

January 20, 1981

LB 245, 452-467

Senator Schmit, I have to close with this, you mentioned surplus of teachers. You had better look at the record today. There is not a surplus, only in a very few fields. In fact, there are shortages developing and by mid 1980's there are going to be very severe shortages for a number of reasons, and the Education Committee does not control the number of people who matriculate in a standing college. That is only controlled by the Regents and you know that. If you want to talk about surpluses, my figures show there are eight hundred and some veterinarians in this state and the veterinarians tell me that is a surplus. So let's get down to the issue. Is it Education or isn't it, and I request that the bill be rereferenced to the Education Committee. Thank you.

CLERK: Mr. President, the motion is that LB 245 be rereferred from the Agriculture and Environment Committee to the Education Committee.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Call the roll, Mr. Clerk.

CLERK: (Roll call vote taken as found on page 287 of the Legislative Journal.)

SPEAKER MARVEL: Legislators, you are still supposed to be in your seats. The Clerk did not announce the vote.

CLERK: 19 ayes, 26 nays, Mr. President, on the motion.

SPEAKER MARVEL: Motion lost. I will raise the Call in just a minute. I want to make an announcement to the Chairmen. If you have hearings that are going to be heard next week, you have to get your notices in today. Okay, the Call is raised.

CLERK: Mr. President, new bills. (Read LB 452-467 by title. See pages 287-291 of the Legislative Journal.)

PRESIDENT: Senator Cullan, Public Health and Welfare Committee, Senator Cullan. Senator Cullan, the Public Health and Welfare Committee will meet at two o'clock. Senator Cullan, do you have a place? I can't get his attention. Senator Cullan, where do you want the meeting? I have already announced it at two o'clock. Do you want it underneath the...? Pardon? The Exec Board will meet in Room 1520 at two o'clock. Okay, 1517 for the Exec Board, two o'clock.

PRESIDENT: Okay, the Clerk will continue to read in bills for about ten minutes and then we will recess until about three-thirty.

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LR 17, 13
LB 15, 16, 55, 76, 83, 92, 136,
144, 170, 185, 187, 199, 217,
238, 244, 354, 434, 457.

Your Committee on Revenue gives notice of public hearing in Room 1520 for March 9, 16 and 18. (See pages 546 and 547 of the Legislative Journal.)

Mr. President, Senator Maresh would like to have the Business and Labor Committee meet underneath the north balcony upon adjournment.

Mr. President, LB 15, 16, 92, 170, 185, 187, 199, 238 and 244 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 15, LB 16, LB 92, LB 170, LB 185, LB 187, LB 199, LB 238 and LB 244.

CLERK: Mr. President, your Committee on Urban Affairs whose Chairman is Senator Landis to whom was referred LB 434 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 144 General File with amendments; 354 General File with amendments. (Signed) Senator Landis. (See pages 546 through 547 of the Legislative Journal.)

Your Committee on Judiciary whose Chairman is Senator Nichol to whom was referred LB 55 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 76 General File with amendments; 83 General File with amendments. (Signed) Senator Nichol, Chair. (See pages 548 and 549 of the Legislative Journal.)

Your Committee on Miscellaneous Subjects whose Chairman is Senator Hefner to whom was referred LB 217 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 136 General File with amendments; 457 General File. (Signed) Senator Hefner, Chair.

Mr. President, two new resolutions, LR 17 by Senator Hoagland. (Read LR 17 as found on page 550 of the Legislative Journal.) That will be laid over. Mr. President, LR 18 offered by Senator Wagner and others. (Read LR 18 as found on pages 551 and 552 of the Legislative Journal.) That too, Mr. President, will be laid over.

PRESIDENT: The Chair also has an announcement from Legislative Services Coordinator, Harlan Johnson, who reminds all of you that pictures will be taken of all

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LB 217, 457

We only have thirty people checked in. If you are here, will you push your button please. Senator Chambers, will you push your button? Senator Schmit.

CLERK: Senator Vard Johnson voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 17 nays, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up 457. The Call is raised.

CLERK: Mr. President, 457 is a bill introduced by Senators Fitzgerald and Hefner. (Read title.) The bill was read on January 20. It was referred to the Miscellaneous Subjects. It was advanced to General File. There are no amendments on the bill, Mr. President.

SENATOR CLARK: Senator Hefner, do you want to take the bill or Senator Fitzgerald? Senator Fitzgerald, do you want to take the bill? 457.

SENATOR FITZGERALD: Mr. Speaker, this bill puts the Chairman of the Appropriations Committee on the Highway Advisory Committee. This is what it does because we have this new formula now on gasoline tax on the percentage and it is a necessity he is over there on the committee now.

SENATOR CLARK: Is that all you have?

SENATOR FITZGERALD: Yes.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. Chairman, members of the body, I would just like to explain the bill a little bit more. We feel that it is necessary for the Appropriation Committee chairman to be on this committee because we are involving a lot of dollars. We are involving a lot of tax dollars and I think it is very important that the Chairman of the Appropriation Committee be added to this. In previous years we have consulted with him and invited him to some of the meetings of the Highway Transportation Advisory Committee but this way he would be appointed to this committee, and so, therefore, I think it is real good that we pass this bill or advance this bill so that he will be a member of this committee. At the present time we also have the chairman of the Revenue Committee on this committee, also the chairman of the Public Works Committee, and so I think it is just real good business to add the chairman of the

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LB 457, 136

Appropriation Committee to this committee. Therefore I move the advancement of this bill to E & R Initial.

SENATOR CLARK: The question before the House is the advancement of 457 to Initial. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The motion carried. The bill is advanced. We will now take up 136.

CLERK: Mr. President, LB 136 was offered by Senator Howard Peterson. (Read title.) The bill was read on January 13. It was referred to the Miscellaneous Subjects Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Miscellaneous Subjects Committee, Mr. President.

SENATOR CLARK: Senator Hefner, do you want to take the committee amendments?

SENATOR HEFNER: Mr. President, members of the body, I move the adoption of the committee amendments. But to explain the committee amendments, I think I should give you a little background on the bill and the original purpose of LB 136 as was introduced by Senator Peterson is to eliminate a statute which provides that the voters within a city, village or county may vote for or against allowing horse racing on Sundays within that community, if, if the State Racing Commission were to permit it. LB 136 establishes instead that the Racing Commission would approve an application for Sunday racing after it has considered certain criteria and, of course, what this would do is take away local control. And so the committee amended this bill and I will try to explain the committee amendment to you now. This amendment would provide for a countywide referendum vote and this could be held at any general state election to allow Sunday horse racing. The committee felt that since the local people voted to discontinue horse racing in Grand Island at Fonner Park, it would be only right to have the local people vote again at the general election whether to allow horse racing or whether not to allow horse racing. This amendment changes it to a countywide vote instead of just a city vote and I believe this brings the law into conformity with the rest of the

March 3, 1981

LB 5, 55, 76, 83, 128,
136, 144, 150, 217, 279,
354, 379, 457, 462

CLERK: Mr. President, Senator Kahle voting aye, Senator Wiitala voting aye, Senator Barrett voting aye.

SPEAKER MARVEL: Senator Goodrich, would you record your presence.

CLERK: Senator Vard Johnson voting aye.

SPEAKER MARVEL: Record the vote.

CLERK: 25 ayes, 13 nays on adoption of Senator DeCamp's amendment to the Beutler amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Do we have other amendments? Senator Beutler.

SENATOR BEUTLER: (Mike not turned on.) ...now, I would move the amendment be adopted.

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

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the Beutler amendment as amended.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is the advancement of the bill to E & R for engrossment. A machine vote is requested. All those in favor of advancing the bill vote aye, opposed vote no. Record.

CLERK: 27 ayes, 13 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion carried. The bill is advanced. Items on the Clerk's desk before we go to the next bill. I would suggest to you that in ten or fifteen minutes we will move into General File as per the agenda.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 144 and recommend that same be placed on Select File with amendments; 354 Select File; 55 Select File 76 Select File with amendments; 83 Select File with amendments; 217 Select File; 457 Select File; 136 Select File; 128 Select File; 462 Select File with amendments; 279 Select File and LB 5 Select File with amendments. (Signed) Senator Kilgarin. (See pages 728-730 of the Legislative Journal.)

Mr. President, your committee on Public Health and Welfare whose chairman is Senator Cullan reports LB 379 to General

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LB 345, 30, 206, 206A, 457

SENATOR CLARK: LB 345 is declared passed. We will now go to item #5, a motion by Senator Koch, LB 30.

CLERK: Mr. President, Senator Koch moves that LB 30 become law notwithstanding the objections of the Governor.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I would ask unanimous consent to pass over item #5 on the agenda, both items.

SENATOR CLARK: Mr. Speaker, is that all right with you?

SENATOR KOCH: I am requesting, Senator Marvel, that we pass over item #5 on the agenda. We may pass over it indefinitely but we might take it up later this morning. I will advise you of that. Thank you.

SENATOR CLARK: We will pass over item #5 and go to item #6, Select File.

CLERK: Mr. President, if I may right before that, read a few things. Your Enrolling Clerk respectfully reports that she has presented to the Governor at 10:12 a.m. today, 206 and 206A.

Mr. President, Senator Stoney asks to be excused all day tomorrow and Monday.

Mr. President, Senator Koch asks to be excused through Friday, March 6.

SENATOR CLARK: LB 457.

CLERK: Mr. President, LB 457, there are no E & R amendments to the bill. I do have amendments from Senator Maresh, Mr. President.

SENATOR CLARK: Read the amendment. Senator Maresh, do you want to explain the amendment? It is two pages long.

SENATOR MARESH: Yes, Mr. Chairman, the amendment is very brief and simple and what it does, it adds waterways to the duties of the Transportation Advisory Committee. This is one area that is not covered by the Transportation Advisory Committee and I serve on this committee and I feel this is one of the duties we should include for this committee, to study what can be done to promote barge transportation on the Missouri River. Governor Thone has used some of the Old West Regional Commission money to establish a Missouri River Marketing Office and they are trying to promote the river with this. Last year this body passed

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LB 457

the bill to establish a compact with Iowa, Missouri and Kansas and presently the legislatures in these three states are considering legislation to join us in this compact. Last September I attended a conference in Kansas City that was sponsored by the Midwest Conference of State Governments and we found that...Randy Moody and I attended this conference. We found that the State of Missouri is using the river extensively. They have expanded the use of the river for barge transportation and I am sure that the potential of that river are great. So I think we should do what we can to have the Legislature keep abreast of what is going on in the other states, Iowa, Missouri and Kansas, as far as the compact and to see what we could do as a state to promote the use of the river. So I move that the amendment be adopted. This is with the approval of the two sponsors of the bill.

SENATOR CLARK: Senator Newell. Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I rise to support this amendment. I think it is a very good amendment and Senator Fitzgerald and I were sponsors of this bill. You recall the bill would add the chairman of the Appropriations Committee to the Transportation Advisory Committee. We are surrounded or we are not surrounded but we have the Missouri River on the eastern boundary of Nebraska and it is being developed and provides a good source of barge transportation and so I think this is very important in not only moving our products out of the state for export but also bringing commodities into the state, therefore, I would urge you to support this amendment.

SENATOR CLARK: Senator Fitzgerald.

SENATOR FITZGERALD: Mr. President and members, I also endorse the amendment as being chairman of the committee. I think it is a very, very good amendment that Senator Maresh gave us.

SENATOR CLARK: The question before the House is the adoption of the Maresh amendment to LB 457. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 28 ayes, 0 nays on adoption of Senator Maresh's amendment, Mr. President.

SENATOR CLARK: The amendment is adopted.

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

SENATOR CLARK: Senator Kilgarin.

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LB 457, 462, 128, 136

SENATOR KILGARIN: I move that LB 457 be advanced to E & R for engrossment as amended.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: All those in favor of that motion say aye, excuse me. A record vote has been requested. The motion is to advance 457. All those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is to advance 136 to E & R for engrossment. There is a request for a machine vote. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 26 ayes, 7 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 128.

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

SPEAKER MARVEL: So you want to advance the bill? 128.

SENATOR KILGARIN: I move we advance LB 128 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill, 462.

CLERK: There are E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 462.

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

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

SPEAKER MARVEL: Do you want to advance the bill?

SENATOR KILGARIN: I move to advance LB 462 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The next bill is 279.

March 10, 1981

LB 32, 76, 83, 136, 144,
206, 206A, 354, 457, 492

respectfully reports and examined engrossed LB 76 and finds the same correctly engrossed; LB 83 correctly engrossed; LB 136 correctly engrossed; LB 144 correctly engrossed; and LB 354 correctly engrossed; LB 457 correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have a message from the Governor. (Read. Re: LB 206 and 206A. See pages 818 and 819, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 32.

Mr. President, Senator Kremer would like to have the Public Works Committee meet underneath the North balcony right now for purposes of an exec session, the Public Works Committee underneath the North balcony, Mr. President, right now if possible.

Mr. President, your committee on Government, Military and Veterans Affairs reports LB 492 to General File, (Signed) by Senator Kahle as Chairman.

PRESIDENT: The Chair recognizes Speaker Marvel for an important announcement. Speaker Marvel. Would the Legislature please pay some attention to the Speaker at this point.

SPEAKER MARVEL: I wish you would get out your paper and pencils because we are talking about deadlines for priority bills. You will find on page 137 of the Journal for the fifth day, January 13, 1981, Rule 5, Section 6 which talks about scheduling of bills and priority bills. Your individual priority selection as well as your committee selection, the deadline is March 13 which is Friday. The deadline for the Speaker is March 17 and the chairmen who met this morning, although the rule does create some misunderstanding, what would happen is that your bills designated by either yourself or the chairman of your committee or committees, those bills would be gathered in by the Speaker's office and we would set them up as priorities on the agenda. Now there is some discussion about a way to maneuver so you can get more priority bills than somebody else and I would assume that no one in this body would operate that way but March 13 is the deadline for priority bills individual and committee and March 17 is the deadline as far as the Speaker's office is concerned and we would implement this through the agenda. If anybody has any questions I will try to answer them, otherwise you can find on your worksheet for this morning the beginnings of a listing of priority bills. There are five listed this morning, 56, 245, 269, 290 and 404.

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LB 136, 325, 354, 457

CLERK: (Read record vote as found on page 902 of the Legislative Journal.) 32 ayes, 14 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 136 passes and the next bill on Final Reading, Mr. Clerk, will be LB 325.

CLERK: (Read LB 325 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 325 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 902-903 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 325 passes. The next bill on Final Reading, Mr. Clerk, is LB 354.

CLERK: (Read LB 354 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 354 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 903 of the Legislative Journal.) 44 ayes, 1 nay, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 354 passes. The final bill on Final Reading this morning, Mr. Clerk, is LB 457.

CLERK: (Read LB 457 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 457 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on page 904 of the Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 457 passes and that will conclude Final Reading for this morning.

CLERK: Mr. President, the Public Health and Welfare Committee would like to continue their executive session underneath the South balcony, right now. Public Health and Welfare Committee underneath the South balcony.

SPEAKER MARVEL PRESIDING

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LB 83, 136, 138, 290, 310,
325, 354, 440, 457

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

SPEAKER MARVEL: Record your presence.

CLERK: Mr. President, Senators Clark, Nichol and Hoagland would like to be excused for the day. Senators Newell, Cullan and Beutler...Beutler is here, Senators Newell, Cullan and Wesely...Wesely is here, too.

SPEAKER MARVEL: Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Have you got some items to read?

CLERK: Yes, sir. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 290 and recommend that same be placed on Select File with amendments; LB 138 Select File. (Signed) Senator Kilgarin, Chair.

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 440 to General File with amendments. (Signed) Senator Koch.

Your committee on Government whose Chairman is Senator Kahle reports LB 310 to General File with amendments. That is signed by Senator Kahle.

Mr. President, I have reports from the Department of Health, Bureau of Examining Boards pursuant to statutory section; and one from the Department of Administrative Services, State Building Division, both offered in compliance with statutory provisions. They will be on file in my office.

Mr. President, Public Works Committee will meet in executive session at one thirty on March 18, 1981 in Room 1517. That is signed by Senator Kremer.

Mr. President, LBs 83, 136, 325, 354, and 457 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 83, LB 136, LB 325, LB 354, LB 457. Okay, let's go to item #4.

CLERK: Mr. President, the first item under gubernatorial

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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.