

RECESS

PRESIDENT: The Legislature will come to order and register your presence.

CLERK: Mr. President, Senator Higgins and Beutler would like to be excused this afternoon.

PRESIDENT: Record the presence, Mr. Clerk.

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

PRESIDENT: Quorum being present, do you have any messages on the desk, anything to read into the record?

CLERK: Yes, sir, I do. Senator Maresh would like to announce that Senator Fitzgerald has been elected as vice chairman of the Business and Labor Committee. Senator Marvel would like to announce a chairperson's caucus for Monday, January 13, 1981, at 9:00 a.m. in Room 1520. It is a chairperson's caucus at 9:00 a.m., Room 1520, Monday morning.

Mr. President, Senators VonMinden, Senator Hoagland would like to be excused all day tomorrow.

PRESIDENT: We are ready for the introduction of new bills, Mr. Clerk, proceed.

CLERK: Mr. President, new bills: Read LB 37-48 by title for the first time. (See pages 85-88 of the Legislative Journal.)

Mr. President, Senator Hefner would like to have the Miscellaneous Subjects Committee meet upon adjournment this afternoon underneath the South balcony. That is the Miscellaneous Subjects Committee upon adjournment underneath the South balcony.

Mr. President, I have the communication from the Secretary of State addressed to the Speaker and members of the Legislature regarding the bonds and oaths for the following elected officials: Public Service Commissioner, Eric Rasmussen; Jack Romans; Treasurer of Workmen's Compensation Court, James Monen; Regents: Robert Simmons and John Payne; State Board of Education, Frank Landis, James Monahan, Walter Thompson, Helen Greene; and for Judge of the Nebraska Supreme Court, Lawrence Clinton, Hale McCown and C. Thomas White. That will be inserted in the Legislative Journal. (See pages 88-90.)

January 30, 1981

LB 7, 20, 28, 42,
43, 46, 81, 429.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Henry Bradshaw, Ralston United Church of Christ, Ralston.

REVEREND BRADSHAW: Prayer offered.

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

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as printed. Any other messages, reports or announcements?

CLERK: Yes, sir. Mr. President, your Committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 28 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 429 advanced to General File with amendments; LB 42 to General File with amendments; LB 43 to General File. (Signed) Senator Nichol, Chairman. (See pages 368 through 370 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom we referred LB 7 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; LB 46 reported to General File with amendments; LB 81 General File with amendments. Those are signed by Senator Kremer. (See pages 371 through 375 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 20 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments. (Signed) Senator Maresh, Chairman. (See page 375 of the Legislative Journal.)

Mr. President, hearing notices: Your Committee on Public Works gives notice of public hearing for March 11. That is signed by Senator Kremer as Chairman. Your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp schedules a hearing for February 9, and your Committee on Government, Military and Veterans Affairs schedules public hearings for

number of jurisdictions have introduced in their Business Corporation Act an affirmative statement in the standard of care for Directors. Recognizing this trend the Nebraska Bar Association determined it is desirable to provide a standard in the Nebraska Corporation Act which would promote uniformity in the development of the statutes to provide the basis on which a Director's performance should be judged. This section incorporates the good faith concept which has been viewed by the courts as a fundamental precept for many decades. I think I have provided you with a fair overview of LB 43. If you have any technical questions that I can't answer, I will get you the answer in short order. For those who feel a little nervous voting on this large a bill which contains many highly technical provisions, I would remind you, first of all, the vast majority of changes in this piece of legislation are permissive in nature. The corporations don't have to use many of these provisions if they do not wish to do so. LB 43 merely provides them the option of doing so if they desire. Secondly, I would remind you that all the public hearings held on the interim study resolution and the public hearings on LB 43 not one person appeared to oppose any of the changes suggested by LB 43.

SPEAKER MARVEL: You have twenty seconds.

SENATOR NICHOL: I have four lines. These provisions were adopted unanimously by the State Bar Association House of Delegates meeting. They are noncontroversial and in so far as I know have generated no opposition whatsoever. I move LB 43 advance to E & R Initial.

SPEAKER MARVEL: The motion is the advancement of LB 43 as discussed. All those in favor of advancing the bill vote aye, opposed vote no. You are voting on the advancement of LB 43. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Next bill, LB 46.

CLERK: Mr. President, LB 46 was offered by Senator Myron Rumery. (Read title). The bill was first read on January 8. It was referred to the Public Works Committee for public hearing. It was advanced to General File. The Public Works Committee does have committee amendments pending, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Legislature, first of all I was not present the day the bill was heard and when the amendments were offered so Senator Dworak and Senator Hoagland, the introducers of the amendments that were adopted by the committee, may want to add to what I am going to say as I move for the adoption of the committee amendments, and there are two of them. The first was offered by Senator Dworak and what it would do, it would increase the learners' permit and the school permit from \$1 to \$3 which then, of course, would result in costing more than the duplicate permit that was issued at \$2 which was questionable in years gone by. So all that amendment does is it increases the learner's permit and the school permit from \$1 to \$3. I think this was brought to our attention when we were discussing another bill several days ago. Mr. Chairman, shall we split the two amendments or take them both at the same time?

SENATOR CLARK PRESIDING

SENATOR CLARK: Do it at the same time if you would like.

SENATOR KREMER: The second amendment that was brought to us by Senator Hoagland eliminates some language that could be potentially confusing and it relates to a person that may be out of the state and he loses his license and he can under the provision of this amendment ask for a temporary permit. The present language in the bill says if he is unable to be present in the State of Nebraska to get a driver's license. The words "unable" have been stricken because it can mean most anything. So that is what the second amendment does, it strikes this language that could be confusing, namely, "unable to be present". The first amendment increases the fees. I move for the adoption of the committee amendments.

SENATOR CLARK: The motion is the adoption of the committee amendments. 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: 28 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SENATOR CLARK: Motion carries. The amendments are adopted. Senator Rumery, what do you want to do with the bill? We have one motion on the desk. Read the motion.

February 3, 1981

LB 46, 81

CLERK: Mr. President, Senator Rumery would like to move to amend his bill by adding the emergency clause.

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Yes, Mr. Chairman or President, I would like to add the emergency clause. We think this is important. I know people that need it right soon. I would move we would add the emergency clause.

SENATOR CLARK: The motion is the adoption of the emergency clause. 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: 28 ayes, 0 nays on the adoption of Senator Rumery's amendment, Mr. President.

SENATOR CLARK: Motion carried and the emergency clause is added. Senator Rumery.

SENATOR RUMERY: Mr. President, I move we advance the bill to E & R Initial as amended.

SENATOR CLARK: The motion is to advance LB 46 to Initial as amended. 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: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: Motion carried and the bill is advanced. We will now take up LB 81.

CLERK: Mr. President, LB 81 is offered by Senator Harold Sieck. (Read title.) The bill was first read on January 12 of this year. It was referred to the Public Works Committee for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Cullan. Okay, the Chair recognizes

February 6, 1981

LB 1, 2, 43, 46, 57, 60,
70, 81, 141.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Dr. Edward Kolbe, Pastor of First Christian Church here in Lincoln.

DR. EDWARD KOLBE: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Marsh would like to be excused until she arrives. Mr. President, Senators Dworak, Carsten and Newell excused for the day. Senators Burrows, Hoagland, Fowler and Pirsch until they arrive.

PRESIDENT: Have you all registered your presence?

CLERK: Senator Labedz and Senator Vard Johnson would like to be excused until they arrive.

PRESIDENT: Record the presence.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections.

PRESIDENT: The Journal will stand correct as printed.

CLERK: I'm sorry, I do have....(See page 451 of the Legislative Journal for correction.)

PRESIDENT: Any messages, reports or announcements, Mr. Clerk.

CLERK: Yes, Mr. President, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:58....on February 5 at 1:58 presented to the Governor for his approval the following bills: 1,2, 60, 71, 57, and 141.

Your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 43 and recommend that same be placed on Select File with amendments; 46 Select File with amendments; 81 Select File with amendments. (See pages 453 and 454 of the Journal.)

February 9, 1981

LB 42, 43, 46, 81

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

CLERK: Right, the motion is to advance, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 42 be advanced 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 as amended. LB 43.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 43.

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

SENATOR KILGARIN: I move LB 43 be advanced 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. Next bill, LB 46.

CLERK: There are E & R amendments, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 46 be adopted.

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

SENATOR KILGARIN: I move LB 46 be advanced 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. Next bill, LB 81.

CLERK: There are E & Rs, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 81 be adopted.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The amendment is adopted. Do you want to move the advancement of the bill?

February 11, 1981

LB 1, 2, 18, 41, 43, 46, 45,
57, 60, 71, 81, 141.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....this is by the Reverend Gale R. Baldrige, First Baptist Church, Lincoln, Nebraska.

REVEREND GALE R. BALDRIDGE: Prayer offered.

SPEAKER MARVEL: Record your presence, please.

CLERK: Mr. President, Senator Witala, Kilgarin, Kremer, Vard Johnson, Stoney, Labedz, Higgins, Sieck, Carsten, and Chambers until they arrive. Quorum present, Mr. President.

SPEAKER MARVEL: Okay, item #3, messages, reports, announcements.

CLERK: Mr. President, communication from the Governor addressed to the Clerk. (Read communication relating to engrossment of LB 1, 2, 57, 60, 71 and 141, as found on page 491 of the Journal.)

Mr. President, Attorney General's Opinion addressed to Senator John DeCamp regarding LB 45. (See pages 492 through 494 of the Legislative Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 43 and find the same correctly engrossed, 46 and 81 correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Nichol, do you want....Senator Nichol, do you want to follow Select File for us? Item #4 is Select File and the first bill is LB 41.

CLERK: There are no E & R amendments.

SENATOR NICHOL: Mr. Chairman, I move the advancement of LB 41 to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 18.

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 18 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. LB 121.

February 20, 1981

LB 45, 46, 81, 82

are off the floor of the Legislature, all legislators are at their desks, and as soon as everyone is at their desk, we will commence with Final Reading. As soon as we get everyone at their desks, we will commence with Final Reading. We have a quite a bit of it this morning. Okay, Mr. Clerk, you may begin then with the first bill on Final Reading, LB 45.

CLERK: LB 45 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 45 pass? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 594, Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 45 passes. The next bill on Final Reading is LB 46.

CLERK: Mr. President, LB 46 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 46 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 595, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 46 passes with the emergency clause attached. The next bill on Final Reading will be LB 81.

CLERK: LB 81 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 81 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 596, Legislative Journal.) 42 ayes, 5 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 81 passes. The next bill on Final Reading is LB 82.

CLERK: Mr. President, LB 82 (Read on Final Reading).

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

February 20, 1981

SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

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

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

February 23, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Palmer of the Westminster Presbyterian Church.

DR. PALMER: (Prayer offered).

SPEAKER MARVEL: Roll call.

CLERK: Mr. President, Senators Hoagland and Beutler would like to be excused until they arrive. Senator Beutler has arrived, Mr. President.

SPEAKER MARVEL: Record, Mr. Clerk.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, first of all, I have a correction in the Journal.

Senator Sieck offers an explanation of vote.

Communication from the Governor addressed to the clerk. (Read. Re: LBs 20, 28, 29, 37, 42, 43, and 46. See pages 619 and 620, Legislative Journal.)

Mr. President, your Enrolling Clerk respectfully reports that she has on this day at 1:30 p.m. presented to the Governor the following bills: 45, 46, 81, 82, 130, 140, 14, 18, 41, 64, and 121.

Mr. President, your committee on Enrollment and Review respectfully reports it carefully examined and engrossed LB 65 and find the same correctly reengrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: The next item is #4, Final Reading. Will all legislators please take your seats. The first order of business is LB 24.

CLERK: Mr. President, I have a motion on the desk. Senator Haberman moves to return LB 24 to Select File for a specific amendment. That amendment is to add the emergency clause to the bill, Mr. President.

SPEAKER MARVEL: Okay, you have heard the motion. Senator Haberman.

February 24, 1981

LB 14, 24, 31, 33, 41,
45, 46, 64, 81, 82,
85, 96, 120, 121,
130, 14, 158, 213

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCZKOWSKI: Prayer offered.

SPEAKER MARVEL: Will you please record your presence?
Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Underneath the North balcony, it is my privilege to present visitors to Nebraska sponsored by Partners of the Americas and the sponsors are Mrs. Ben Schulze and Gilbert Erickson and the visitors are coordinated with Dr. Fortes and his wife Maranna and the technical title is the Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil. Would you folks please stand so we can welcome you to the Unicameral. Okay, there is some items on the Clerk's desk and we will start with those.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk regarding signing of LBs 14, 18, 41, 45, 46, 64, 81, 82, 121, 130 and 140. (See page 639 of the Legislative Journal.)

Your Enrolling Clerk respectfully reports that she has on February 23 at 2:37 p.m. presented to the Governor the following bills: 31, 33, 85, 96 and 120.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 24 and find the same correctly engrossed.

Your committee on Appropriations whose chairman is Senator Warner to whom is referred LB 158 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendment, (Signed) Senator Warner, Chair.

Mr. President, I have a report from the State Employment and Training Council. It will be on file in my office.

Mr. President, Senator Cullan asks unanimous consent to add his name to LB 213 as coinstructor.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.