

May 1, 1981

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.

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LB 389A, 396A, 477A, 506A

is the advance of LB 389A, E & R initial. Senator Wesely, what do you wish to do? Evidently nobody wants to vote so we had better get people in here. Record the vote.

CLERK: 27 ayes, 9 nays, Mr. President, on the motion to advance the A bill.

PRESIDENT: Motion carries. LB 389A is advanced to E & R initial. The next bill is LB 396A.

CLERK: (Read.)

PRESIDENT: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Move to advance LB 396A to E & R initial.

PRESIDENT: Motion is to advance LB 396A. Any further discussion? All those in favor of advancing LB 396A to E & R initial vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to advance LB 396A.

PRESIDENT: The next bill, Mr. Clerk, is LB 477A.

CLERK: (Read.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Mr. President, I move that LB 477A be advanced.

SENATOR CLARK: The motion is to advance LB 477A. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 477A.

SENATOR CLARK: The bill is advanced. LB 506A.

CLERK: (Read.)

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I move LB 506A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 506A? If not, all those in favor vote aye. All those opposed vote nay. Record the vote.

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LB 95A, 257A, 389A, 396A,
477A, 506A, 541A, 556

Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 95A and recommend that same be placed on Select File; 389A Select File; 396A Select File; 477A Select File; 506A Select File; 541A Select File and 257A Select File, all signed by Senator Kilgarin as Chair.

SENATOR CLARK: LB 556.

CLERK: Mr. President, with respect to 556, the bill was introduced by the Speaker at the request of the Governor. (Read.) The bill was read on March 30 of this year. It was referred to the Appropriations Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR CLARK: Senator Warner, on the committee amendments.

SENATOR WARNER: Mr. President and members of the Legislature, LB 556 is the bill that reflects the increased premiums when the health insurance that is provided for state employees, other than higher education, when those new bids were opened and those dollar amounts will be explained. The committee amendment that is offered merely, well, back up. The amendment was offered at the committee hearing requesting that the legislation require that coverage for abortion be made available at the employee's expense and the presentation was based upon the testimony by those who appeared that the prohibition or the requirement for this, for an abortion to be paid for by the individual employee had been suggested when the legislation that prohibited state funds was being considered and enacted and they wanted some assurance that, in fact, that would occur. If you look on page 1877 of the Journal there is a letter which I requested of the Attorney General requiring two things relative to the amendment, first, whether or not whether it would be constitutional and I think you can summarize the response on that, that if the original legislation prohibiting it is constitutional then this is probably constitutional or if LB 125 is not constitutional then neither would this be either. So that seems to be a draw. The other request for an opinion, however, was whether or not we would jeopardize by the adoption of this amendment the coverage that the state might have for its employees under the new bid and it would be my understanding from the Attorney General's letter that if the amendment is adopted, that then it would be expected that the state would find someone who would provide that coverage for those who wanted it and provided they could find some company of some kind that would provide this kind of coverage then the conditions would be met and

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LB 561, 95A, 389A, 477A,
506A, 541A, 257A, 556A

in more clarity, with more clarity any detail on the sheet.
Thank you.

SPEAKER MARVEL: Thank you, Senator Warner. Senator Kilgarin, are you ready? There are seven bills that have no amendments pending so we are going to advance the bills. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 95A to E & R for engrossment.

SPEAKER MARVEL: The motion is the advancement of 95A to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one is 389A.

SENATOR KILGARIN: I move we advance LB 389A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The next one is 477A.

SENATOR KILGARIN: I move we advance LB 477A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. ~~Next~~ one, 506A.

SENATOR KILGARIN: I move we advance LB 506A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill, 541A.

SENATOR KILGARIN: I move we advance LB 541A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 257A.

SENATOR KILGARIN: I move we advance LB 257A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Last bill, 556.

SENATOR KILGARIN: I move we advance LB 556A to E & R for engrossment.

May 18, 1981

LB 95A, 257A, 389A, 477A,
506A, 541A, 556

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The legislator chaplain today is Senator Rumery.

SENATOR RUMERY: Prayer.

PRESIDENT: Roll call. Has everyone registered your presence so we can begin the days activities. 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: Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on E & R respectfully reports they have carefully examined and engrossed LB 95A and find the same correctly engrossed, 257A correctly engrossed, 389A, correctly engrossed, 477A correctly engrossed, 506A correctly engrossed, 541A correctly engrossed, 556 all correctly engrossed (signed), Senator Kilgarin, Chair.

Mr. President an Attorney General's opinion addressed to Senator Carsten regarding section 4 and 10 of 284, be inserted in the Journal (pages 2060-2062).

Mr. President, I have received from the State of Tennessee a Joint resolution regarding Vietnam veterans. That will be on file in my office.

Mr. President, a communication from the Governor addressed to the Clerk regarding LB 190. See page 2062 of the Legislative Journal.

Mr. President, I have a report from the Department of Roads pursuant to Section 5(4) of LB 722 of 1980 Legislative Session. That will be on file in my office as well.

PRESIDENT: We are ready then for agenda item number four. Final Reading. If the Sergeant at Arms will secure the Chamber, all members will get to your desks. As soon as everyone is at their desks we will commence with Final

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LB 466, 12, 184, 477,
477A, 561

Since this was printed as a Final Reading bill and it has been returned now, it is going to have to be reprinted again. So I just call that to your attention and I want it made a matter of record. Thank you.

SPEAKER MARVEL: The motion is to readvance the bill. All those in favor of that motion say aye, opposed no. All in favor of the motion vote aye, opposed no. Have you all voted? Record the vote.

CLERK: 28 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced. On Final Reading. LB 477. The Clerk will read.

CLERK: Mr. President, if I may right before that, Senator Warner would like to have a meeting of the Special Legislative Working Group on Federal-State-Local Fiscal and Program Policy.

Senator Beutler moves pursuant to Rule 6, Section 11, to override the Governor's veto of LB 12.

I have an Attorney General's opinion addressed to Senator Wesely on LB 561; and Senator Schmit on LB 184.

And I have a report, Mr. President, of session employee expense to be inserted in the Journal. (See page 2181.)

(Read LB 477 on Final Reading.)

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

CLERK: (Record vote read. See page 2182, Legislative Journal.) 43 ayes, 4 nays, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 477A.

CLERK: (Read LB 477A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 477A. Have you all voted? Record the vote.

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LB 477A, 541

CLERK: Mr. President, (Record vote read. See pages 2182 and 2183, Legislative Journal.) 39 ayes, 6 nays, 4 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 541.

CLERK: Mr. President, I have a motion on the desk. Mr. President, Senator Warner would move to return LB 541 to Select File for specific amendment: The amendment would be the provision relating to \$100 a month for officers.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, short and quick, the motion is to return to remove the provision for the \$100 a month, as I recall, \$278,000, in the A bill, or \$273,000. I appreciate the merit of the proposal but I can add fairly decently and we are in deep trouble in terms of available receipts. I don't know what the consensus of the body is on expenditures but I want to at least provide an opportunity to defer this expenditure for this year, and in order to do that, I would need to strike the provisions for the \$100 a month that was provided by the floor amendment for the State Patrol.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I think we went through this the other day. What we are doing is providing \$100 a month expenses for a patrolman. Currently they are getting \$28 a month for expenses. Lately they have been forced to eat their noon meal away from home when they are on duty. As a result of this, I think if any of you have ever traveled, you know you don't do too much, you don't make too much profit on \$100 a month expense. These gentlemen who are forced to do this, no other employees that I know of under the employment of the State of Nebraska are compelled to do this. Secondly, these employees, the State Patrolmen are expensive people. It cost many thousand dollars as was brought out the other day to train these men the first two years, and with this small amount that we are giving them, I really think it is the thing to do. I think this is something we morally should be doing for these gentlemen. These are the people, and I understand there is a lady or two among us now, but anyway I think this is something that the State of Nebraska looks to, the organization of which they are proud, and we expect them to look nice, their uniforms clean. I don't think that \$100 is out of reason one bit. I really hope you object to Senator Warner's amendment

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LB 389, 396A, 548, 556A,
257, 257A, 273, 273A,
346, 477, 477A, 497,
529, 529A, 541, 541A, 561

389 and find the same correctly engrossed, 396A correctly engrossed, 548A correctly engrossed, 556A correctly engrossed. All signed by Senator Kilgarin.

Mr. President, your legislative bills 273, 273A, 346, 257, 477, 541, 541A, 497 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I'm about to sign, and do sign, LB 273, re-engrossed LB 273A, re-engrossed LB 346, re-engrossed bill 257, engrossed LB 257A, engrossed bill 477, engrossed LB 477A, engrossed LB 541, engrossed LB 541A, engrossed LB 497, engrossed LB 529, engrossed 529A.

We are still under item number five, motions, and the Clerk will read the next motion.

CLERK: Mr. President, Senator Newell has the next motion, but he has not yet arrived.

Mr. President, Senator Fowler and Vard Johnson have a motion I understand they want to withdraw.

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: There will be an effort to return the claims bill so I think we will try that avenue again. So, I'll ask unanimous consent to withdraw this motion to override the veto on public transit.

SPEAKER MARVEL: Hearing no objections so ordered.

CLERK: Mr. President, the next one I have then is from Senator Chambers. Senator Chambers would move to override the Governor's line item veto of the ADC appropriation contained in LB 561.

SPEAKER MARVEL: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature this is an issue which we have discussed from time to time this session. It is one of those highly emotional matters and it is difficult to handle an emotional manner in an unemotional fashion. But on the chance that I may get carried away in trying to maintain my cool, I'm having sent around to you a one sheet statement of what it is that I am attempting to do. The amount of money which is involved and the

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LB 316, 352, 360, 448,
477, 477A, 512

PRESIDENT: LB 360 passes and that will conclude Final Reading for today. Do you have any matters to read in, Mr. Clerk, at this point?

CLERK: Very quickly, Mr. President, I have two Attorney General's Opinions, the first addressed to Senator Beutler regarding LB 352, and one to Senator Howard Peterson on LB 512. Both will be inserted in the Journal. (See pages 2250 through 2253 of the Legislative Journal.)

Mr. President, I have a letter from the Governor addressed to the Clerk. (Read letter regarding LBs 477, 477A and 316 as found on page 2254 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for General File. Thirty minute limit. Mr. Speaker, do you want to say anything at this time about the limits on General File and General File position. I recognize Speaker Marvel.

SPEAKER MARVEL: I think that this is to encourage people to understand that we are practically down to the end of the line and that they should treat things accordingly. That's....in other words, we can't force that issue but we can encourage it.

PRESIDENT: All right, we are ready then, Mr. Clerk, for LB 448.

CLERK: LB 448 was introduced by the Performance Review and Audit Committee and signed by its members. (Read title.) The bill was originally read on January 20 of this year. At that time it was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, first of all I guess I would not believe that this is a piece of legislation that has to be enacted in this session of the Legislature and I was quite surprised to see that the bill was place on the agenda. I personally would hope that we would simply pass over the bill until next year, and I guess at this point in time I would simply offer....well, I guess we will process it and see. But I really see absolutely no reason to process LB 448 in this session of the Legislature. But I should address at this point in time what the committee amendments do. The committee amendments to the bill delete the 16 hours of