeCamp amendment is withdrawn and we will proceed. Senator Koch, you are next on the speaking order.

SENATOR KOCH: Thank you, Mr. President, I thought maybe you had forgotten my button. I put my button on early because I knew that Committee on Committees was going to come up there and I was ready to speak to that. But I will have to support Senator Warner's position. It is absolutely correct. If we are going to have standing committees that have had a very specific substance in them, then we better direct legislation, propose legislation to that committee. But why should we as politicians be logical when so many politicians always deal out of illogical positions or from those positions. I have nothing against Senator Hefner and the Miscellaneous Subjects Committee. I am not questioning their integrity at all. I want to get back to principle. Senator Warner stated very well if we are going to start putting bills where the major topic is in terms of standing committees, then we are indeed placing this body in an embarrassing position. I support the reference to the Government Committee. I cannot quite believe it didn't go there in the first place, and I don't support it based upon the people who sit on that committee at all. I support it in the fact that reapportionment is absolutely a Government subject and there is nobody that can tell me otherwise. Several years ago when I wanted to change the standing committees of this body and change Urban Affairs and Constitutional Revision and Miscellaneous Subjects, I wanted to put all those, some of those committees out of existence because I happen to believe that Urban Affairs could easily be in Government and there is no need to have that Wednesday committee, and we could take other materials and put them in other standing committees and reduce the standing committees and increase the number of days they can meet and resolve a lot of problems. But there again we should never be logical. I would hope that this body this day would state unequivocally that, yes, reapportionment is absolutely a Government issue and we have a committee that deals with it and that is where that subject matter should be, and I support the reference to Government Committee on reapportionment.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I would support what Senator Warner said as well. I think that his last comments may be the most significant and that is that no matter what committee hears it, there is a presumption that somehow some system of caucuses, as Senator Warner said, groups of six or seven senators getting together to draw up boundaries, that somehow this is going to be the property not just of a single committee but of the full Legislature. I think that that is very important.

Who hears the bill may not be as significant as who drafts the bill and who develops the concept. Now I appreciate the fact that Senator Hefner has granted that Lancaster County would be able to caucus and develop a map. Senator Kahle has done the same thing. I think that that...certainly I am glad that that is a privilege that will be extended to those of us in Lancaster County. I think it is a privilege that should be granted to the full Legislature, that those of you across the state, whether it is in Douglas County, Sarpy County, Scotts-bluff County, or whatever, will have input into development of the bill before it happens. I think that is very crucial. I think Senator Kahle has indicated his willingness to involve the full Legislature in the development of this bill, and I think the reapportionment question is not really the property of any single committee but must be the property of the full Legislature. Now obviously we will have a chance to rewrite the bill on the floor of the Legislature. That is coming in too late and that is somewhat inefficient. I think the best structure is to involve through some sort of caucus system, whether it is the established caucus of the Committee on Committees or a kind of a...as Senator Warner suggests just a grouping of appropriate legislative districts, that somehow we involve the full Legislature in developing the bill and I think the Government Committee has indicated its willingness to have the full Legislature involved in the development of the bill before the hearing process and before it comes out on the floor. I think that guarantees all of us the input that we need. As Senator Kahle said, obviously the Government Committee may have to become the arbiter if there are disagreements within a caucus or between caucuses. But we must, I think, have a guarantee and I think Senator Kahle has provided that, that the full Legislature is involved in the development of this bill. For that reason, I am comfortable with the reference to the Government Committee as well as the fact that tradition is on the side of the Government Committee, and the whole question of subject matter reference is also on the side of the Government Committee.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would call for the question.

PRESIDENT: All right, the question has been called for. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

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LB 406, 523

CLERK: 32 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Motion carries. Debate ceases and Senator Kahle, you may close.

SENATOR KAHLE: Mr. President and members, I think that Senator Warner and some of the others have said it much better than I can even begin to, and I am pleased with their support for what I think is the right way to go. I am personally not happy with what happened ten years ago. I have one of the most cut up districts I think you could probably...possibly imagine and I hope to avoid that, and I am sure even no matter which committee gets it we would not have that problem this time, but I am very, very concerned about how those districts are split up and if it is given to our committee, we will do the absolute best job we possibly can and avoid all the controversy that is possible. I am sure it is not going to be an easy job, but if we are given the task we will handle it. Thank you.

PRESIDENT: The question then is the motion to rerefer LB 406 and 523 from the Miscellaneous Subjects Committee to the Government Committee. All those in favor vote aye, opposed nay. A record vote has been requested. Mr. Clerk, will you tell.....?

CLERK: There are two excused, Senator.

SENATOR KAHLE: We will ask for a Call of the House and a roll call vote so that we get this settled once and for all and know exactly where we are at. Thank you.

PRESIDENT: All right, clear the Board. Motion has been made to have a Call of the House. The first motion then is, all those in favor of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 4 nays to go under Call, Mr. President.

PRESIDENT: The House is under Call. All the members who are not on the floor will return to their desks. All nonlegislative personnel will leave the floor. The House is under Call. Record your presence. There is only one excused. Senator Cullan is the only one excused now. Senator Schmit, will you push your green button? Thank you. Senator Remmers, will you show us your presence? Thank you. That is it. Everyone is present, Senator Kahle. Ready for a roll call vote. The Clerk will proceed with a roll call vote on the motion.

January 30, 1981

LR 11
LB 406, 523

CLERK: (Read roll call vote as found on pages 377 and 378 of the Legislative Journal.) 21 ayes, 27 nays, Mr. President.

PRESIDENT: The motion fails. Senator Vickers, you want to raise the Call. The Call is raised. Speaker Marvel, did you have a change in the order here?

SPEAKER MARVEL: It is my understanding that Senator Wesely would like to bring up LR 11 and there is a time bind if we don't, and unless there is objection I would suggest we take it up now and then adjourn because we are about out of time.

PRESIDENT: All right, so that you understand, agenda item #6, LR 11, will be taken up at this time, so Mr. Clerk, will you read LR 11.

CLERK: Mr. President, LR 11 is found on page 365 of the Legislative Journal and reads as follows: (Read LR 11).

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, I won't take very much time with this. This is an attempt to try and endorse the efforts that Governor Thone has already indicated he wishes to take to apply for this money from the federal government. It is Juvenile Justice Act money. It is about \$444,000 to the State of Nebraska, which would provide assistance to communities in the state, provide a different support for juvenile facilities and detention centers. It is money that I think is a very wise investment for the State of Nebraska. The Governor has indicated that he wants to apply for this money, that the State Crime Commission wishes to apply for the money. They have supported this effort. The only problem is that they don't feel that they can apply without some legislative sign of approval, and that application deadline is today. So if they don't put the application in today, and if they don't feel that they can without some sort of indication of support from the Legislature, and that is what this resolution does, we will essentially see a delay of several...well, quite a bit of time. I don't know exactly when we will be able to apply again. But clearly it is important that this support be shown, that this application be made and that this 440 some thousand dollars be brought into Nebraska to assist local communities with juvenile detention facilities. I certainly would encourage your support for the resolution. Governor Thone, again, has indicated his support for this effort and would encourage

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LB 523, 406

SENATOR CLARK: Record the vote. Senator Lamb.

CLERK: Senator....excuse me, Senator. 28 ayes, 10 nays, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Senator Goodrich.

SENATOR GOODRICH: Mr. President, I move to adjourn until tomorrow morning, May 21 at 9:00 a.m.

SENATOR CLARK: Just as soon as the Clerk reads something in.

CLERK: Mr. President, your committee...I'm sorry. Miscellaneous Subjects whose Chairman is Senator Hefner reports LB 406 to General File with amendments, Mr. President. That is all that I have, Senator.

SENATOR CLARK: You have heard the motion to adjourn until nine o'clock tomorrow morning. All those in favor say aye. Opposed no. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Laura Benischek
Laura Benischek

and

Marilyn Zark
Marilyn Zark

May 21, 1981

LB 561, 406, 252

SPEAKER MARVEL: All those in favor of ~~that~~ motion vote aye, opposed vote no. Record the vote.

CLERK: 22 ayes, 18 nays on the motion to reconsider the body's action.

SPEAKER MARVEL: The motion failed.

CLERK: Mr. President, if I may while we are waiting, I have some material to read in. A hearing notice from the Rules Committee, it is signed by Senator Wesely as Chairman.

Mr. President, I have a report from the Retirement Committee regarding gubernatorial appointments to be acted on by the full legislature.

Mr. President, I have a unanimous consent request from Senator Hefner to print amendments to LB 406.

SPEAKER MARVEL: Okay, the next order of business is the LB 252, Senator Warner's motion.

CLERK: Mr. President, Senator Warner would move to direct the Clerk to request the Governor to return LB 252 to the Legislature for further consideration.

SENATOR WARNER: Mr. President, members of the Legislature, I would have made the motion yesterday but I offer it now and I want to indicate two things initially. No one is asking me to do this, it is a position that I have come to on my own. But as I listen to the debate on 252, both on General File and as I recall on Select File, it seemed to be almost unanimous that no matter which side you were on on water diversion that there ought to be some criteria as a policy matter that is used by the appropriate department, the Department of Water Resources to consider any kind of a transfer. But it seemed to me that most of the arguments that were given did not deal with the procedure that should be considered but whether or not water diversion itself was right or wrong. As I thought about the discussion in the bill itself and I begin to look at the bill in that light of only what process does it set up, it seemed to me there were some things that maybe could be improved upon. I have a specific amendment up on the Clerk's desk which does two things, which are relatively minor, but not particularly insignificant, one of which adds to those things that properly should be considered, any court decrees that

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LB 389A, 406

CLERK: 30 ayes, 0 nays on the motion to adopt the Wesely amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is to readvance the bill. All those in favor of that motion say aye, opposed no. Motion is carried. The bill is readvanced.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Cullan has called a brief meeting under the South balcony of the Health and Welfare Committee, please. Before we continue, may I please announce that Senator Kilgarin and Senator Chambers have guests. They have 120 eighth graders from a school in Omaha. Is it Marshad? Marrs, they say, all right. They are in the North balcony. Would you please welcome them to our Legislature? They have eight teachers with them but I didn't have the names of the eight teachers. Also Senator Kilgarin has five eighth grade students from St. Joseph School in Omaha, Mr. Dick Roach and Sister Clementine. So they are in the South balcony. Would you welcome them please? Thank you for visiting the Legislature. We will proceed with LB 406.

CLERK: Mr. President, LB 406 was introduced by the Government, Military and Veterans Affairs Committee. (Read title.) The bill was first read on January 20 of this year. At that time it was referred to the Miscellaneous Subjects Committee for public hearing. The bill has been advanced to General File, Mr. President. There are committee amendments pending by the Miscellaneous Subjects Committee.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move the committee amendments on LB 406. LB 406 redistricts the 49 Legislative Districts, and if you want to follow along with me, these amendments are the white pages in your bill book right ahead of LB 406, Requisition 2452, and this amendment becomes the bill. This morning it feels to me like it is D Day. The day has arrived. It has taken many hours, many days of preparation and it has finally arrived. We have had many early morning meetings. We have had meetings during the lunch hour and, of course, we had the three hearings several weeks ago on the six reapportionment bills that we have, and before I get into the committee amendments, I want to thank the committee for working these long hours and sometimes under adverse conditions. I also want to thank all of the Senators for their

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help in this and sometimes some of these meetings didn't go too good. Harsh words were exchanged and at certain times people walked out but, anyway, I think the way we have the committee amendment now, it is supported by most of the State Senators. They are not all happy but I think that they have agreed on most of the boundary lines that we have drawn. I also want to thank the press for keeping the people of Nebraska informed on our progress and how these boundary lines were changing and, of course, once in a while we did have a few problems getting the lines in the right place. But getting back to the amendments, I have passed out some information to you of the drawings on the legislative districts. I have also passed out a map of Lancaster County and of Douglas County and Sarpy County and I would like to have you follow them. There is going to be a change, an amendment, a little later on that changes four legislative districts. These are the districts of Senator Cope, Senator Kremer, Senator Kahle and Senator Wagner. So if you will bear with me for awhile, that amendment will come up a little later on. This agreement was just reached early this morning. But getting back to the amendments, the first section of the Requisition #2452 tells us that we are going to have 49 legislative districts represented by 49 Senators. And, then, of course, the second district goes to the first district, first legislative district, and the third section goes to the second district and so on. And I would ask you to check each one of yours, you can certainly check the map that we gave you but I also want you to check it in the bill book, and if you find any errors, why be sure and let me know. At this time I believe I will ask the Clerk to read the first amendment to the committee amendment and I will explain that to you.

SENATOR NICHOL: Mr. Clerk.

CLERK: Mr. President, Senator Hefner would move to amend the committee amendments and, Senator, this is the one I believe you had printed in the Journal, 2193?

SENATOR HEFNER: Yes, this is correct. This amendment to the committee amendment is printed on page 2193 and 2194 and the first eleven lines of that we have technical corrections. You will find out that we said 57th or 52nd and we should have had 52nd and the rest of those are technical corrections but further on we had an error in Senator Kremer's District, District #34, and an error in Senator Kahle's District, District #37, and so we are correcting those. We also left out Grant County in District #44 and so we are adding that and we left out Garden County in District #47 and so we are correcting that. This is what

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we are doing in this amendment to the committee amendment and I would urge you to support this. If you have any questions, I would be real happy to answer those.

SENATOR NICHOL: We have four lights on. However, I doubt that you want to speak to the amendment to the committee amendments, but if so, would you so indicate so I can call on you? If not, the question is, shall the first committee amendment be adopted. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

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

SENATOR NICHOL: The first amendment to the committee amendments is adopted. The second one, Mr. Clerk.

CLERK: Mr. President, Senator Hefner would move to amend the committee amendments. (Read Hefner amendment (2) found on page 2217, Legislative Journal.)

SENATOR HEFNER: Mr. President, members of the body, this error was found this morning. It is a very simple error. All we are doing is correcting the 39th to the 38th and I think this is in Senator Higgins district and I believe that she did want to talk to this just a little bit but she concurs with the error that was found and this would merely correct that and so I will let her talk briefly on this amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Mr. Chairman, I concur...I agree with Senator Hefner on this change in the bill and I recommend to vote for it.

SPEAKER MARVEL: Okay, in LB 406, it is the amendment to the committee amendments. The motion is the adoption of the amendment to the committee amendments, LB 406. Those in favor vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: Motion is carried. The amendment...

CLERK: Mr. President, Senator Hefner would now move to amend the committee amendments. (Read Hefner amendment (3) found on pages 2217 and 2218, Legislative Journal.)

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Thank you, Mr. President. Members of the body, this is a major amendment. It was agreed early this morning, it was agreed by Senator Cope, Senator Kremer, Senator Wagner and Senator Kahle and it affects Legislative Districts #41, 36, 37 and 34 and what it does I feel that it ties the districts together just a little bit better. For instance in #37, in District #37, we eliminate the U-shape that we had in the previous amendment but I believe before I will talk very much on it, why I would like to have some of these Senators from this area tell you how they feel about this amendment. Thank you.

SPEAKER MARVEL: Before we go to that matter, underneath the North balcony as a guest of Senator Wiitala is former Senator Neil Simon. Senator Simon, will you move out and say "hello"? Senator Wagner, do you wish to be recognized?

SENATOR WAGNER: Yes, Mr. Speaker and members, about a week or so ago the Miscellaneous Subjects Committee held a hearing and I testified at that hearing. They had another plan at that time that basically I supported. There have been probably many plans on the center part of Nebraska and the one thing I would like to kind of point out to many of the other Senators is the group of about six of us were in the center of the state. I think if I were to run again I would move to the outside and get along the border. You can only go but one way and that is in but to realize that when you start, you come from the east and the west, from the north and the south, you are going to come together and we are in the middle here and I think at times it is very difficult to try to arrange a district in the middle. I think it is more difficult than probably any place else and so, therefore, we are probably going to have a little harder time keeping county lines and so forth and we are just purely going to come down to splitting some, and that also happened in Senator Rumery's district where he had to split his county three ways and I think this is the result of everything coming together in the middle. I do support this plan but I sincerely would like to thank the committee for their efforts. I think they have done a very excellent job. In addition to the committee, I'd also like to say "thank you" to the staff because I think that staff did a very excellent job. They kept their sense of humor, and Lord knows, they needed it. The plan we have here today I think

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is a good one. There has been many...it is maybe not totally what I would like but it is not...we are never going to come out with something like that. So I would like to have you know I do support the plan. I think it is the best one for the central part of Nebraska and thank you.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Thank you, Mr. President. I, too, support the proposed committee amendment to the plan and, too, wish to thank Senator Elroy Hefner and the entire Miscellaneous Subjects Committee, Senator Hefner's staff, committee staff, for the patience that they have exhibited in trying to put together an acceptable plan of reapportioning the State Legislature. I know it has been tough, Senator Hefner, but we appreciate it. I, too, wish to thank the legislators of central Nebraska that worked real hard under difficult circumstances and come up with this arrangement. Especially Senator Cope and myself and Senator Kahle had some difference of opinion and I think most of us are at least ninety-nine percent satisfied with what we have. I support the amendment because it puts historically or puts back together what has happened in the past in keeping Clay and Merrick and Hamilton County together with the portion of Hall south of the Platte River. It is an area that is generally together on most all issues and it puts me in a position so it is a lot easier and a lot less difficult to address the issues that may come before us. And so, again, complimenting those who have cooperated and in the way it puts my district, at least, and I think the other districts in central Nebraska in a position so that most of us can be pretty happy with it, I strongly support the amendment. Thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, as Senator Kremer and Senator Wagner and others have said, this has been a difficult thing for us to do, and as you look at the 37th District now, I would just have you remember what it looked like before. I had a part of Nuckolls County, six precincts and a strip of Buffalo County, clear through the county, so I think we made some progress. I know you are going to hear complaints perhaps from some in Hall County or in that area but you have to crowd in to where the population is and the population is along the Platte River and Interstate 80. I think it is going to work out fine. Senator Cope and I have had an excellent relationship in Kearney. I know it will continue. I know he is not as happy as he could be of having part of Hall County but this is the part he has generally had in the past and so we hope it works out for the best of

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Nebraska, not so much for our own particular interest in the issue. And I also want to thank the Miscellaneous Subjects Committee and I have been thankful many, many times that the Government Committee didn't get this difficult task. Thank you.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR HOWARD PETERSON: Mr. Chairman, I just would rise to support the amendment. It appears to me that as I look at Hall County that the committee has done a good job of at least dividing the county in such a way that the interests lie in the areas where the very Senators have been assigned. I certainly would agree with Maurice Kremer. It will make it much easier for him to represent the area south of the Platte. It would have been difficult for him to come across the river. I know Ron Cope is not completely happy but I just say to Ron that I look forward to working with him in the outlying area around Grand Island and I know Ron and I have gotten along fine in the past as we split a little of Grand Island and I just say at this point that I assure the four Senators involved of close cooperation as far as I am concerned.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I support the district that I represent that is in the report of the committee. Don't be too harsh on the five or six Senators in the middle of the state, we all jockeyed for a position and, believe me, we held out and we finally compromised like I think sensible people do, and this is the way it came out. None of us got exactly what we wanted but I think we are going to work together better and I again, like everyone else, want to thank the Miscellaneous Subjects Committee. I know one thing sure, I wouldn't want to be on it.

SPEAKER MARVEL: Before we proceed, in the North balcony from Senator DeCamp's District, we welcome 18 eighth and ninth graders and adults from Orchard Public School, Orchard, Nebraska, Mrs. Linda Mieras, Mr. Larry Mieras, teachers. They are in the North balcony. Will you hold up your hands so we can see where you are? Welcome to the Unicameral. Senator Hefner, do you wish to close?

SENATOR HEFNER: Yes, Mr. President, members of the body, I am very happy that these four Senators have now come to an agreement. It shows that they are great men, that they can compromise and work out things and I certainly think this is great. I guess this is why we have such a

great Legislature. I also wish to tell this body that I have talked to the committee about this change and I think that most of them have agreed to it because this is what we came to at a committee hearing and I just think that this plan is workable. It does look good. Buffalo County still has only two Senators. However, it does give another Senator to Hall County and I think you heard Senator Peterson say a little while ago that we did divide the county in such a way that it would be advantageous to this county to have these four Senators rather than a liability and, therefore, I would strongly urge you to vote for this amendment.

SPEAKER MARVEL: The motion now is the adoption of the committee amendments...amendments to the committee amendments, right? All those in favor of that motion vote aye, opposed vote no. Amendments to the committee amendments. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments.

SPEAKER MARVEL: The motion is carried. We now vote on the committee amendments as amended. Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I don't have too much other statements to make. I think this proposal is a fair one. I think that most of the Senators have agreed to it, and if you have any questions, why I certainly would be very happy to answer them. I would urge you again to look your district over, not on the map, but in the bill book, and if you see some errors, why be sure and call this to my attention. Our staff has been checking these figures and these statements and if you do see an error why be sure and let us know.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I have no problems generally with the Second district except that I guess maybe I qualify for some of that handicap money because my old age eyes don't read those maps very distinctly and when I look at the map that is in your office, Senator Hefner, the precincts that are included in the Second District out of Otoe County I fail to find two precincts and I certainly would hope that you would check to be sure that all of Otoe County except those six precincts on the south edge are included in the bill. I am not sure your staff, Ron, has told me that they were combined. I was not apprised of that fact but I would certainly urge you to recheck that

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to be sure that we are correct. I am not objecting, Senator Hefner. I am only raising the question to be sure that we don't error in the final analysis. Thank you, Mr. President.

SPEAKER MARVEL: Senator Hefner, do you wish to close?

SENATOR HEFNER: Mr. President, I will be brief in my closing. I would just like to say that if you find any errors again in your legislative district, be sure to let us know. We will check it and I will offer an amendment on Select File but we do need to move these reapportionment bills on and I am going to ask the body here permission to expedite this particular bill.

SPEAKER MARVEL: The motion at the moment is the adoption of the committee amendments as amended. All in favor of that motion vote aye, opposed vote no. Have you all voted? Clerk, record the vote. Record the vote.

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER MARVEL: Motion is carried. The motion before the House is the advancement of LB 406. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 35 ayes, 0 nays, Mr. President, on the motion to advance the bill.

Mr. President, LB 551 was a bill introduced by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on March 24 of this year. It was referred to Miscellaneous Subjects for hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move the adoption of the committee amendments. The committee amendments now become the bill, and if you want to follow along with me, I handed out a map to you a short time ago with the Public Service Commission districts on the map. As you know we have five districts. The committee held a hearing on it the other night and moved it out to General File with the committee amendments. I believe that I will not say any more about it. I think that most everyone is in agreement with it, and if you have any questions, I would

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be real happy to answer them.

SENATOR NICHOL: The question is, shall the committee amendments be adopted? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move the advancement of this bill, LB 551, to E & R Initial.

SENATOR NICHOL: The question is, shall 551 be advanced to E & R Initial? All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to advance 551.

SENATOR NICHOL: LB 551 is advanced to E & R Initial.

CLERK: Mr. President, 552, LB 552 was offered by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on March 24, referred to Miscellaneous Subjects Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move for the adoption of the committee amendments. The committee amendments now become the bill, and as you know, we have six Supreme Court Judicial Districts in Nebraska, and the way this bill reads, we locate two of those in each Congressional District. I have also passed you out a map showing you the location of these Supreme Court Districts and also another sheet that gives you the population variance, and if you will notice that we range from a plus two point four percent to a minus three point one percent or a total deviation of five point five percent and this is certainly

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RECESS

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

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

SPEAKER MARVEL: Do you have any items to read in?

CLERK: Yes, sir. Mr. President, very quickly, your committee on Enrollment and Review respectfully reports that they have carefully examined LB 460 and recommend that same be placed on Select File with amendments and LB 218 Select File with amendments, both signed by Senator Kilrarin as Chair. (See pages 2259-2260 of the Legislative Journal.)

SPEAKER MARVEL: I would like to read an announcement to you. It has to do with the next few days. A chairmen's meeting was called today to discuss the 90th legislative day. By a majority consent I now advise you that the 90th legislative day will be Friday, June 5. This is my first recommendation to deviate from our tentative calendar as set up in January of this year. This decision was made in fairness to all legislators. By meeting on June 5 the Governor will have sufficient time to return all bills presented to him this Thursday, however, any bills remaining on Select File tomorrow, Wednesday, May 27, the 88th day will not be read until June 5, the 90th day. It is important that we move all bills off of Select File today so that this material can be on Final Reading Thursday, May 28. Due to the volume of bills on file scheduled for Thursday, May 28, the 89th day, it is not feasible to expect the Governor to be in a position to return all this material by the 90th day if the 90th day were to be this Friday. By holding the 90th day until June 5 this allows the Governor the constitutional time limit Wednesday, June 3, midnight. The schedule allows the Governor sufficient time to act on the legislation and it allows us, the Legislature, sufficient time to react. This was presented to the chairmen and resulted in a recommendation which I have read to you on the part of the chairmen. The next item of business is item #6, Select File.

CLERK: Mr. President, I have E & R amendments to LB 406.

SPEAKER MARVEL: Senator Stoney.

SENATOR STONEY: Mr. Speaker, the recommendation that you just made, are we going to discuss this at all or are we to accept it without debate?

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scheduled for the past five months while we frittered our time away, and were insensitive to?

SPEAKER MARVEL: Okay, call the roll.

CLERK: (Read roll call vote as found on page 2260 of the Legislative Journal.) 22 ayes, 23 nays, Mr. President, on the motion.

SPEAKER MARVEL: The motion lost. Okay, we are back on item #6, Select File.

CLERK: Mr. President, the first thing I have with respect to LB 406 are E & R amendments.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments be adopted to LB 406.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I now have an amendment from Senator Wagner. (See page 2261 of the Legislative Journal.)

SPEAKER MARVEL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, the other day when we voted on 406, the amendments to it, we, the six senators in the middle of the state, we kind of had an agreement that morning so the language they stuck in as far as the 41st District was concerned is they just said, that portion of Custer County and not...I got the portion that Senator Lamb had but it did not really specify the townships in it so what essentially this amendment does, it clarifies and states the townships that I will have in Custer County and then there is a part of a township in Hall County that Senator Cope and I are splitting and this amendment then also clarifies that because it states, "the north part of Center, known as Center 1 precinct" and essentially these are technical amendments and I would urge their adoption.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I urge you to support Senator Wagner's amendment. It clarifies his legislative just a little bit more and again, I would like to call to your attention that I hope that you would check

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those sections or that section that pertains to your legislative district. Our staff has been working long and hard trying to get all the technicalities and exact counties and exact precincts worked out for your particular district but you would be able to find an error if there was one a lot better than we would. So, therefore, I would urge you to check your own section that pertains to your legislative district and I urge you to vote for Senator Wagner's amendment.

SPEAKER MARVEL: Senator Wagner, do you wish to close on your amendment?

SENATOR WAGNER: Mr. Speaker, I will waive closing unless somebody had some other questions.

SPEAKER MARVEL: The motion is the adoption of the Wagner amendment to LB 406. Senator Hefner, your light is still on. Do you wish to be recognized? All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of the Wagner amendment.

SPEAKER MARVEL: The motion is carried. The Wagner amendment is adopted.

CLERK: Mr. President, Senator Hefner now would move to amend the bill. (See page 2261 of the Legislative Journal.)

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I passed out an amendment a little earlier for you to read. The first part of it says, and this is an amendment to the committee amendment, "On page 17, line 26, after 'within' insert 'or without'." Just more or less a technical amendment and then the second part of this amendment is, "Insert a new section as follows: 'Section 52, this act shall become operative on the first Tuesday in January, 1983, except that the members of the Legislature from the even numbered districts mentioned in this act shall be nominated at the primary election in 1982 and elected at the general election in November of 1982, for the term commencing January 5, 1983.'" And this came about as a recommendation of our legal counsel of the Miscellaneous Subjects Committee and I would urge your adoption of it.

SPEAKER MARVEL: The motion is the adoption of the Hefner amendment to LB 406. All those in favor...do you want to...? Go ahead.

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SENATOR HEFNER: Mr. President, members of the body, I think we are going to have to amend this amendment. I see the first Tuesday in January 1983 and I think that should be the first Wednesday. How would I handle that, Pat, or would E & R catch that?

CLERK: Senator, under Section 52, the first time, the first Tuesday, is that what you are referring to?

SENATOR HEFNER: Yes.

CLERK: Do you just want to strike that, Senator, or change it to Wednesday?

SENATOR HEFNER: Well it really isn't...

CLERK: How do you want it to read, Senator? Just read it to me how you want it and we can alter it here and offer it as an amendment, you see.

SENATOR HEFNER: It...maybe it should, this act shall become operative...we can't change it just to Wednesday because it could be the second Wednesday, too, couldn't it?

CLERK: Mmm, hmmm.

SENATOR HEFNER: Why don't we change it to the first legislative day in January of 1983.

CLERK: So it will read, "This act shall become operative on the first legislative day in January 1983, except..."

SENATOR HEFNER: Yes, and this would be an amendment to my amendment that I am proposing right now.

SPEAKER MARVEL: Senator Hefner, do you wish to explain the next amendment you have?

SENATOR HEFNER: Yes, this is an amendment that is substituted for the previous amendment. We had an error in the first amendment. We said, "Shall become operative on the first Tuesday." We are going to say on "January 5, 1983." And this should take care of that correction. I urge you to support this amendment.

SPEAKER MARVEL: All in favor of the adoption of the Hefner amendment to LB 406 vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

CLERK: Mr. President, Senator Cope would now move to amend the bill. Senator Cope would move to amend: (Read Cope amendment as found on page 2261 of the Legislative Journal.)

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Members, what it is is just change precinct to township which they are and that is all.

SPEAKER MARVEL: The motion is the adoption of the Cope amendment. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 28 ayes, 0 nays on adoption of Senator Cope's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted.

CLERK: Mr. President, Senator Stoney, Labedz, Newell, Fitzgerald, Koch, Kilgarin and Wiitala move to amend the bill. (See page 2262 of the Legislative Journal.)

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, we offer this amendment which basically is the first draft of the legislative districts that the Douglas County legislators presented to the legislators. Basically it is pretty much the same except in two districts. Senator Wiitala takes less of western Douglas County. Senator Labedz moves into Sarpy County to pick up approximately 2,800 folks across the Harrison Street line, the county line. Now we are offering this amendment in anticipation of another amendment that we expect to come up in the Public Service Commission. Frankly, it is with great reservation and somewhat concern that I offer this amendment and we, the Douglas County delegation, offer this amendment because we worked very hard in the whole process to try to preserve Harrison Street and while it was not easy, and Senator Labedz can speak to that a little later about the great difficulty in this whole process. Senator Fitzgerald may want to speak to it also. We did finalize an agreement with the Sarpy County legislators to basically preserve those county lines and frankly, the Miscellaneous Subjects Committee with one little exception and that is in the middle of the state in terms of legislative districts and in terms of all districting did a pretty good job preserv-

ing county lines throughout the state but since there has been a great deal of lobbying in terms of the Public Service Commission and since we feel very strongly that what is good for the goose is good for the gander or equal is equal or whatever you want to call it, we offer this amendment, perhaps mostly to be instructive and to help this Legislature understand the importance of county lines, especially the Harrison Street county line and with that I will reserve the rest of my talk for the closing.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker, members of the Legislature, I think most of you will recall the difficult time we had with District #5 when we were planning out the legislative district. It went on for weeks and there was some harsh words said and I came in, more or less as the peacemaker, and decided that I would cut myself down to 30,545 in order that I would not have to cross the Sarpy County line. We all agreed, where others are having as high as 33,000, 32,000 and 31,000, that I would be the lowest in the state and take 30,500 which is far below the others throughout the State of Nebraska. Now I did this because I knew that we would not ever come to any agreement about my crossing the Sarpy County line. Now I just talked to Senator Hefner and I asked him if he was going to introduce the amendment on the next bill which would have the Public Service Commission crossing over into Sarpy County. I disagree with this. I do not support this and I think it is a little bit unfair that I would come to an agreement with the Sarpy County senators and I am sure that they will also disagree with crossing the county line as they did when I was doing it on the Public Service Commission. So I am sure that whether we bring this amendment to a vote or not, I certainly did want to stand up here and voice my opposition to what will happen, I am sure, on the next bill, even though there is not an amendment up there but I understand and by what I saw out in the rotunda, the people that are lobbying for the Public Service...legislative...not the Public Service district to be changed, I certainly wish that this amendment would go back and be adopted to this bill so that I can be equal to the rest of you and have 31 to 33 thousand in my district. Thank you.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I think what Senator Newell has here is something that he anticipates. It has not happened yet. I think if you read in your bill book and the committee comments or what we reported to the floor, it is true. I did not support

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the Public Service Commission boundaries that we now have and I may offer an amendment to it but I think to pre-suppose this is a little early. I think that we have worked out the legislative district boundary lines and I think that we ought to let them stand. The previous amendments that we adopted a little earlier today were merely corrective amendments. Now we come in at the last minute with a major change and I would certainly urge you to vote against this amendment.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: A question of Senator Hefner.

SPEAKER MARVEL: Senator Hefner, do you yield?

SENATOR KOCH: Senator Hefner, did you say that Senator Newell's proposal is a presumption?

SENATOR HEFNER: Well I believe that is true. We don't...

SENATOR KOCH: Well, is it a presumption?

SENATOR HEFNER: We don't have anything yet on the Clerk's desk.

SENATOR KOCH: Well is it true that there is another presumption I might have heard that you intend to change other boundaries?

SENATOR HEFNER: What boundaries are you talking about?

SENATOR KOCH: Public Service Commission.

SENATOR HEFNER: It is true. I may...

SENATOR KOCH: Well then are we presumptuous?

SENATOR HEFNER: I would say that you will just have to wait and see.

SENATOR KOCH: Well are you going to go ahead and introduce new changes for those lines now? Now let's be very candid.

SENATOR HEFNER: I have not made that decision yet, Senator Koch.

SENATOR KOCH: You haven't? All right, then we will wait a little while.

SPEAKER MARVEL: Senator Newell, do you wish to close?

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SENATOR NEWELL: Mr. President, I will close and I will close briefly. First of all, if I am presumptuous I will apologize. If I am not, I will probably be very disappointed but that is something we have to see since Senator Hefner has not made a solid commitment on this issue. I would like to say that I have heard arguments about people playing politics with this issue and I have just talked to Senator Stoney about some of the "motives" and I want to assure him that those are not, that that is not true and that if anybody else has motives from, hears about motives from this side of the issue, the motives are simply and only to preserve the Harrison Street as we did in legislative districts and with that, I would withdraw this amendment and hope that we do not have to offer it again on Final Reading.

SPEAKER MARVEL: Hearing no objections, so ordered. The motion before the House is the advancement of LB 406. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 34 ayes, 0 nays on the motion to advance the bill, Mr. President.

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LB 411, 216, 320, 352,
406

interlocutory procedure whereas a defendant will have an adequate chance to appeal at the conclusion of a trial and loses no substantive rights. If defendants are allowed to use this mechanism, it is quite possible that they can use this mechanism as a delaying tactic. For that reason in the middle of a trial take up one of these kinds of appeals use three months, six months or whatever until an answer comes back before the case could proceed, or also in the alternative it is possible for them to make an appeal based on certain of the evidence of the prosecution, whereas even without that questionable evidence there would be enough to convict and yet the trial would come to a halt while this barely relevant and perhaps non-material evidence was ruled on by a higher court. In other words, the defendant can use this mechanism if it is allowed to be utilized as a delaying tactic where as the prosecution will not. For that reason I would urge the adoption of Senator Sieck's amendment as found on page 1982 of the Journal to LB 411.

SENATOR CLARK: Is there any discussion on the amendment? If not, all those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 26 ayes, 1 nay, Mr. President, on the motion to adopt Senator Sieck's amendment.

SENATOR CLARK: The amendment is adopted. Is there anything further on the bill? It is now the advancement of the bill. It was returned for a specific amendment. All those in favor of readvancing say aye, all those opposed, the bill is readvanced. Pat, do you have the bills back from Emory?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 216 and find the same correctly engrossed, 320 correctly engrossed, 352 correctly engrossed, 406 correctly engrossed. Those are signed by Senator Kilgarin as Chair.

SENATOR CLARK: Senator Haberman, I do believe we are ready for your motion.

SENATOR HABERMAN: Mr. President, members of the Legislature, I move we adjourn until 12:00 tomorrow noon.

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LB 138, 216, 320, 376,
406, 466, 512.

PRESIDENT: All right, would you verify the vote?
Proceed to verify the vote.

CLERK: (Reread the roll call vote as found on page
2370 of the Legislative Journal.) 24 ayes, 23 nays,
2 present and not voting, Mr. President.

PRESIDENT: The motion fails...the bill fails on Final
Reading.

ASSISTANT CLERK: (Read LB 320 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 320
pass with the emergency clause attached? All those in
favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages
2370 and 2371 of the Legislative Journal.) The vote is
37 ayes, 12 nays. All members were voting.

PRESIDENT: All right, LB 320 passes with the emergency
clause attached. The next bill on Final Reading is
LB 406, Mr. Clerk. And again I would urge all members
to please stay at your desks as much as possible. It
is very confusing to see everybody running around and
politicking on the floor. It just shouldn't be and the
people that sit there would like to have those others
sit there too. Thank you.

CLERK: Mr. President, may I read some material in?

PRESIDENT: Yes, you may.

CLERK: Mr. President, I have a proposed rules change
offered by Senator Wiitala, and, Mr. President, the
bills we read this morning are ready for your signature.

PRESIDENT: Okay, while the Legislature is in session
and capable of doing business, I propose to sign and I
do sign LB 138, LB 512, LB 466, LB 376, LB 216. Proceed
then, Mr. Clerk, with the reading of LB 406.

CLERK: (Read LB 406 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure
having been complied with, the question is, shall LB 406
pass? All those in favor vote aye, opposed nay. Record
the vote.

CLERK: (Read the record vote as found on pages 2371

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LB 406, 551, 553, 554

and 2372 of the Legislative Journal.) 44 ayes, 3 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 406 passes. The next bill on Final Reading, Mr. Clerk, is LB 551.

CLERK: (Read LB 551 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 551 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 2372 and 2373 of the Legislative Journal.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 551 passes. The next bill on Final Reading, Mr. Clerk, is LB 553.

ASSISTANT CLERK: (Read LB 553 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 553 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 2373 and 2374 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 553 passes. The last bill on this list approved for Final Reading today is LB 554. Mr. Clerk, you may proceed with the reading of LB 554.

ASSISTANT CLERK: (Read LB 554 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 554 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2374 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 554 passes. Do you have some things to read in, Mr. Clerk?

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LR 180

LB 320, 406, 551, 553, 554

present this information to you. We have known all along, of course, the importance of the dairy industry in Nebraska and it is a very vital part of agriculture, and we appreciate these Senators bringing this to you. Thank you.

PRESIDENT: Senator Koch, the Chair recognizes you.

SENATOR KOCH: Mr. Speaker, I know that Senator Kahle and I were caught unaware but in that vast District Senator Kahle represents in Red Cloud, Nebraska is an outstanding processor of cheese, so for the good City of Red Cloud we want them to be on the list.

PRESIDENT: And now I must recognize Senator Kahle, I guess, after that.

SENATOR KAHLE: Mr. President and members, not only do we have a cheese plant at Red Cloud, we also have one at Superior. It's been there for many years, and it is in the 37th District, and we certainly don't want to leave them out.

PRESIDENT: Thank you for the clarification and so that we get a travelogue of our great State of Nebraska. I would also at this time like to introduce from Senator Hoagland's District twenty-four 8th Graders from Louis Clark Junior High in Omaha, Ruth Owen, the teacher. They are up here in the north balcony. Do you want to wave to us up there, so we see where you are? Welcome to your Nebraska Legislature. Okay, while the Legislature is in session and capable of doing business, I propose to sign and I do sign LBs 320, 406, 551 and 553 and 554. Mr. Clerk, I guess we are ready then for agenda item #6, resolutions, and commencing with LR 180...Senator Wesely, if you want to read it for the record, Mr. Clerk.

CLERK: Mr. President, LR 180 offered by Senator Wesely. is found on page 1943. (Read LR 180.)

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Yes. Mr. President and members of the Legislature, this resolution has been pending now for a couple of weeks. It does support the service of the San Francisco Zephyr through Nebraska. I did have a handout that I passed out which shows that the San Francisco Zephyr has increased in ridership from 142,000 in 1978 to over half a million in 1980, which is a clear increase of strong support for the program. All we are asking for

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LR 189

LB 320, 406, 551, 553, 554.

people who are on the public payroll in Omaha. When he talks about these...I don't if he mentioned a George Garnett, but this man is on the federal payroll with an agency and their agency says whatever the city wants to have them say. So their interest is tainted. He may have mentioned a Mr. McVoy and I notice every time they give his name, they mention him as a member of the Omaha Board of Education but he is really a member of the Omaha Housing Authority, and he has an interest from the standpoint of the Housing Authority accumulating this land in other areas and that is why he is favor of letting them destroy the middle of a housing project development. There are many issues which need to be addressed. And Senator Newell's resolution is ill-advised and ill-conceived. So in order that the issue will remain where it ought to be, I am asking that you kill this resolution and not put the Legislature on record in favor of a project that it doesn't understand which can breed litigation and which could put the state in a very embarrassing position. Because I think if the Legislature pushes the Department of Roads forward, then there could be a type of liability that would accrue to the state as a result of that particular action. So I am asking that you put this matter to rest and vote in favor of the motion that I have up there.

PRESIDENT: The motion before the House then is the motion to indefinitely postpone LR 189. All those in favor vote aye, opposed nay. We are voting on the motion to indefinitely postpone LR 189. Well, Senator Chambers, what do you wish to do? Call of the House? Record the vote.

CLERK: 9 ayes, 17 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Now do you want to.... Mr. Speaker, do you want to recess now and take this up after lunch, or the resolution? I believe that is what you wanted. So, Senator Newell, do you want to... does anybody want to move to recess then until two o'clock? Yes, he wants to read some things in.

CLERK: If I may, Mr. President, very quickly, the Enrolling Clerk has presented to the Governor LBs 320, 406, 551, 553 and 554. That's all that I have.

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, I move we recess until two o'clock this afternoon.

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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.