

January 20, 1981

LB 3, 278, 468-489

CLERK: Mr. President, new bills. (Read LB 468-489 as found on pages 291-297 of the Legislative Journal.)

Mr. President, your committee on Urban Affairs gives notice of public hearing for February 4, 11 and 18, 1981.

Mr. President, the Business and Labor Committee would like to meet underneath the North balcony at 2:00 p.m.

Mr. President, Senator Chronister would like to have his name added to LB 3 as co-introducer.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, Senator Warner offers proposed rules change which will be submitted to the Rules Committee for their consideration. (See pages 298-300 of the Journal.)

Mr. President, Senator Wesely gives notice of Rules hearing scheduled for January 27.

Mr. President, Senator Hefner and Howard Peterson want to add their name to LB 278.

SPEAKER MARVEL: No objection? So ordered.

CLERK: Mr. President, I believe that is all that I have.

SPEAKER MARVEL: Senator Rumery, do you want to recess us until three-thirty?

SENATOR RUMERY: One-thirty?

SPEAKER MARVEL: Three-thirty. The motion is to recess until three-thirty. All those in favor say aye, opposed no. The motion carried. We are recessed until three-thirty.

Edited by:

  
Mary A. Turner

March 27, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Royce Willerton of the Southview Christian Church.

REV. WILLERTON: Prayer offered.

PRESIDENT: Roll call. Has everyone registered their presence?

CLERK: Mr. President, Senator Vard Johnson, Beyer, Fenger and Chronister would like to be excused for the day. Senator Kilgarin, Hoagland, Chambers until they arrive.

PRESIDENT: Record the presence, Mr. Clerk.

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

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

CLERK: The Journal is all right, Mr. President.

PRESIDENT: The Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 531 and recommend that same be placed on Select File; 291 Select File; 311 Select File; 111 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 1158-1159 of the Legislative Journal.)

Mr. President, your committee on Business and Labor reports LB 394 to General File with amendments, 410 General File with amendments, 470 General File with amendments, (Signed) Senator Maresh, Chairman. (See pages 1159-1160 of the Journal.)

Your committee on Judiciary reports LB 512 to General File with amendments, (Signed) Senator Nichol, Chair.

Mr. President, I have a Lobby Registration report for March 12 through March 26, signed by...on file in my office.

PRESIDENT: All right then, we will proceed then with agenda item #4, a resolution on LR 47, Mr. Clerk. Will you read it.

CLERK: (Read LR 47.) Mr. President, the resolution is found on page 1126. Senator Vickers would like to amend

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LB 3, 134, 248A, 327,  
328A, 394, 470

SPEAKER MARVEL: Motion carried. The bill is advanced.  
Any other items?

CLERK: Yes, Mr. President, if I may, I have Reference Report referring gubernatorial appointments to the Ag and Environment Committee for hearing. (See page 1574 of the Legislative Journal.)

Senator Schmit would like to print amendments to LB 327. (See pages 1574 and 1575 of the Legislative Journal.)  
Senator Schmit to LB 328A. (See page 1575 of the Journal.)  
Senator Fenger to LB 134. (See page 1575 of the Journal.)  
And Senator Carsten to LB 3. (See page 1575 of the Journal.)

SPEAKER MARVEL: We have got two items we are going to take up before we adjourn, and one is LB 248A. Senator Fowler.

CLERK: Mr. President, LB 248A was offered by Senator Fowler. (Read title.)

SENATOR FOWLER: This is the appropriation bill that accompanies Senator Wiitala's retirement bill. I introduced it as Chairman of the Retirement Committee. It was based on the actuarial report and the actuarial assumptions on the fiscal impact of that bill. I would move it be advanced.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion....all in favor of that motion vote aye, opposed vote no. 248A. It is the second item under General File. Have you all voted? Record the vote.

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

SPEAKER MARVEL: Okay, the motion is carried, the bill...(Mike off). Item 470. LB 470.

CLERK: Yes, sir. Mr. President, LB 470 was introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was first read on January 20, referred to Business and Labor for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Mares.

SENATOR MARESH: Mr. Speaker and members of the Legislature, this bill puts Nebraska in conformity with national

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LB 470

laws, and the committee amendment is designed to abide by the federal law that requires some requalifying employment filing a quit or discharge for misconduct. The amendment was necessary to specify a specific amount of earnings to be earned in subsequent employment since current Nebraska requires no employment filing a quit or discharge for misconduct to be eligible for the unemployment benefits. The committee amended the bill with the \$400 amount. I move that the committee amendment be adopted.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Senator Johnson, your light is on.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I have a hard time understanding the committee amendment to the bill. As I read the note to the bill, it says that the bill itself is required by virtue of changes in federal law. I assume, however, that was not true for the committee amendment. And what the committee amendment does is it continues to...frankly, it continues to penalize some poor employee who has quit his job or in the alternative was discharged for misconduct, and, you know, I think you can beat an employee to death and I think we are in the process of doing it. We have now reduced his benefits to half benefits by passage of the movement of 394, and this time we are saying, if by some chance that individual is not able to find work within the time period under the regular unemployment compensation program, then he will not be allowed extended benefits unless he has actually procured some job or received wages for it in the interim and then he can come into the extended benefit concept. Now one of the principal benefits of unemployment compensation is to tide workers over. It may well be that the individual had some degree of fault at the outset....had some degree of fault at the outset before the loss of the job, otherwise he wouldn't have been discharged for misconduct or he wouldn't have quit without good cause. But to continue to penalize that employee and his family, and that is the important point in my opinion, and his family, when in fact he has demonstrated to the Department of Labor that he is actively attached to the job market, he is making an earnest job search but he can't find one, by denying him the extended benefits coverage, as I understand that, that is almost entirely federally funded, but by denying him those extended benefits seems to me to be wrong. And I think that we have carried in a sense our desire for a certain amount of punitiveness too far, and I recommend that the committee amendment be rejected.

SPEAKER MARVEL: Senator Mares, are you going to close?

SENATOR MARESH: Yes. I would like to add that \$400 was

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chosen by the committee. We had to come up with some kind of a figure and that is the amount we are considering now. To get in conformity we had to designate a certain amount that the employee that was laid off for misconduct or voluntary quit that they had to come up with a job and we chose the \$400 figure. They had to earn that much before they would qualify. And I move that the amendment be adopted.

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

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: Okay, the committee amendments are adopted.

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

SPEAKER MARVEL: All right, before we....let me introduce these people and then we will come back. In the north balcony from Senator Schmit's District thirty students from District 1, Butler County, and District 2, Butler County, Mrs. Renken, Jeanne White, Leona Duda, teachers. Are you all up here? Will you raise your hands and show us where you are? We welcome you to the Unicameral. Senator Maresch.

SENATOR MARESH: Yes, Mr. Speaker, the provisions of the bill are: It requires a one week waiting period between two consecutive benefit years. An example of this would be, say a claimant applies for benefits in November, 1980. The benefit year begins, and he receives benefits through March, 1981, works March through September. He is laid off and receives benefits from September through November based on renewal on November, 1980 claim. In November, 1981 the new benefit year begins. Currently there is no break in benefits. The new federal law says that there must be one week break, so that is what this bill provides that there must be a one week break between the benefit years. Another provision in the bill is the Social Security benefits reduce unemployment benefits only when actually received by the claimant, not when applied for, as it is presently. And another provision is, creates special disqualification for extended benefits when individuals quit work without good cause, are discharged for misconduct, fail to actively seek or refuse to accept suitable work. Some requalifying employment is required prior to receipt of any extended benefits. Suitable work during the extended benefit is defined. And no interstate extended benefit shall be paid to an individual who moves to a state which is not paying

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extended benefits. And those are the provisions of the bill. I move that the bill be advanced to E & R Initial. This is to get in conformity with federal law, so we have no choice on this. There was no opposition to this bill at the hearing.

SPEAKER MARVEL: Senator Johnson, your light is on again.

SENATOR V. JOHNSON: Well, I have a question about this, Mr. Speaker and members of the body. I read the committee's notes on the bill and the committee's notes on the bill say, sections 4 and 5 prohibit payment of extended benefits to those individuals who quit work without good cause, are discharged for misconduct, or who fail to actively seek or refuse to accept suitable work as defined. Okay, so the bill under sections 4 and 5 prohibits payment of extended benefits in certain circumstances. Then we passed the committee amendment, and again the notes on the committee amendment says, the amendment adopted prohibits payment of extended benefits to individuals who quit work without good cause or who are discharged for misconduct unless...unless subsequent to such disqualifying separation the individual secures employment and earned wages of at least \$400. Now, does the bill have a conflict in it? On the one hand you can't get any extended benefits if you quit work without good cause. On the other hand by virtue of the committee amendment we just adopted you can get the benefits provided you have had a \$400 earnings along the way. I genuinely can't...I don't know the answer to that question. I mean, do we have a conflict in this bill, Senator Maresh?

SENATOR MARESH: Senator Johnson, it gives...it provides for a penalty that they have to earn \$400. That's the penalty.

SENATOR V. JOHNSON: But the question I have is this, Senator Maresh, with the committee amendment on the bill, do we now have in effect a conflict in the bill where one part of the bill says, you can't get extended benefits if you have quit work without good cause or were discharged for misconduct, but with the committee amendment now saying, yes, you can get those extended benefits provided that you have at least earned \$400 somewhere along the line? That is my only question and the only reason I asked the question is because of the way committee notes are prepared to the bill.

SPEAKER MARVEL: Are you posing a question to Senator Maresh?

SENATOR V. JOHNSON: Yes.

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LB 470, 284

SPEAKER MARVEL: Senator Maresh, do you yield?

SENATOR MARESH: I don't think so, Senator Johnson. I think they have to requalify and the \$400 is the amount they have to earn. I think that is following the federal law.

SENATOR V. JOHNSON: Then what you are really saying is that what the committee amendment did is it actually made a little less restrictive the provision initially in the bill and that the committee amendment, I take it, is something that the federal government required, not the initial restriction in the bill. Is that correct?

SENATOR MARESH: That is right, yes.

SENATOR V. JOHNSON: You think that will do the trick?

SENATOR MARESH: I think so.

SENATOR V. JOHNSON: All right.

SENATOR MARESH: The Department of Labor has reviewed our legislation and they couldn't see anything that would cause problems.

SPEAKER MARVEL: The motion is to advance the bill to E & R for Review. All those in favor vote aye, opposed vote no. LB 470. Record.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Okay, motion is carried. The bill is advanced. Do we have anything else to clean up before we adjourn?

CLERK: One final thing, Mr. President. Senator Newell would like to print amendments to LB 284. (See page 1576 of the Legislative Journal.) Senator Schmit to print amendments to.....that's all I have, Mr. President.

SPEAKER MARVEL: Senator Kahle, would you like to adjourn us until 9:30, Monday, April 27th.

SENATOR KAHLE: Mr. Speaker and members, I move we adjourn until Monday morning, April the 27th at 9:00 a.m.?

SPEAKER MARVEL: 9:30.

SENATOR KAHLE: 9:30 a.m.

April 28, 1981

LR 65  
LB 11A, 35, 241, 248,  
296A, 298, 328A, 394, 470,  
478, 486.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Harold M. Onwiler, United Methodist Church, Lincoln, Nebraska. Aldersgate United Methodist Church.

PASTOR HAROLD M. ONWILDER: Prayer offered.

CLERK: Mr. President, Senators Newell and Koch would like to be excused until they arrive. Senator Wiitala as well.

SPEAKER MARVEL: Record your presence. Have you all recorded your presence? Okay, record.

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

SPEAKER MARVEL: Do you have some items in item #3?

CLERK: Yes, Mr. President, if I may, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 11A and recommend that same be placed on Select File; 296A, Select File; 328A, Select File; 394, Select File with amendments; 248, Select File and 470, Select File. All signed by Senator Kilgarin as Chair. (See pages 1599 and 1600 of the Legislative Journal.)

Mr. President, new resolution, LR 65, offered by Senator Wesely. (Commenced reading LR 65.) Oh, well then we will hold off on that, Mr. President.

Mr. President, LBs 241, 298, 478 and 486 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 241, 298, 478, 486. Do you have any other items under #3?

CLERK: Mr. President, Senator.....I have nothing further, Mr. President.

SPEAKER MARVEL: We are ready to go on Final Reading. Will all legislators please return to your seats. Will you please return to your seats so we can begin reading about three bills on Final Reading? Okay, the first bill on Final Reading is LB 35.

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

SPEAKER MARVEL: Read the motion.



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LB 99, 296A, 361, 428,  
470, 501

is 296A.

SENATOR KILGARIN: I move we advance 296A to E & R.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 470.

SENATOR KILGARIN: I move we advance LE 470 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 501.

SENATOR KILGARIN: I move we advance LB 501 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 428.

SENATOR KILGARIN: I move the E & R amendments to LB 428.

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

SENATOR KILGARIN: I move we advance LB 428 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 99.

SENATOR KILGARIN: I move the E & R amendments to LB 99.

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 we advance LB 99 to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. The next bill is 385. Okay, just a minute, 361.

SENATOR KILGARIN: I move the E & R amendments to LB 361.

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

LB 3, 11, 12, 70, 95, 99, 228,  
250, 257, 266, 266A, 296A,  
310, 318, 328A, 369, 381, 384,  
389, 428, 441, 470, 472, 472A,  
497, 501, 506, 541, 543, 556A

May 11, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

REVEREND PALMER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President, plus one.

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

CLERK: Mr. President, I have no corrections.

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

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Chronister regarding compensation of rural water districts. That will be inserted in the Journal. (See pages 1899-1900 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined engrossed LB 3 and find the same correctly engrossed. 11 correctly engrossed, 12 correctly engrossed, 70 correctly engrossed, 95 correctly engrossed, 99 correctly engrossed, 228 correctly engrossed, 250 correctly engrossed, 257 correctly engrossed, 266 correctly engrossed, 266A correctly engrossed, 296A correctly engrossed, 310 correctly engrossed, 328A correctly engrossed, 369 correctly engrossed, 381 correctly engrossed, 384 correctly engrossed, 389 correctly engrossed, 428 correctly engrossed, 441 correctly engrossed, 470 correctly engrossed, 472 correctly engrossed, 472A correctly engrossed, 497 correctly engrossed, 501 correctly engrossed, 506 correctly engrossed, 541 correctly engrossed, 543 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

Mr. President, a new A bill, LB 556A, offered by the Speaker at the request of the Governor. (Read as found on page 1904 of the Legislative Journal.)

Mr. President, Senator Vard Johnson would like to print amendments in the Journal to LB 428 and Senator DeCamp to LB 318. See pages 1904-1906 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel for an explanation of order of business today on the agenda. Speaker Marvel.

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LB 441, 470, 497

have four more students from the Political Behavior Class, Papillion LaVista High School, guests of Senator Beyer over here under the south balcony, Sandy Heibrink, Angela Binkure, Sharon and Karen Stilley. Would they stand and be recognized. Welcome to your Nebraska Unicameral Legislature. We will go now to the next bill on Final Reading which is LB 441.

CLERK: Read LB 441.

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 441 pass. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 49 ayes, 0 nays. Vote appears on page 2066 of the Legislative Journal.

PRESIDENT: LB 441 passes. Next bill on Final Reading is 470. 470.

CLERK: Read LB 470.

RESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 470 pass. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 46 ayes, 0 nays, 3 present and not voting. Vote appears on page 2067 of the Legislative Journal.

PRESIDENT: LB 470 passes. The next bill on Final Reading, Senator Hoagland, did you discuss this with the Speaker?

SENATOR HOAGLAND: I have Mr. President, we'd ask that this be laid over one day.

PRESIDENT: All right, Speaker Marvel, is that agreeable?

SPEAKER MARVEL: The first thing I would do is call to your attention the agenda item number six, is General File. Then we go to special order from the bills that are listed under General File special order, this is it. There are no more bills that will be processed after we get through with 218. So we have to begin to tighten up the...tighten up the whole procedure. I indicated and I have no idea what 497 is supposed to do, but if you lay it over one day, but if you lay it over more than that, what you are doing is depriving somebody of the right to have their bill processed. Let me repeat once

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LB 11, 11A, 113, 113A, 228, 266,  
266A, 296, 296A, 310, 328,  
328A, 334, 334A, 369, 381, 384,  
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Salverda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 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, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at

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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.