

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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LB 446, 423

We elect those people and I think for us to say we want to give it to the Attorney General because maybe a couple words have not been to our liking in propositions is folly. We should maintain this. It is a privilege for us to word it. We debate it. Our intent is here and if the Executive Board has a question on wording, they can seek the advice and counsel of the Attorney General. They can seek it but we don't have to give it to him to make the determination because we have no choice then and as far as the members of this body are concerned, I only advise you. If we want to give away or erode our powers further than what we do right here, is vote to maintain the present language of the bill. If we want to maintain our privilege and our power, then you support my amendment because I think that is where it should rest, with us. We are the authors of propositions, therefore, we should have the right to put them in words we think are correct and appropriate and fair to the public regardless of what side of the issue we are on in terms of constitutional amendments. I ask for the adoption of my amendment. Thank you.

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

CLERK: 27 ayes, 5 nays on adoption of Senator Koch's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Kahle, do you want to move the bill?

SENATOR KAHLE: Mr. Speaker, I move LB 446 as amended to E & R initial.

SPEAKER MARVEL: You have heard the motion. All those in favor vote aye, opposed vote no. A record vote has been requested. Record the vote.

CLERK: (Read record vote as found on page 995 of the Legislative Journal.) 35 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have some other items on the desk?

CLERK: Yes, sir, I do. Mr. President, Senator Lowell Johnson requests, asks to be excused tomorrow.

Mr. President, I have certain gubernatorial appointments from the Governor. (See page 996 of the Legislative Journal.)

Senator Sleck asks unanimous consent to add his name to 423 as cointroducer.

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LB 39, 280, 303, 423, 536

is adopted. Are we now ready for General File, Mr. Clerk?

CLERK: Mr. President, if I may read just an item or two in. Your committee on Government, Military and Veterans Affairs reports LB 280 to General and LB 536 to General File. (Signed) Senator Kahle. The Government Committee reports favorably upon certain gubernatorial appointments, and the Government Committee would like to have an Executive Session under the north balcony upon recess this morning. Underneath the north balcony, the Government Committee, Mr. President. (See page 1061 of the Journal for gubernatorial appointment.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 303 to General File with amendments, and 423 to General File with amendments. (Signed) Senator Koch. (See pages 1060 and 1061 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we are ready for General File, LB 39E.

CLERK: Mr. President, LB 39 was offered by Senator Kahle. (Read title.) The bill was first read on January 8 of this year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments pending by the Public Health and Welfare Committee.

SPEAKER MARVEL: Senator Wesely, do you want to take the committee amendments?

SENATOR WESELY: Yes. Mr. Speaker and members of the Legislature, the Public Health Committee found that there were some technical problems with the bill. The committee amendments would adjust and take care of those technical problems and make it clear that this is not retroactive but it does, in fact, it's a prospective decrease in the percentage figures and I think it is just a technical amendment by the committee. I move the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 39. All those in favor of that motion vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The committee

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LB 202, 338, 423

SPEAKER MARVEL: The motion before the House is the advancement of LB 338. All those in favor of that motion vote aye, opposed vote no. Record vote has been requested. Have you all voted? Senator Koch.

SENATOR KOCH: I rise to request a record vote, Mr. Speaker. I want it in the Journal.

SPEAKER MARVEL: Record the vote.

CLERK: (Read the record vote as found on page 246 of the Legislative Journal). 18 ayes, 26 nays, 5 excused and not voting, Mr. President.

SPEAKER MARVEL: The motion lost. The next item is 202.

CLERK: Mr. President, I have a request from Senator Chambers to pass over LB 202.

SPEAKER MARVEL: Hearing no objection, so ordered. Before we go to the next item, in the north balcony from St. Paul, Minnesota it is our pleasure to introduce 65 adults of the Cenex which is a Co-op Farm Organization, and they come from all parts of Minnesota and they are enroute from Minnesota down south where they have oil wells. It is our privilege to welcome you to the Unicameral Legislature and congratulate you on the number of times you have visited us and hope you will come back again. Let's give these people a hand. The next bill is LB 423.

CLERK: Mr. President, LB 423 offered by Senator Hoagland and Senator Sieck. (Read title). The bill was first read on January 20 of last year. At that time it was referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Education Committee.

SPEAKER MARVEL: The Chair recognizes Senator Koch for the committee amendments. Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I am speaking in favor of the committee amendments to LB 423, and let me make clear from the outset that the committee amendments completely replace LB 423 with a bill, LB 254, that was inadvertently killed in the Education Committee last year after the public hearing. And because LB 254 had been killed why I consented permitting Senator Sieck to use LB 423 as a vehicle for LB 254. So the description on the green sheet, of course, is incorrect, and that will be corrected if these committee amendments are adopted and

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LB 423

the bill is advanced. I consented to permit Senator Sieck to use LB 423 as a vehicle for the changes that he would like to make in Nebraska law because I think they make a great deal of sense. I think it is important for all of you, however, to read the committee report and to read the summary of what the committee amendments contain and to read the amendments themselves which are on the reverse side of the committee report. The bill is very short and very simple, and I know Senator Sieck wants to be heard at length on this exceedingly good proposal. Let me just summarize in a word by saying that the basic intent of the legislation is to bring about teaching in the local school districts around the state of ways of preventing mental retardation through proper diet and nutrition during the months of pregnancy. It is becoming part of an existing provision of state law that requires that the public schools inform the students about the dangers of drug abuse and this would add to that section by requiring that the public schools inform the public about the importance of good nutrition during...as part of prenatal care. One final point I think that is important to mention is that this amendment also omits from the entire section any obligations that parochial schools might enjoy under Senator Sieck's proposal or under existing law which deals with drug education. So, Mr. Speaker, with that explanation I would be happy to answer any questions anyone might have and would move the adoption of the committee amendments.

SPEAKER MARVEL: The motion is to adopt the Education Committee amendments and the Chair recognizes Senator Koch. LB 423. Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. The Education Committee heard this bill and we had a bill that was dealing with gifted programs and then there were certain people who felt that in the area of instruction that the young people of this state should be given some background on developmental disabilities such as what causes certain kinds of handicaps, how they might be prevented. This goes back to what Senator Higgins mentioned a moment ago that we ought to spend more money on research on what causes handicapping and other problems that young people are faced with because of no fault of their own. So I ask for the adoption of the amendment.

SPEAKER MARVEL: All in favor of the adoption of the amendment as explained by Senator Koch vote aye, opposed vote no. Clerk, record the vote.

CLERK: 28 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried, the committee amendments are adopted. Senator Sieck, do you wish to be recognized?

SENATOR SIECK: Yes. Mr. Speaker, members of the body, we are now going to talk about LB 254 which was inserted into 423. And it is amended somewhat to take out the private schools out of the bill. The reason this was taken out is because some of the parochial schools had difficulty about teaching that young women would have a problem and could have a problem in mental retardation in early pregnancy. My feeling was that the private schools are teaching it and that I had no concern about taking this out because I feel that the parochial schools have good moral ethics and do what I would like to see the public schools do. Now it is my intent in 423 to mandate that a portion of the already required school health curriculum address the problem of developmental disabilities. If the information that is available were put to use, approximately one-half of the mental retardation that occurs could be prevented. What I mean by this is if we could keep the childbearing women from smoking, from drinking and from using drugs, we could prevent 50 percent of the mentally retarded population from being retarded. The important thing about this bill is that we would ensure that young people receive this information prior to childbearing years and that is in the schools. How else can you get it? Many of our parents do not teach our children it seems, and I feel that this is where it should really come from, but we have to go to the school system. Current statutes already require that a health curriculum be offered that must include drug abuse education. Therefore, LB 423 simply specifies that mental retardation is caused by abuses of these drugs, alcohol and tobacco as well as other factors. Besides just decreasing the number of mentally retarded citizens, the best interests of the State of Nebraska will be served as well. I say this because it costs the state anywhere from \$2000 to \$30,000 per year to care for and train a mentally retarded citizen. Thus if 423 is enacted, it should prevent mental retardation and save the state future expense simultaneously. Here is what this bill will do. First, it will require instruction of development disabilities but it also provides for potential long term cost saving to this state. These savings could save up to \$1 million dollars in one child's lifetime in an extreme case. We now have a cost of \$28½ million dollars for special education in this state. The annual cost per client at the Nebraska Development Center at Beatrice is \$19,000 while the annual cost for a student requiring special education in the public schools may run up to \$60,000, and I was alerted to this from the school district at Coleridge just a year ago.

They had an individual that they had to send off and the costs could have been \$60,000, but we diverted this to another program and we were able to save that school a considerable amount of money. But it could have been \$60,000. Also the annual cost for a student in the Hastings Regional Center is currently \$40,000, plus it is my understanding that it may now cost up to \$60,000 per year per student at the Regional Center here in Lincoln. As you can see, this is a tremendous financial burden to the state and if we can prevent this, we could create a tremendous cost saving in this time of tight budgets. This legislation will not require any additional staff because the present staff can teach this subject in the health classes while the Department of Education can provide the training that is needed. The Department of Health has identified the need for increased emphasis in the area of education of developmental disabilities. As I have stated, current statute requires that each school have a comprehensive health curriculum and drug abuse is the only area that is currently required to be addressed in this course. Some schools already offer courses about the problems of mental retardation on a voluntary basis by their own accord. While the Department of Education cannot identify how many schools include this instruction, there are schools that do this. So why not have the curriculum mandated so that all schools offer such courses on this particular issue. This bill simply requires that a curriculum be offered on the prevention of developmental educational disabilities. The bill is constitutional and it will not require any additional health classes to be offered, nor will it substantially affect the school budget. Also this bill does not require additional teachers to be hired and will virtually not affect local education decision making.

SPEAKER MARVEL: Your time is up.

SENATOR SIECK: I have got one paragraph left.

SPEAKER MARVEL: Okay.

SENATOR SIECK: So I ask your support of LB 423 as amended and advance it to E & R. I feel that this is needed legislation especially in times as now when we are considering cost effectiveness and I feel this bill will certainly contain cost effectiveness. Even though there is a fiscal impact of \$3000 to get such material in the health curriculum, there is a very minor cost compared to what such measures can save the State of Nebraska in the future. I urge the passage of this bill.

SPEAKER MARVEL: Senator Vickers, do you wish to be recognized?

SENATOR VICKERS: Mr. President and members, I don't quite know how to stand up and oppose such a noble bill as Senator Sieck has brought to us. It is a little difficult to stand up and say that I am for mental retardation, so I guess I won't quite do that, but I will point out to the body what we are doing. As Senator Sieck so aptly pointed out, it is in the legislation right now that the school districts shall teach in general specifics about drug abuse and how that relates to mental retardation. What Senator Sieck is attempting to do is narrow those specifics down and tell those local school districts exactly what they should have to teach about, and that is what I object to. Historically, this Legislature through the Department of Education have granted the authority to local school districts in broad terms to set their own curriculum. We have mandated only in large areas certain curriculum and that curriculum is general in the four specific study areas, a large certain number of hours in each one of those but we allow the local school districts, the local schools to set their own curriculum within those areas with the one exception and that exception was alluded to this morning, and that is American History. And I feel very strongly that we should allow the local school districts that discretion. We should allow the local school districts the discretion they have right now in the statutes to teach mental retardation, to teach drug abuse as they have got right now and as Senator Sieck indicated to you they have. I don't think it is our place to act as the grand school board for the entire State of Nebraska and dictate to those public schools exactly what they should teach in this area. Senator Hoagland mentioned that this bill was killed inadvertently in the committee. Well, it might have been as far as some members are concerned, but I can assure you as one member of the Education Committee that it wasn't inadvertent. I just urge the body's careful consideration as to exactly what we are doing in this area, even though Senator Sieck is rightfully concerned about a area that I think we should all be concerned about. I also urge this body's concern when we look at local control of our public schools and the way that we are trying to undermine that local control. Thank you, Mr. President.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I, too, would like to commend Senator Sieck for the work he has done in this field. He has done quite a bit since I have been here, had a lot of good legislation passed. But I feel in this case I am going to have to oppose Senator Sieck because the words here say enough for me. It says LB 254 would mandate to the public schools, and again I feel as Senator Vickers ended his talk on, local

control, let the local school board decide what they want to do, as not only the local school board but the public in general is sick and tired of the Legislature mandating what the school is supposed to do, and I am not going to support this as much as I would like to, because the people are fed up and quite frankly I am fed up with us mandating what the schools will do, the counties will do and the cities will do. We have come to the point to let them make their own decisions. They are elected like we are. They are on the local level and let's let them do it. So I am sorry, Senator Sieck, but I am going to have to oppose you on this bill. Thank you very much.

SPEAKER MARVEL: Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Speaker and members of the Legislature, I would rise to support Senator Sieck and specifically for exactly the same reason that the other two gentlemen have opposed him. This noon you two men met with Anne Campbell as I did and found out the tremendous cost of the whole mental health area to our public schools. And it appears to me that when we have the knowledge where we could cut down the number of people who are mentally retarded by 50 percent, in other words, instead of representing 10 percent of our school cost, we would cut it to 5 percent, it would appear to me that we ought to give that kind of education in our public schools. We have the knowledge now. There is additional knowledge coming on. We ought to involve whatever we can learn from the medical school. We ought to learn what we can from the nutritional area. Many of us don't really appreciate what happens nutritionally. We need to know what we can do in terms of the problem as far as pregnancy, smoking, and we know there is good evidence that smoking during pregnancy causes mental retardation. And it seems to me that we are missing an opportunity to bring into this world young men and young women who are mentally capable of doing the things that we need to have done in this society.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Higgins.

SENATOR HIGGINS: Mr. President, Senators, I agree with Senator Haberman. I said just a few minutes ago that I think we should leave the schools in the control of the local school boards. Now I have to vote the other way. I will tell you why. I have a number of teacher acquaintances in Omaha, some of whom have argued at great length with me the values of smoking pot as opposed to drinking. So because

I know so many teachers that either drink, and I drink also, or smoke pot which I haven't tried, in this instance I am going to say, I think I would like to see it mandated that we do teach the youth the evils of smoking, something I learned when I was about 18 and I still haven't got smart enough yet to quit. But I do think that this is something that ultimately will save the state a great deal of money and I think it is more important that our youth learn the disadvantages and how it can hurt their own individual health by taking up the habits of their elders. I think it is more important that they know how to take care of themselves than who wrote the polonaise or who painted the Mona Lisa, so for this reason I ask that you support Senator Sieck's bill.

SENATOR CLARK: Is there any further discussion? Senator Sieck, do you want to close?

SENATOR SIECK: Yes. Mr. President, members of the body, I would like to answer some of the questions of Senator Vickers' and Senator Haberman's accusations. What this bill says it goes in the curriculum. It does not yet mandate the public schools that they have to do this, but it is going to be available for them to do it, and I think that is what we must see that it gets in there. It still does not mandate that that public school has to do it. But I feel once it is in the curriculum, they will recognize the need of it and will do it. So you talk about mandating programs, I don't think this is mandating. All it is mandating is that it gets in the curriculum of the health education, and it is asking our State Board of Education to see that this is done, and that is mandating that portion of it. I would like to say that President Nixon was the first national figure on the national level to follow this fact. If we only use the information that we now have available, we could prevent one-half of the mental retardation that occurs. Now the State Department of Health estimates that 27,350 children were born in Nebraska in 1981. Using the national average we can estimate that 3 percent of these children were born with mental retardation. That is 820 children. Yet if the prevention information that is now available had been used, 410 of those children could have been born without mental retardation. We have two problems, one is to make the prevention information known to our children prior to the time that they start having children. The second one is, once they have the knowledge it is up to them to use it. We cannot mandate that. We can ensure that they have that information and that is what I am trying to do. The adoption of LB 423 would give more Nebraskans the opportunity to be born healthy. It would

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mean less in state costs for special services in future years, and it would assist many families and protect them from the personal crisis of having a child with mental retardation, and I can say that it is a personal crisis, and I sure would like to prevent this. I move to advance the bill.

SENATOR CLARK: For what purpose do you rise? He was closing.

SENATOR HABERMAN: Point of order on his close.

SENATOR CLARK: State your point.

SENATOR HABERMAN: My point is that Senator Sieck said that it does not mandate. It says here LB 254 would mandate instruction in all public schools.

SENATOR CLARK: Thank you. The question before the House is the advancement of the bill, LB 423. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted that wish to vote? Once more, have you all voted? Record the vote. Senator Sieck. Senator Sieck, did you want to....?

SENATOR SIECK: I will take in call in votes if there are some.

SENATOR CLARK: Do you want to go under a Call of the House?

SENATOR SIECK: Yes, I want the Call of the House.

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

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Clerk is authorized to take call in votes.

CLERK: Senator Newell voting yes. Senator Lowell Johnson voting yes. Senator Schmit voting yes.

SPEAKER MARVEL: Record the vote.

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LB 192, 423

CLERK: 25 ayes, 16 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Ready for 192?

CLERK: Yes, sir.

SPEAKER MARVEL: LB 192.

CLERK: Mr. President, LB 192 introduced by Senator Remmers and Mr. President, I have a request from Senator Vickers to add his name as co-introducer to 192. (Read title). The bill was originally read on January 14 of last year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File with committee amendments attached, Mr. President. The Legislature did consider the bill on May 1st of last year. I now have pending, Mr. President, the Judiciary Committee amendments.

SPEAKER MARVEL: LB 192. Senator Chambers, do you wish to be recognized?

SENATOR CHAMBERS: Yes. Mr. Chairman, the committee amendments that were offered are not too difficult. They primarily are for the purposes of clarification. And if any of you are interested enough in the bill to follow, I would like to tell you the page and the location of the amendments so you will see that all they do accomplish is clarification. Then there is the addition of the severability clause. But on page 2 in line 8, rather than the word "an" we put the words "a state" so that you would have a state agency rather than an agency of the state. Then in place of the words "of the state", those three words are stricken and this is added: "as defined in Section 60-109", and that will ensure that the agency mentioned here complies with everything else in the statutes relative to agencies. Then if you come down to lines 19 and 20, after the word "justified" put a period. Strike the rest of the language and the language stricken would be "or special circumstances exist which would make such award unjust". That is really not necessary so it was stricken. On page 3, when we come to line 6, after the comma following the word "act" these words would be inserted: "fees and other expenses shall be awarded as provided in this act", then after the word "only" you insert the word "to". So it would read thusly: "Notwithstanding any other provision of this act, fees and other expenses shall be awarded as provided in this act only to those prevailing parties who are", and then it goes on. Then as I say, the severability clause is to be added. The Clerk mentioned that

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LB 309, 418, 423,
LB 490, 542, 563-566

SENATOR CLARK: The motion is to advance LB 563. All those in favor say aye, opposed. The bill is advanced. LB 564.

SENATOR KILGARIN: I move we advance LB 564.

SENATOR CLARK: The motion is to advance 564. All those in favor say aye, opposed. The bill is advanced. 565.

SENATOR KILGARIN: I move we advance LB 565.

SENATOR CLARK: The motion is to advance 565. All those in favor say aye, opposed. The bill is advanced. LB 566.

SENATOR KILGARIN: I move we advance LB 566.

SENATOR CLARK: The motion is to advance LB 566. All those in favor say aye, all those opposed. The bill is advanced. LB 309.

SENATOR KILGARIN: I move we advance LB 309.

SENATOR CLARK: The motion is to advance LB 309. All those in favor say aye, opposed. The bill is advanced. LB 418.

SENATOR KILGARIN: I move we advance LB 418.

SENATOR CLARK: The motion is to advance LB 418. All those in favor say aye, opposed. The bill is advanced. LB 490.

SENATOR KILGARIN: I move we advance LB 490.

SENATOR CLARK: The motion is to advance 490. All those in favor say aye, opposed. The bill is advanced. LB 542.

SENATOR KILGARIN: I move the E & R amendment to LB 542.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 542.

SENATOR CLARK: The motion is to advance LB 542. All those in favor say aye, opposed. The bill is advanced. LB 423.

SENATOR KILGARIN: I move the E & R amendment to LB 423.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The amendments are adopted.

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LB 127, 270, 359, 378,
423, 465, 572, 610

SENATOR KILGARIN: I move we advance LB 423.

SENATOR CLARK: The motion is to advance LB 423. All those in favor say aye, opposed. The bill is advanced. LB 192.

SENATOR KILGARIN: I move the E & R amendment to LB 192.

SENATOR CLARK: There are amendments to 192 so we will hold that bill up. 231.

SENATOR KILGARIN: The introducer requests that we pass over 231.

SENATOR CLARK: Well and 304 has amendments so that will complete them. The Clerk wants to read some things in.

CLERK: Mr. President, I have a hearing notice from the Judiciary Committee for February 22, signed by Senator Nichol. I have a hearing notice by the Appropriations Committee for February 2, 3, 5 signed by Senator Warner.

Senator Clark would like to print amendments to LB 127 in the Journal; Senator Howard Peterson and Hefner to print amendments to LB 610. Senator Warner offers proposed rules change. That will be referred to the Rules Committee for public hearing and, Mr. President, Senator Cullan moves to reconsider the body's action in indefinitely postponing LB 270. That will be laid over. (See pages 450-451 of the Legislative Journal.)

Mr. President, in addition to that I have an E & R reports. Your committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 378 and recommend that same be placed on Select File with amendments; LB 359 Select File with amendments and LB 572 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 451-455 of the Legislative Journal.)

SENATOR CLARK: I would like to introduce to the Legislature 75 fourth grade students from the Zeman School in Lincoln, Shirley Marsh's District. Bob Larson, Mrs. Soukup, Mrs. Durst and Mrs. Diava (phonetic) are the teachers. Would you stand and be recognized please. Welcome to the Legislature. We are glad to have you here. We will now take up LB 465.

CLERK: Mr. President, there are E & R amendments on LB 465.

SENATOR CLARK: Senator Kilgarin, E & R amendments on 465.

SENATOR KILGARIN: I move the E & R amendments to LB 465.

LR 209
LB 229, 264, 309, 347, 403,
418, 423, 490, 492, 542, 563-66,
572, 600, 613, 635, 669

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PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all recorded your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, on page 480, line 3, strike the word "approved" and insert the word "adopted".

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

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 613 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 600 indefinitely postponed; and LB 669 advanced to General File with committee amendments attached. That is signed by Senator Kremer. (See page 485 of the Legislative Journal).

Mr. President, Senator Kahle would move to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. That will be laid over.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 229 and find the same correctly engrossed; 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 all correctly engrossed.

Mr. President, I have an Annual Report from the Nebraska State Board of Landscape Architects. That will be on file in my office.

Mr. President, LR 209 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 209.

CLERK: Mr. President, I have a report from Public Works

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LB 309, 347, 403, 418,
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CLERK: (Record vote read. See page 518, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read on Final Reading LB 347.

ASSISTANT CLERK: (Read LB 347 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 347. Record.

ASSISTANT CLERK: (Record vote read. See page 519, Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 403.

ASSISTANT CLERK: (Read LB 403 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 403. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 520, Legislative Journal.) The vote is 46 ayes, 2 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next bill, LB 418.

ASSISTANT CLERK: (Read LB 418 on Final Reading.)

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

ASSISTANT CLERK: (Read record vote. See pages 520 and 521, Legislative Journal.) The vote is 45 ayes, 3 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 423.

ASSISTANT CLERK: (Read LB 423 on Final Reading.)

February 3, 1982

LB 423, 490

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Koch, for what purpose do you rise?

SENATOR KOCH: Mr. Chairman, point of personal privilege.

SPEAKER MARVEL: State your point (interruption).

SENATOR KOCH: Since we have a group of new Pages that don't know what these bills are on Final Reading, I want Mr. Brown to gesticulate and articulate and read with more enthusiasm and obviously Senator Sieck's bill is in trouble because most of the people here don't understand it.

SPEAKER MARVEL: Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See pages 521 and 522, Legislative Journal.) The vote is 25 ayes, 23 nays, 1 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill is LB 490.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.

CLERK: Senator Wesely would move that LB 490 be returned to Select File for specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I will be brief. I have handed out a letter. I know we have been moving so quickly you might not have had a chance to read it. I would like to read it to you concerning this bill and then I think we can move ahead. It is from Andy Cunningham, from the Task Force on Government Improvement. "Dear Senator Wesely: During the floor debate on LB 490 last week, you correctly pointed out that the bill goes directly against the Task Force's recommendation. By fully separating the State Electrical Division from the Fire Marshal's Office by establishing the division as an independent agency, LB 490 would exasperate the state's disorganized administration in structural safety regulations. As you are aware, Task Force recommendation 72 calls for the creation of the Department of Fire

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,
263, 264, 270, 309, 347, 370, 403,
418, 423, 431, 448, 449, 490, 492,
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

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

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 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 engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 11, 1982

LR 220

LB 69, 192, 198, 423, 590

SENATOR MARSH: (Mike not activated).....purposes of reconsideration.

CLERK: 20 ayes.....I'm sorry, Senator, you are changing, is that right? I'm sorry. Okay, Senator Marsh changing from yes to not voting for purposes of reconsideration. 19 ayes, 26 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got a couple items on the desk and then we will go back to Final Reading.

CLERK: Mr. President, communication from the Governor addressed to the Clerk. (Read communication with regard to LB 423 as found on page 652 of the Legislative Journal).

Senator Kilgarin would like to print amendments to LB 590 in the Legislative Journal. (See pages 652 and 653 of the Journal).

I have a report of registered lobbyists for the week of February 5 through February 10. (See page 653 of the Journal).

New resolution, LR 220, offered by Senators DeCamp, Wagner, Hefner, Chronister and VonMinden. (Read LR 220 as found on pages 653 and 654 of the Journal). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Before we continue, in the north balcony it is my privilege to introduce from Senator Marsh's District 18 Fifth and Sixth Graders from Beattie School, Lincoln. Ann Jablonski is the teacher. Would you let us see where you are? Up here. Welcome to the Unicameral. Next on Final Reading LB 192. The Clerk will read.

CLERK: (Read LB 192 on Final Reading).

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

CLERK: (Read the record vote as found on pages 654 and 655 of the Legislative Journal). 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 198.