

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.

February 11, 1981

LB 54, 110, 154, 205,
275, 288, 409, 459.

SPEAKER MARVEL: Four excused. Have you all voted?
Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I guess numerically it
is possible so I will ask for a Call of the House and
a roll call vote, unless a couple of people would like
to.....okay, I give up.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 17 ayes, 22 nays, Mr. President. I have nothing
further on the bill, Mr. President.

SPEAKER MARVEL: Senator Schmit. Senator Schmit, we
are about to close up shop for noon. Your light is on.
Senator Wagner, do you wish to close on your bill?

SENATOR WAGNER: Mr. Speaker, I think enough has been
said. I would just kind of like to move the bill and
make it go on. Thank you.

SPEAKER MARVEL: Senator Schmit, did you wish the floor?
The motion is the adoption of the Wagner...let's see,
LB 110 as amended. All those in favor of that motion
vote aye, opposed vote no. This is the advancement of
the bill. Have you all voted? Record the vote.

CLERK: 29 ayes, 5 nays, Mr. President, on the motion
to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is
advanced. Do you have some items to read in?

CLERK: Yes, sir. Mr. President, your committee on
Retirement Systems whose Chairman is Senator Fowler
instructs me to report LB 288 to General File with
amendments. (Signed) Senator Fowler. (See pages 503
and 504 of the Legislative Journal.)

Your Committee on Banking whose Chairman is Senator
DeCamp instructs me to report 275 to General File.
Retirement reports 459 to General File with amendments.
Banking, 154 to General File with amendments. Banking,
409 to General File with amendments. Judiciary, LB 54
to General File with amendments, and Judiciary, 205
to General File with amendments. Signed by the res-
pective Chairs. (See pages 504 through 507 of the
Legislative Journal.)

Mr. President, Senator Warner wants to note that the

February 25, 1981

LR 24
LB 205, 409, 446

SPEAKER MARVEL: The bill is advanced. The next order of business is LB 409.

CLERK: Mr. President, if I may right before we get to that, your Committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 446 to General File with amendments. Senator Kahle would like to print amendments to LB 446. (See pages 663 through 668 of the Legislative Journal.)

Mr. President, new resolution offered by Senator Goodrich. (Read LR 24 as found on pages 662 and 663 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 409 was introduced by Senator Haberman. (Read title to LB 409.) The bill was read on January 20 of this year. It was referred to the Banking Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Banking, Commerce and Insurance Committee, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, normally as committee Chairman I would present these amendments but my good friend, Senator Haberman, has been passing out literature indicating that he is not getting enough attention and publicity, so I graciously yield to the Vice Chairman of the Banking, Commerce and Insurance Committee to handle the amendments on this bill.

SENATOR HABERMAN: Mr. President and members of the Legislature, thank you, John, for your endorsement of being an excellent, outstanding Vice President of the Banking, Insurance and Commerce Committee. The amendments....I thanked him for it. Oh, isn't that what he said? The amendments reduce the Continuing Education hours from 24 hours to 6 hours every two years. It deletes the language that you have to be of good moral character to be a licensee and adds to read, "not have been convicted of a felony or a crime involving moral turpitude", and I move for the adoption of the amendments, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 409. Senator Chambers, your light is on.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to ask Senator DeCamp, the Chairman,

February 25, 1981

LB 409

a question about the committee amendments. Senator DeCamp, the language was changed from good moral character or whatever to not having been convicted of a felony.

SENATOR DeCAMP: Yes, I know what you are getting at. I disagree with it.

SENATOR CHAMBERS: Disagree with what?

SENATOR DeCAMP: Disagree with the committee amendments, now that I have thought about it.

SENATOR CHAMBERS: Okay.

SENATOR DeCAMP: It should be...it should go further than that. We agreed about five or six years ago that we would change the statutes here and we wouldn't say that just because you have a conviction of a felony that you can't become a doctor or lawyer, an abstracter and so on and so forth, so what I recommend is that we adopt the committee amendments now and on Select File I think we should address that even further, because we have done it in almost all the other laws and....is that what you were getting at? Okay, that's what I think we should do on Select, because we....

SPEAKER MARVEL: Okay, then....

SENATOR DeCAMP:found that we can take these people and educate them in many cases, and somebody that has a felony conviction twenty years ago shouldn't be denied, if he goes and gets an education and everything, the right to practice something, so I will get an amendment ready for Select.

SPEAKER MARVEL: The motion at the moment is the adoption of the committee amendments to LB 409. All those in favor of that motion vote aye, opposed no. Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Do you want to advance the bill? Senator Haberman.

SENATOR HABERMAN: I will move to advance the bill.

SPEAKER MARVEL: The motion is to advance 409 as amended to E & R for Review. Senator Lamb.

February 25, 1981

LB 409

SENATOR LAMB: Mr. Speaker and members of the Legislature, a question of Senator Haberman, please.

SENATOR HABERMAN: Yes, Senator Lamb.

SENATOR LAMB: This bill changes from 8,000 to 5,000 the population requirements for counties who the Clerk, Register of Deeds and so forth could not practice abstracting. What is the reason for that?

SENATOR HABERMAN: First of all, there are no registered abstracters in those counties from 5,000 and up. But the reason is this, we get to the point that if a county clerk or a county assessor is an abstracter and the assessor and/or the clerk, possibly sometime they are doing abstracting on county time. This is possible. Also, they get the use of the county courthouse on holidays, Saturdays and Sundays when they have a key and can use it for abstracting when those in the private enterprise cannot do so, and therefore it's unfair competition.

SENATOR LAMB: Then why would you not eliminate the population completely?

SENATOR HABERMAN: Because in some of those counties we have to use the county attorneys and county assessors and county clerks as there are no abstracters.

SENATOR LAMB: How many counties would this change, this population change, how many counties would that affect?

SENATOR HABERMAN: One.

SENATOR LAMB: One county?

SENATOR HABERMAN: Yes, Arthur County, one of my counties.

SENATOR LAMB: Is that the only county?

SENATOR HABERMAN: To my knowledge, that is right, Senator Lamb.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Senator Haberman, do you want to close on the....the motion is to advance 409 to E & R for Review. All those in favor vote aye, opposed no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 195.

CLERK: Mr. President, LB 195 was introduced by Senator Warner. (Read title.) The bill was read on January 15, referred to the Banking Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, the committee amendments will only make sense in light of a little bit of an explanation of the bill, and with Senator Warner's permission I would give just a slight explanation of the bill. Is that okay, Senator Warner? First of all, let me alert you. This is a major bill. I think one of the important bills. If we do this we will be the only state in the United States to pioneer this particular concept. We are the first of the fifty states. And it would change the way insurance companies handle their reserves, their money. And we have done some studying and work with the insurance industry in Nebraska, and we think it would be beneficial in the state in terms of building stronger insurance companies and in possibly bringing new insurance companies into the state, and in recognizing strength rather than mere size of an insurance company. Under present law, insurance companies are very limited in what they can invest their money in. We have a number of insurance companies in Nebraska that have developed very, very strong reserves, the very thing Senator Higgins was talking about yesterday. So instead of taking this strength and simply dissipating it in the form of dividends or being limited in the amount of earnings they can make and get on it, we would say, if you have reached a certain level, and I think it is in the bill maybe 2 to 1 or 2.5 to 1, if you have reached that level, then we are going to say you can invest in other things. You can put money in Nebraska banks, for example, and get high interest. You would have a wide range of options. As I say, this would be the first state in the United States to attempt such a thing. The Banking, Commerce and Insurance Committee has studied the concept and worked with some of the local people here in Nebraska for about 18 months now, and we have concluded that this is a good concept. Senator Warner graciously has sponsored the bill. The amendment then with this new concept simply says, however, if a new insurance simply comes in and is starting out, they would immediately have obviously the higher ratio, so you don't want to give them these

February 27, 1981

LB 34, 58, 114, 125, 144,
195, 205, 246, 272, 273,
273A, 325, 355, 359, 388,
409, 491, 546

the motion is the suspension of the rules to introduce a bill as explained by Senator Newell. All those in favor of suspending the rules vote aye, opposed vote no. Record the vote, Mr. Clerk.

CLERK: 30 ayes, 11 nays to suspend the rules and offer introduction, Mr. President.

SPEAKER MARVEL: The motion is adopted.

CLERK: Mr. President, a new bill, LB 546. (Title read.) While we are waiting, your committee on Urban Affairs whose Chairman is Senator Landis to whom we referred LB 58 reports the same back to the Legislature to General File with amendments; 359 General File with amendments; 491 General File with amendments. (Signed) Senator Landis.

Senator DeCamp would like to print amendments to LB 34 in the Journal.

Mr. President, your committee on Enrollment & Review respectfully reports they have carefully examined and reviewed LB 205 and recommend that same be placed on Select File with amendments; 409 Select File with amendments; 195 Select File; 272 Select File; 273 Select File with amendments; 273A Select File; 355 Select File with amendments; 114 Select File; 246 Select File, 325 Select File, 388 Select File with amendments. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: May I have your attention to discuss item #6 and item #6 has to do with the continuation of the discussion on LB 125. There is a request that the bill be laid over until Monday. I have contacted two of the introducers. They are amenable to laying it over until Monday. If we do this, I think we must do it with the understanding that we are not establishing a precedent. But anyway, is there objection to laying over 125 until Monday? Senator Higgins.

SENATOR HIGGINS: Mr. President, who requested that we lay it over?

SPEAKER MARVEL: Senator Haberman.

SENATOR HIGGINS: Thank you.

SPEAKER MARVEL: Any other discussion? Okay, the bill will be laid over until Monday. We now move to General File, LB 144, Mr. Clerk.

March 3, 1981

LB 195, 205, 409

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

SPEAKER MARVEL: Senator Kilgarin, do you want to advance the bill, 205 to E & R for engrossment.

SENATOR KILGARIN: I move LB 205 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced. The next item, LB 409.

CLERK: There are E & R amendments to LB 409, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 409.

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

CLERK: Nothing further on the bill, Senator.

SENATOR KILGARIN: I move LB 409 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried. The bill is advanced. 195.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: I move LB 195 be advanced to E & R for engrossment.

SPEAKER MARVEL: Senator Kahle, your light is on.

SENATOR KAHLE: Mr. Speaker, members, I'm not sure I am even on the right bill but I have been getting some information on small insurance companies and I wonder if Senator Warner would enlighten me as to what this does and if this is the bill they are worried about.

SENATOR WARNER: Senator Kahle, I am not aware of any... Can you give me a clue? This affects fire and casualty only. Is that the kind...I don't know...there is a bill that I would guess you may be getting...because I have had questions which deal with who can sell it. Is that the one you are thinking of?

SENATOR KAHLE: Well the inquiry that I had was from a party that had actually several small insurance companies and I think you're right. I think it is the other bill.

LB 9, 34, 51, 78, 91, 124,
125, 133, 150, 178, 195,
205, 223, 272, 273, 273A
277, 317, 320, 321, 345
363, 376, 409, 439, 459

March 6, 1981

PRESIDENT LUEDTKE PRESIDING

REVEREND GERALD LUNDBY: (Prayer offered.)

PRESIDENT: Senator Higgins, do you want to put your light on and then we will make sure we have got enough. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Yes, sir, I do. Mr. President, first of all, your committee on Education whose Chairman is Senator Koch to whom was referred LB 78 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 317 General File with amendments; 320 General File with amendments; 321 General File with amendments; 91 Indefinitely postponed; 223 Indefinitely postponed; 363 Indefinitely postponed; 439 Indefinitely postponed. (Signed) Senator Koch, Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp to whom was referred LB 376 reports LB 376 to General File with amendments; LB 133 Indefinitely postponed; and 277 Indefinitely postponed. (Signed) Senator DeCamp, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 51 and find the same correctly engrossed; LB 125 correctly engrossed; 150 correctly engrossed; 195 correctly engrossed; 205 correctly engrossed; 272 correctly engrossed; 273 correctly engrossed; 273A correctly engrossed; 409 correctly engrossed; and 459 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, LB 9, 34, 124, 178 and 345 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 9, LB 34, LB 124, LB 178, and LB 345.

March 11, 1981

LB 272, 409, 104

with, the question is, shall the bill pass? All those in favor vote aye, opposed no. While you are voting, I will tell you this is Senator Vard Johnson's birthday, and with his first social security check, he is now passing out the rolls.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: (Record vote read. See pages 853 and 854, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 409.

CLERK: (Read LB 409 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See pages 854 and 855, Legislative Journal.) 36 (sic) ayes, 7 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will read 104.

CLERK: (Reading of LB 104 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill....pardon. The motion is to return the bill for specific amendment. Senator Beutler. The Clerk will read the amendment.

CLERK: Mr. President, Senator Beutler moves to return LB 104 to Select File for specific amendment. (Read Beutler amendment as found on page 855, Legislative Journal.)

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, when this bill was on Final Reading before, Senator Schmit agreed to an amendment that we passed 26 to 2. The amendment eliminated certain language that appeared twice in the bill but the problem was that the amendment only took out the language in one place. So what this amendment does is to take out the language in the second place on

March 12, 1981

LB 51, 104, 150, 151, 154, 179, 190,
195, 204, 204A, 205, 220, 272, 409,
403.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)...Tom Huxtable who is the Minister of the Eastridge Presbyterian Church.

REV. TOM HUXTABLE: Prayer offered.

SPEAKER MARVEL: Will you all record your presence, please.

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives. Mr. President, Senator Burrows would like to be excused until he arrives. Senator Wagner and Senator Labeledz until they arrive.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: A record attendance, please. A record vote on attendance, please.

SPEAKER MARVEL: Record the vote.

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

SPEAKER MARVEL: Do you have any other items on your desk?

CLERK: Yes, sir, I do. Mr. President, I have several matters to read in. Mr. President, LBs 51, 150, 195, 272, 409, and 154 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 51, LB 150, LB 195, LB 272, LB 409, LB 154.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports LB 104 is correctly engrossed and LB 205 correctly engrossed. (Signed) Senator Kilgarin as Chair. (See page 874 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 190 and recommend that same be placed on Select File with amendments; 220 Select File, 151 Select File with amendments; 179 Select File with amendments; 204 Select File with amendments; 204A Select File. (Signed) Senator Kilgarin, Chair. (See page 873 of the Legislative Journal.)

Your Committee on Banking reports LB 403 to General File

LB 51, 63, 74, 94, 106, 113A, 150, 154,
190, 195, 225, 261, 272, 281, 284A, 351,
409, 418, 421, 426, 466, 229

March 12, 1981

Mr. President, some items to read in, LB 113A by Senator DeCamp. (Read LB 113A for the first time by title.) LB 284A by Senator DeCamp. (Read LB 284A for the first time by title.)

Your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 51, 150, 195, 272, 409 and 154.

Your Committee on Education reports 63 indefinitely postponed. (Signed) Senator Koch.

Your Committee on Public Works reports 229 to General File and 94 General File with amendments. (Signed) Senator Kremer.)

Your Committee on Banking reports 421 to General File with amendments. (Signed) Senator DeCamp.

Your Committee on Public Health reports 261 and 466 to General File with amendments.

Mr. President, Senator Nichol would like to print amendments to LB 74 in the Journal. Banking, Commerce and Insurance Committee sets hearing. Senator Koch would like to print amendments to LB 190. Senator Kilgarin asks unanimous consent to be excused tomorrow. I have notice of priority bill designation of the Speaker. Your Committee on Banking, Commerce and Insurance reports 426 to General File with Amendments. (See pages 882 through 896 of the Legislative Journal.)

Mr. President, Senator Schmit would like to have the Ag and Environment Committee tomorrow morning at eight o'clock in Room 1520, Ag and Environment Committee tomorrow morning.

Mr. President, your Committee on Government, Military and Veterans Affairs reports 281 to General File with amendments; LB 351 General File; LB 418 to General File; LB 106 as indefinitely postponed; and LB 225 as indefinitely postponed. Those are all signed by Senator Kahle as Chairman.

Mr. President, the Business and Labor Committee will have an Exec Session at 1:00 p.m. today in Room 1019; Business and Labor at 1:00 p.m. today.

Mr. President, Senator Vard Johnson asks to be excused tomorrow.

March 17, 1981

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

SPEAKER MARVEL PRESIDING

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

SPEAKER MARVEL: Record your presence. Record.

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

SPEAKER MARVEL: Did you have any other items?

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

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

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

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

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

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

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

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