

He is an upstream muscle mammal and I will pray that he will always be a muscle man. Son, you know, we all mammals have feet and because we have feet we play mammalball which is the most important sport in Mammalary Land and I want you to be sure to develop your feet so you will be an excellent mammalball player." "But why am I different as a mammal," Babble asked? "Son, because you nurse." "Gee, Dad, does that mean I get to go to the nursery?" "Yes, something like that. Son, one other thing you should know. Mammalar or Shirley Marsh is going to put in a bill that will put us mammals on the map." "What do you mean, Pappy?" "Well, she is going to name a mammal of Mammalary Land and when this is accomplished we will truly have arrived at the Shangri-Mammal and we will be living happily ever after in Mammalary Land." Thank you, Mr. President, I just wanted to improve the....

SENATOR CLARK: Cut that man's microphone off.

SPEAKER MARVEL: Okay, the Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 434-451. See pages 281-286 of the Legislative Journal.)

SPEAKER MARVEL: I wish to make an announcement. From Tehran, Iran, a plane carrying the fifty-two American hostages took off today from Tehran's Mehrabad Airport a policeman at the airport told reporters. (applause.)

In the North balcony from Senator Landis' district it is my pleasure to introduce 11 sixth grade students from Sacred Heart School in Lincoln, Miss Glushenko, teacher. Will you raise your hands so we can see where you are located? Welcome.

March 30, 1981

LB 263, 317, 447, 450,
451, 459, 448

provide the service.

SENATOR COPE: Thank you.

SPEAKER MARVEL: Senator Koch, do you want to close?

SENATOR KOCH: Mr. Speaker, I will be very brief. I know that in visiting with Senator Warner and other members of the committee, Appropriations, that we do have some problems in relationship to dollars to be expended for certain kinds of services, but I am requesting that this body place the bill eventually on Final Reading and it will have to rest there for a while until we determine how monies are going to be appropriated, and if we find that there is some way we can squeeze a little bit, I would think it would be most appropriate that this bill be advanced and that we try this. The reason I say this is that I don't know how the Appropriations Committee handles all the agencies working with the handicapped in the different kinds of programs, but I am certain with what we did last year in the Coordinating Commission, now we take the mental retardation districts into consideration that we are going to get a more coordinated effort and that we are going to have a sharing of responsibilities, a rightful sharing of responsibilities in regard to education, residential care and a host of other problems that are naturally associated with that issue. I am asking that the body advanced LB 317 to E & R Initial as amended.

SPEAKER MARVEL: The motion is to advance the bill to E & R Initial. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

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

CLERK: Mr. President, while we are waiting, your committee on Public Health and Welfare whose Chairman is Senator Cullan, reports 448 to General File with amendments, 459 to General File with amendment, 450 to General File with amendments, 451 to General File, 263 to General File with amendments, 447 indefinitely postponed. (See pages 1190 through 1193 of the Legislative Journal.)

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LB 360, 451

will move on. LB 451, isn't it? 451, Mr. Clerk.

CLERK: Mr. President, LB 451 offered by the Performance Review and Audit Committee and signed by its members. (Read title.) The bill was read on January 20, Mr. President. It was referred to Public Health and Welfare. The bill was advanced to General File.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be advanced. It's the bill that dealt with sunset legislation dealing with the osteopaths that their Board of Examiners...this is one of these boards, as I recall had last met in 19... I think it was '64 or thereabouts and had last issued a license in some 15 to 20 years before that. In any event, the recommendation with the concurrence of all those involved is to place that within the Board of Examiners of Medicine and Surgery which existing law already requires osteopaths to be a member, or at least an osteopath is a member. So there is no change there. As far as I know it is obviously not controversial because there was no committee amendments unlike all the other Performance and Review bills. So I would move that the bill be advanced.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, the Public Health Committee did hear this bill. We did not find any need to amend the bill. We found it to be a very good step to take. Presently there are 28 licensed osteopaths in the state, 13 practicing osteopaths, and it just seemed like an unnecessary expense to have this board and felt that it should be merged. So it seems to me that a sunset process did identify a problem and I think this is a good bill. I urge your support.

PRESIDENT: Senator Warner, is there any close? No close. The close is waived. The question before the House is the advance of LB 451. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 451 is advanced to E & R Initial. The next bill on consent calendar is LB 428.

CLERK: Mr. President, if I may right before that, Senator Fenger would like to print amendments to LB 360 in the Legislative Journal. (See pages 1678 through 1682 of the

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LB 385, 451, 477A

in order to be able to sell the bonds. I don't think it would be at all possible to sell bonds without giving some security and it would have to be in this case the real estate upon which the projects were constructed. I recognize that this is not going to be the total answer to the problem. It is one answer. I think we know today that if the cost of money continues to escalate we are looking at 16 and 17 percent money. I don't think it is... I think it is totally impossible to construct conservation practices on land today and pay those kind of interest rates. I want to remind you of one thing more, that this is a loan to the farmer to be repaid. The other programs we are talking about are grants. Albeit, the loan is at a lower rate of interest, but the ASCS funds we know are limited and we know they are going to be limited much more so in future years. I think the federal government has made that plain to us. I think that the tight fiscal policy of the State of Nebraska is going to limit the amount of money that can be made available for either the development fund or the conservation fund. I think we should encourage....

PRESIDENT: One minute left on your closing...(interruption).

SENATOR SCHMIT:if possible the utilization of these kind of funds for the individual farmers who are willing to accept the responsibility for the loan and the repayment of that loan to develop conservation practices. I ask you to advance the bill.

PRESIDENT: Senator Koch, for what purpose do you arise? We are....time is about up on this bill, and he was closing. Go ahead. Nothing, okay. The question then is the advance of LB 385. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 4 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: Motion carries and LB 385 is advanced to E & R Initial.

CLERK: Mr. President, while we are waiting, Senator Cullan would like to print amendments to LB 451. (See page 1683 of the Journal.) And new A bill, 477A, offered by Senator Pirsch. (Read title.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, go ahead.

May 4, 1981

LR 76
LB 12, 99, 228, 257, 361, 385,
LB 561, 428, 451, 472, 472A, 501

SENATOR CLARK: Senator Cullan. The question has been called for. Do I see five hands? I don't see them. Now I do. All those wishing to cease debate will vote aye, opposed no. Have you all voted to cease debate?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Wiitala, do you want to close?

SENATOR WIITALA: Mr. Speaker, members of the Legislature, in all due respect to my distinguished colleagues, Senator Warner and Senator Marsh, since the legislative intent has been placed in the record by their remarks as far as the responsibility to the duties of the Performance Review and Audit Committee, I would respectfully withdraw my amendment at this time. Thank you.

SENATOR CLARK: It is withdrawn. Do you have anything else on the bill?

CLERK: Mr. President, if I may read some matters in right before?

SENATOR CLARK: You go right ahead.

CLERK: Mr. President, a new resolution, LR 76 calling for a study offered by Senator Hoagland. (Read LR 76 as found on page 1724 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 12 and recommend that same be placed on Select File; 501 Select File; 472 Select File with amendments; 451 Select File with amendments; 428 Select File with amendments; 472A Select File; 99 Select File with amendments; 385 Select File with amendments; 361 Select File with amendments. 228 Select File. (See pages 1725-1726 of the Journal.)

And Senator Remmers would like to print amendments to LB 257, Mr. President. (See pages 1726-1727 of the Journal.)

Mr. President, the next motion I have on LR (sic) 561 is a motion by Senator Landis to reconsider the body's action in adopting the Kremer-Schmit amendment to LB 561.

SENATOR CLARK: Senator Landis.

May 5, 1981

LB 184, 252, 318, 451
LR 89

and vote for LB 184.

SPEAKER MARVEL: Okay, the motion is the adoption of the....the motion is the advancement of the bill. All those in favor vote aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under call first. First motion, all those in favor of placing the House under Call vote aye, opposed vote no. Record the vote.

CLERK: 21 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please record your presence. Senator Cullan, Senator Kilgarin, Senator Schmit, Senator Howard Peterson, Senator Goodrich, Senator Newell, Senator Chambers. Mr. Sergeant at Arms, you are looking for: Senator Newell, Senator Goodrich. Everybody else is accounted. Senator Chambers, do you want to record your presence. Okay, Senator Burrows, everybody is here but Senator Goodrich. Should we proceed?

CLERK: Roll call vote. 22 ayes, 20 nays, 1 present and not voting, 5 excused and not voting, and 1 absent and not voting. Vote appears on pages 1767-68 of the Legislative Journal.

SPEAKER MARVEL: Do you have anything to read in?

CLERK: Yes sir. Mr. President, Senator Cullan would like to print amendments to 451 in the Journal.

Mr. President, Senator Vickers to LB 252. Senator Koch to LB 318.

Mr. President, your committee. . .Mr. President, a new resolution, LR 89 offered by Senators Landis, Schmit, Chambers, Johnson, Fowler and DeCamp calls for a study to (Read title of LR 89). That will be referred to the Board, Mr. President.

SPEAKER MARVEL: Senator Fitzgerald, would you like to adjourn us until nine o'clock tomorrow morning.

SENATOR FITZGERALD: I would like to adjourn us till Wednesday, May 6, nine o'clock.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Marilyn Zank
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May 8, 1981

LB 472, 472A, 451

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

SPEAKER MARVEL: Do you want to move advancement of the bill?

SENATOR HOAGLAND: I move to advance the bill.

SPEAKER MARVEL: All those in favor of advancing 472 say aye. Opposed no. Motion carried. Now, Senator Hoagland, do you want to advance the A bill?

SENATOR HOAGLAND: Yes. I would move to advance the A bill, Mr. Speaker.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. Senator Cullan. Motion is carried. The A bill is advanced.

CLERK: Mr. President, there are E & R amendments to LB 451.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 451.

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

CLERK: Mr. President, Senator Cullan has an amendment to the bill found on page 1683 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Okay, Mr. President, this is a technical amendment brought to us by the Department of Health. As I understand it's a drafting error, this section of the bill is contained in one section and it should have been in there twice or something, but I guess this amendment and the next one are both technical and don't change the intent of the bill at all. The intent of the bill is to....I will go into that after the amendments are adopted.

SPEAKER MARVEL: The motion before the House is the adoption of the Cullan amendment number one. All those in favor of that motion vote aye, opposed vote no. Okay, record.

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

SPEAKER MARVEL: Okay, the motion is carried. The amendment is adopted. Now we are ready for amendment number two.

May 8, 1981

LB 451, 512

CLERK: Mr. President, the amendment is on page 1773.

SENATOR CULLAN: Mr. President, these amendments are also of a technical nature just drafting amendments to take care of some drafting problems.

SPEAKER MARVEL: Okay, the motion before the House is the adoption of Cullan amendment number two. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of the second Cullan amendment.

SPEAKER MARVEL: The motion is carried, amendment number two is adopted. The motion is to advance the bill. All those in favor of advancing the bill say aye. Opposed no. The motion is carried. The bill is advanced. Do you have another one? Pat, are we out of stuff? The Clerk has an item to read in.

CLERK: Mr. President, Senator Burrows would like to print amendments to LB 512 in the Journal. That's all that I have. (See page 1897 of the Journal.)

SPEAKER MARVEL: Senator Goll, do you want to adjourn us?

SENATOR GOLL: I certainly would like that very much, Mr. Chairman. I herewith move that the Legislature adjourn until Christmas. No, I move that we adjourn until 9:30 on Monday morning.

SPEAKER MARVEL: All in favor....I think the....okay, all those in favor of that motion....there will be some Final Reading on Monday and we will try to do it over the noon hour, but we will announce it ahead of time. We are going to try....will you try nine o'clock on Monday and see if it goes through?

SENATOR GOLL: Mr. Speaker, how about eight o'clock on Monday morning?

SPEAKER MARVEL: No not...no, not yet. Try nine o'clock.

SENATOR GOLL: I move we adjourn until nine o'clock on Monday morning, Mr. Speaker.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion is carried. We are adjourned until nine o'clock.

Edited by

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May 13, 1981

LR 181
LB 376, 252, 499, 529,
529A, 412, 451

CLERK: Yes, sir, I do. Mr. President, I have an explanation of vote from Senator Warner.

Mr. President, you committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 252 and recommend the same be....and find the same correctly engrossed. LB 451 correctly engrossed, 499, 529 and 529A all correctly engrossed. Those are signed by Senator Kilgarrin as Chair.

Mr. President, new resolution LR 181 offered by Senators Clark and Beutler. Read LR 181. That, Mr. President, will be laid over pursuant to our rules.

SENATOR CLARK PRESIDING

SENATOR CLARK: LB 412.

CLERK: Mr. President, LB 412 introduced by Senator Newell. Read title of LB 412. The bill was first read on January 20th it was referred to the Revenue Committee for public hearing. The bill was advanced to General File. There are committee amendments attached, Mr. President. The membership considered the bill April 6th of this year. At that time the committee amendments were adopted. There was a motion by Senator Warner that was adopted at that time. I now have, Mr. President, an amendment by Senator DeCamp to the bill.

SENATOR CLARK: Senator DeCamp. Senator Newell, would you like to briefly explain the bill again. A short explanation and then we will let Senator DeCamp take over.

SENATOR NEWELL: Yes. Mr. President, members of the body this is the green belt law, basically there has been agreement on the language of the bill in terms of clarifying just when and how it is to be used. The only issue outstanding at this time is what the interest rate should be in terms of those taxes not paid. Basically the present law says the interest rates will be 6%. The original proposal was to raise that to 14% to be in line with what we have done on all other interest rates, delinquent interest rates. The amendment that I have, I know that Senator DeCamp has an amendment, the amendment that I will be offering I will explain later.

SENATOR CLARK: Senator DeCamp. Oh, are you going to withdraw them?

CLERK: I believe that he is, yes, sir.

May 20, 1981

LB 179, 252, 451, 499

having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: (Read record vote as found on pages 2130-2131 of the Legislative Journal.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

SENATOR CLARK: 179 is declared passed with the emergency clause attached. The Clerk will now read LB 252.

CLERK: (Read LB 252 on Final Reading.)

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

CLERK: (Read record vote as found on pages 2131-2132 of the Legislative Journal.) 40 ayes, 8 nays, 1 excused and not voting, Mr. President.

SENATOR CLARK: 252 is declared passed. The Clerk will now read 451 with the emergency clause.

ASSISTANT CLERK: (Read LB 451 on Final Reading.)

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall 451 pass with the emergency clause attached. All those in favor vote aye, opposed nay.

ASSISTANT CLERK: Senator Clark voting aye.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Have you all voted? Okay, Clerk, record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2132 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached, LB 451. The Clerk will now read LB 499.

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

RECESS

SPEAKER MARVEL PRESIDING

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

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

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

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

SPEAKER MARVEL: What was that announcement again?

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

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

SENATOR NICHOL: Senator Marvel.

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

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

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

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

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

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

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

May 22, 1981

LR 188
LB 179, 181, 252, 273, 273A, 303, 322,
346, 376, 381, 384, 389, 441, 451, 470, 472A
485, 497, 501, 543, 512, 552, 545, 553, 554.

Senator DeCamp. All those in favor vote aye. All those opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator DeCamp.

SENATOR DeCAMP: How many are excused? Eleven?

SENATOR CLARK: Two.

SENATOR DeCAMP: Two? Okay, we still stand a shot, so I would ask for a Call of the House and take call in votes if that would be okay. But I would ask for a Call of the House first.

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: 19 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators will return to their seats, and if all Senators will check in, please. The Clerk would like to read some things while we are trying to get everyone registered in here.

CLERK: Mr. President, while we are recording our presence, I have a communique from the Governor addressed to the Clerk. Engrossed LBs 181, 252, 303, 381, 441, 451, 470, 485, 497, 543, 179, 346 and 384, 273, 273A, 501 and 545 were signed by me May 22 and delivered to the Secretary of State. Sincerely, Charles Thone, Governor.

Mr. President, I have an Attorney General's Opinion addressed to Senator Barrett on 376; one to Senator Hefner on 552. (See pages 2228 through 2233 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined 406 and recommend that the same be placed on Select File with amendments; 551 Select File; 552, 553, 554 all on Select File with amendments. (See pages 2233 through 2234 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 322 and find the same correctly engrossed; 376, 389 and 512 all correctly engrossed.

Mr. President, new resolution, LR 188 by Senator Wagner.