

January 8, 1981

LB 1-18

duced before we recess before this afternoon's ceremonies. So would you please get all the bills that you have ready for introduction up to the desk at this time so that we can proceed. Thank you. Proceed then, Mr. Clerk, with the introduction of the bills you do have.

CLERK: Read LB 1-18 by title for the first time. (See pages 74-77 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: Is Senator Marsh in the room?

PRESIDENT: Senator Marsh is right there.

SPEAKER MARVEL: Senator Marsh, do you have a Committee on Committees report that you would like to distribute and take up at this time?

SENATOR MARSH: Yes, Mr. Clerk, would you please start the distribution.

CLERK: Yes, Senator, it is on its way.

SPEAKER MARVEL: The item that we refer to is being added to the agenda as 5(a). This is to bring before you the Committee on Committees report for your consideration.

PRESIDENT: The Chair recognizes Senator Marsh as soon as we get the...we probably ought to wait until we make sure all of the reports are distributed, Senator Marsh, so why don't you just kind of watch...

SENATOR MARSH: Mr. President, I believe we are now ready.

PRESIDENT: All right, proceed.

SENATOR MARSH: Thank you very much. I will ask that the Clerk would read the cover letter on this report.

PRESIDENT: Mr. Clerk, go ahead.

CLERK: Mr. President, a communication from Senator Marsh addressed to Mr. Speaker and Senators: The following report is submitted as a final action of the Committee on Committees five hour meeting on Wednesday, January 7, 1981. Respectfully submitted, Shirley Marsh, Chairperson.

SENATOR MARSH: Mr. President, I move for the adoption of this report as the final action of the Committee on Committees following our five hour meeting on yesterday, January 7, 1981.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labeledz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

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LB 5, 49, 72, 73, 74, 124,
128, 176, 279, 419, 462, 476.

to whom was referred LB 128 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 462 to General File. (Signed) Senator Fowler as Chair.

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 176 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, 279 General File. (Signed) Senator Maresh, Chair.

Mr. President, your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom was referred LB 5 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 476 to General File with amendments; 49 indefinitely postponed and 419 indefinitely postponed; LB 72 General File with amendments; LB 73 indefinitely postponed, and LB 74 advanced to General File with amendments. (See pages 559 and 560 of the Legislative Journal.) (Signed) Senator Labeledz, Chair.

SPEAKER MARVEL: The next order of business is LB 124.

CLERK: Mr. President, LB 124 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on January 13. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move to advance LB 124 to E & R Initial. This is a Miscellaneous Subjects Committee bill and this bill consists of four sections. The first section, if you are following along, establishes legislative intent in relation to liquor control. It also establishes that it is the Legislature's intent to control and regulate all liquor transported into the state with the same regulations affecting liquor produced within the state. The second section establishes conditions which must be met before a retail or a bottle club liquor license can be obtained from the Liquor Commission. An applicant must be fit, willing and able to provide the service proposed as described in the application. An applicant must conform to all provisions, requirements, rules and regulations. The premises for the proposed service are or will be required by present or future public convenience and necessity.

for the terms "related corporation", "concurrent employment", and "common paymaster". The representative of the Nebraska Department of Labor stated at the hearing that the Department could adopt similar regulations defining these terms. Following this procedure would keep state treatment consistent with federal treatment. The situation covered by this bill comes up very, very infrequently. It involves only a few corporations and a small amount of contributions to the state unemployment fund. It would simplify some accounting procedures used by related corporations. If you permit, I will give you an example. Let's say that Dapper Don Dworak works for two related corporations and he is paid \$10,000 a year by each corporation. Each corporation for state purposes would make contributions to the state. For federal purposes only one corporation pays the tax. Then should Dapper Don for some reason ever lose his job, he can collect from only the amount paid by one corporation. Under the state laws the corporations have paid twice but only the benefits are paid out once. This bill is more a matter of fairness than of money. Congress has already made this change in the federal unemployment law. The bill will only mirror the federal change and, thereby, afford employers consistency in treatment under both state and federal law. I move for the advancement of LB 279. Thank you.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, I urge you to vote for this bill. It is just a housekeeping measure. I am glad that Senator Chronister introduced this bill. It is something that needs to be clarified in our statutes.

SPEAKER MARVEL: Okay, the motion is to advance 279 to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried and the bill is advanced. We now go to a constitutional amendment.

CLERK: Mr. President, LB 5 was offered by Senator Chris Beutler. (Read title.) The bill was read on January 8. It was referred to the Constitutional Committee for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, LB 5 proposes a constitutional amendment. It is a proposal to allow the people to vote on the requirement that now exists in the Nebraska Constitution which says that the Legislature will have Final Reading. Reading at large is the constitutional language and it means simply, as you all are well aware by now, that each bill regardless of its length on Final Reading has to be read from the beginning to the end and we know that Patrick has done a superb job of doing that up to the present time. So the bill in short eliminates from the Constitution the requirement that we have Final Reading but it does say, and this particular provision makes it different from bills similar to this that have come before the Legislature in the past, it does say that any member of the Legislature, any one member of the Legislature, may request that a bill be read at large before the vote is taken upon its final passage and the bill shall be so read. So in other words, there would be no Final Reading at large but any one member of the Legislature could request it and then we would revert to our present system. There will be passed out to you, hopefully before too long here, shortly, a set of documents, four different sheets, I think most of you have received it already. Okay, the first page is merely a letter from the Clerk of the Legislature indicating that from his experience Final Reading has taken approximately twenty-five to thirty percent of our time. As you all know, it takes more and more time as we get deeper into the session. Now those of you who have had long experience here can make your own judgments about how much time that it takes but I did want to get that information out to the new members of the Legislature who may appreciate the judgment. But really in a sense, time is our gold in here and we have to spend it wisely and my main point is simply this. That block of twenty-five to thirty percent of our time spent on Final Reading is to a large extent wasted. Now it is true that from time to time it may be helpful to one or two members of the Legislature to have a little more time to read the bill. It is true that maybe once in two or three years a mistake is caught but what is also true is that year in and year out we don't spend enough time on bills on General File and Select File, and every second year, the short session, the second year, the one second year that I have been here and from talking to other people it has been true historically, there are large numbers of bills that die on the floor of the Legislature without any hearing whatsoever. Those number in the hundreds. In addition to that, as you are also well aware, dozens and dozens of bills receive abbreviated debate. Last year, for example, you may recall that on a number of big bills, we had, I think it was, fifteen minutes debate on

General File, very abbreviated debate on Select File, and that was that. My point is simply that the people of the state are better off and we are better off in representing them to spend that block of time on Select File debate and on General File debate on trying to hear some bills that get buried and not spending the time on Final Reading. I would ask you to take a look at Exhibits 2 and 3 in the packet of materials that I gave you. I tried to indicate to you what is happening in other states, and as you can see, there are 98 existing legislative bodies, excluding Nebraska's. 79 do not require reading at large on Final Reading and the remaining 19, the last three being just recently researched, that is why the figure is crossed out and written in, the other 19 routinely suspend the rules to dispense with reading at large. Well, as you are aware, we can't suspend our rules here because the requirement is in the Constitution. Exhibit 3, the next page, simply shows you what some of the surrounding states do and some of them read by request only and some of them have no Final Reading as such and allow no request. Most of them do allow for a request which would be simply what we are going to do. The last page, Exhibit 4, just outlines some additional arguments I feel in favor of the bill and you might want to glance through them at your leisure. So I think those are basically the arguments in favor of what I am trying to do and I hope you will give me your support. Thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members of the body, I certainly support Senator Beutler in his endeavor. Now if there is some concern about one member of the Legislature being able to request or only needing one member to request Final Reading, I suppose that could be changed to a different number so that we certainly would read the bills that certain individuals want read. But I think the way we are doing it now, and I certainly find no fault with Clerk O'Donnell. I think he does a great job but we still can't understand him and I believe it is foolishness to read the bills unless you are going to read them audibly and legibly so we can understand them as he goes along. I would much rather have that time that we spend in Final Reading for something else as Senator Beutler has mentioned. Even if we use an hour a day during the session just to go to our offices and study the bills, I know I would gain much more from it than to hear that mumbling that is going on when we have Final Reading. And the other thing, of course, is that people that come to visit us during Final Reading wonder what kind of people we are that we let this happen and spend all that time with mumbo jumbo and I agree, and as

I know some of you do follow along in the yellow copy, and if you are really interested in the bill, you can follow Pat's reading and keep up with it, so there is some advantage and I would guess that perhaps some bills should be read if the body wants to do that. I would be willing to even take a vote on it each time, the way we do on any other thing to see if we want the bill read first, and if there are those that want it read, it should probably be read but I think we are wasting an awfully lot of time and I would rather spend that time doing something constructive and useful for myself and I would hope others would feel the same way. I don't know what the voters will think about it. One of the complaints that I hear at home is why do you have that mumble jumble reading that you have, and I understand that some states where they have final reading, they have three or four people reading at the same time in different parts of the bill which really makes a lot of sense. Certainly couldn't understand anybody then. So I would be in favor of putting this to the people and giving them a chance to voice their opinion. If they want us to spend our time sitting here, we can't move around, there is a lot of things we can't do while Final Reading is going on, or shouldn't do, and I think it is a waste of time. It's a slowing down of our process. It doesn't do us any good. Thank you.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, I guess I am one of those advocates of Final Reading. I hear this over and over, we pass too many bills. And I think this is one last chance to take a look at the bill and if we wish to we can read at least the new material and know what we are voting about. Senator Beutler, could you answer a question? Tell me how would this Final Reading be conducted? Would just the number be called out and we would vote without a knowledge of what is in the bill? How would we handle this situation, no reading?

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Senator Maresh, I think what we would do is sit down, if this passes, the constitutional amendment, we would sit down with the Rules Committee and with anybody interested in the Legislature and with the Speaker, of course, and work out a rule whereby we would deal with the situation. Now maybe you would want it read by title or maybe you would want a brief explanation to refresh your memory read. There are a whole number of things we could do. Everything is open to us in terms of our own rules once we get rid of the

constitutional prohibition.

SENATOR MARESH: Thank you, Chris. I think we would just be wasting \$25,000 because that is the cost of this bill to have it published. In the past it has been turned down with a big margin, probably two to one usually. I would hate to see this money being wasted, ask the people to vote on this again because they have told us over and over they want us to have Final Reading.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. Speaker, members of the Legislature, I rise to oppose the bill although I realize that Senator Beutler has a point, that there is a considerable amount of time utilized in Final Reading. I think it is really hard to measure the advantages of that time. I don't believe I am the only one that uses this time to make those last minute decisions that are so necessary in this process. I think the time probably is more productive than most of us really realize. There are other areas, I believe, in this legislative process where if we want to save time we can do it, and I give as an example all the conversation yesterday morning in regard to a resolution. This is an area that I think needs more exploration. We could cut down on some of the unnecessary debate that occurs on some of these resolutions I believe and utilize that time more effectively. I would prefer to keep the Final Reading as that last final search of your conscience to determine how you should vote on these important matters.

SPEAKER MARVEL: Senator Rumery.

SENATOR RUMERY: Mr. President, Mr. President, members of the Legislature. Mr. President, would you turn Senator Schmit's microphone on. I would like to ask Senator Beutler a question or two. Senator Beutler, I share your concern about the Final Reading. To me it isn't lost time. I make an effort to read again the final bills but I wondered in your preparing this bill, have you searched the records to find out how many times this has been on the ballot for the people in Nebraska to vote on?

SENATOR BEUTLER: It was last on the ballot, and I am not sure I am going to correctly quote the year, I think 1975 or 1976 and I didn't go back further than that but I think, and I will double check this for you, but I think that is the only time it has been on the ballot in the '70's...in the '70's.

SENATOR RUMERY: How many times, Senator Maresh? Three.

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Well, my point is this, that the times that I know about when it has been on the ballot, the voters of the State of Nebraska have turned it down and I wondered if you had some reason to believe that there has been a change of thought throughout the state in this matter.

SENATOR BEUTLER: As I understand it, Senator Rumery, never before has it been presented in the form that it will be presented this time and this time the language is going to be there for the voters to see that any one member of the Legislature can require a reading at large and I am convinced that will make a difference to them.

SENATOR RUMERY: Thank you.

SPEAKER MARVEL: Senator Cope and then Senator Clark and then Senator Newell and then Senator Vickers. Senator Cope.

SENATOR COPE: I was going to call for the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, those in favor of ceasing debate vote aye, opposed vote no. Shall debate cease is the issue before the House. To cease debate. Have you all voted? Senator Beutler. Senator Cope, this is...okay, record the vote.

CLERK: 14 ayes, 13 nays to cease debate, Mr. President.

SPEAKER MARVEL: The motion lost. Senator Clark.

SENATOR CLARK: Mr. President and members, I have been here thirteen years now and I have heard this over and over again. I think if you look back and find out why that Final Reading was there in the first place, it was there because all bills were handwritten. No one could read them. The Clerk was the only one that could read them. That is why he read the bills. They had no printing capabilities at that time. Consequently, the Senators never got a copy of that bill in a printed form so they could read it. That is exactly why it was there. I also agree to the fact that when you put this on the ballot, it has been there three times now, and the people have overwhelmingly said, "Sit there and read the bill or listen to the mumbling, whatever is going on". So I am kind of caught in the middle. I know why originally it was put on. That has been removed because now we get a copy of the bill and they are all printed. The only bad thing is if you put it on, someone says you are going to waste \$25,000, that may

be true. So I just thought you ought to know why it originally was put on, that you had to read every bill in Final Reading. It was because the Clerk had to read it, that he was the only one that could read it. That is the only reason the thing was put on originally. Thank you.

SPEAKER MARVEL: Senator Newell. Senator Vickers.

SENATOR VICKERS: Mr. President and members, I wonder if Senator Beutler would respond to a question please. Senator Beutler, I apologize for not being at the hearing on this particular bill and I didn't have this opportunity to ask this question of you at the hearing but I was wondering if you would be amenable to amending this to require that our rules would require the reading at large on Final Reading unless we suspended the rules?

SENATOR BEUTLER: Senator Vickers, I haven't thought about that but I am not generally in favor of any rules that call for the suspension of rules. If we want to make....

SENATOR VICKERS: Let me explain just a little bit, if I may, Senator Beutler. The concern has been raised here this morning by several members, and quite frankly I share that concern, and you, as somebody that has been very interested in the rules in the past, I think probably share that concern to some degree also that many of our rules are designed to slow the process down. As a matter of fact, the majority of our rules are designed with that in mind, it seems to me, and it is designed that way because we are a Unicameral. We don't have another House for the check and balance that other states do, so with that in mind, and also the fact that the citizens of this state share that same concern I think, as has been alluded to here, perhaps the citizens would be more amenable to taking it out of the Constitution, if, in fact, it went into our rules and would require a vote of this body to suspend the rules in order to not have the Final Reading.

SENATOR BEUTLER: If this constitutional amendment were passed, then the only requirement on the Legislature would be the requirement that if one Senator requested a reading, he could obtain it. Any other rules that we wanted to make with regard to procedures on Final Reading, we could make then. The problem with the constitutional amendment to me is that it locks us in. It says, "You will do it this way". With this amendment, we are only locked in in one respect and that is if one Senator requested it, we would have to have it. Any other rules you wanted to make or we, as a body,

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wanted to make with regard to Final Reading with the exception of that then, we could go ahead and do on our own and I would be glad to work with you on that.

SENATOR VICKERS: Well, okay, thank you, Senator Beutler. I will support this bill on General File and I will attempt to work with Senator Beutler in the meantime, between now and Select File, and perhaps we can discuss it a little further at that time. Thank you, Senator Beutler.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker, I rise to support LB 5 with the safeguard that is proposed that any individual Senator has the right to request Final Reading. That will be the safeguard for the people of Nebraska. With that safeguard, all of us should be willing to support LB 5 and I certainly do. Please help move this forward at this time.

SPEAKER MARVEL: The motion is to advance the bill to E & R for Review. Senator Beutler, do you wish to close on that motion?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, there are just a couple of points I would like to address. I just talked to Roland Luedtke. The proposition has been on, just to clarify the situation, the proposition has been on the ballot twice since the late '60's. He wasn't sure exactly when the first time was but it has been on twice, never in the form that I am proposing it this time. The arguments on both sides I think that you have pretty much heard now but there are a couple of things that I wanted to comment on. People seem to be concerned about the fact that maybe if one person stands up and makes an objection that he will be frowned upon by the rest of the body. I don't think that is necessarily true at all, and I think probably it will depend in part upon what precedent we set the first year. If it gets to be a normal thing for people from time to time to request a reading, then I don't think there is going to be any problem with that. I would like to make a personal commitment to everybody in the Legislature though. As long as I am around, anybody who would like to have a bill read at large can anonymously leave me a note that they would like to have it read at large and I will formerly request on their behalf without revealing their identity...I will request that the bill be read at large. So at least so long as I am around, and that may not be very long, you will have the option of anonymously requesting that the bill be read at large. More seriously, although I intend that seriously, too, but more seriously, it would be possible

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also to set up a procedure in our rules whereby a written request is made to the Speaker and then we wouldn't have the situation, if you wanted to avoid it, where somebody had to stand up on the floor and formally request a reading. A written request could be made to the Speaker and he would simply announce that we were going to have a reading at large. If the Speaker did not acknowledge the written note, then, of course, you would have to stand up and ask him what happened to my note. But basically, we could work our rules so that you avoided what some may feel is a potentially embarrassing situation. With that I will close and ask for your support. Thank you.

SPEAKER MARVEL: The motion is to advance the bill to E & R for Review. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 6 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Senator DeCamp, do you wish to be recognized?

SENATOR DeCAMP: Mr. President, members of the Legislature, earlier we learned that this was Senator Sieck's birthday, actually not this day, but a Leap Year Day, February 29th. You recently received another piece of cake and I learned that this is Senator Fitzgerald's birthday also. Both Senator Fitzgerald and Senator Sieck were born in Leap Year and are both in the Legislature, of course, and the probabilities of having two leap year babies is something like 1,427 to 1.

SPEAKER MARVEL: They are both considered to be fifteen years of age. Congratulations. The last bill for the morning is LB 476.

CLERK: Mr. President, LB 476 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Read title.) The bill was read on January 20 and referred to the committee, Constitutional Revision and Recreation Committee. It was advanced to General File. There is a committee amendment pending, Mr. President.

SPEAKER MARVEL: Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. Speaker. The amendment was adopted to give the political subdivisions protection by this summer and it was adopted by the committee and they believed at the time that because recreation facilities are

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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 5, 72, 144A, 459A

SENATOR CHAMBERS: Then, Mr. Chairman, I move that LB 5 be advanced to E & R for engrossment.

PRESIDENT: All right, any discussion? Now there has been a request for a machine vote on this so we will go to the board for the advance of LB 5. All those in favor of advancing LB 5 to E & R for engrossment vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 11 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. LB 5 is advanced to E & R for engrossment. The next bill on Select File is LB 459A.

CLERK: Nothing on it, Senator.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 459A be advanced to E & R for engrossing.

PRESIDENT: Motion to advance LB 459A to E & R for engrossment. Any discussion? All those in favor signify by saying, opposed nay. LB 459A is advanced to E & R for engrossment. The next bill is LB 144A, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 144A be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 144A to E & R for engrossment. Any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 144A is advanced to E & R for engrossment. The next bill, Senator Chambers is LB 72.

CLERK: There are E & R, Senator.

PRESIDENT: E & R amendments.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 72 be adopted.

PRESIDENT: Motion to adopt the E & R amendments on LB 72. Any discussion? All those in favor of adopting the E & R amendments to LB 72 signify by saying aye, opposed nay. The E & R amendments on LB 72 are adopted. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, there has been a request for a machine vote but reluctantly I move that LB 72 be advanced to E & R for engrossment.

PRESIDENT: All right, motion to advance LB 72 to E & R for engrossment. A machine vote has been requested. All those

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LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

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

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

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LB 5

SPEAKER MARVEL: Senator Dworak, I don't know.

SENATOR DWORAK: Thank you.

SPEAKER MARVEL: I am sorry but I assure you that as soon as we have time and the way we have done this and it seemed to gain support of the Legislature that we would meet with the chairmen and discuss matters such as this and that... we will call a meeting of the chairmen in Room 2102 for eight-fifteen tomorrow and we will start talking about it then.

SENATOR DWORAK: Thank you, Mr. Speaker.

SPEAKER MARVEL: Thank you. All right, rather than sit here and try to figure out, going one way or the other way, we are going to start with Final Reading and see what happens. Those of you who have Final Reading and if there is a vote and there are not enough here to be helpful to you, there are methods that you can use to bring the bill back for another consideration. So, will the Legislature please take your seats and we will proceed with Final Reading. All legislators should be in their seats and unauthorized personnel should be off the floor. Okay, Mr. Clerk. The Clerk will read LB 5 on Final Reading.

CLERK: (Read LB 5 on Final Reading.)

SPEAKER MARVEL: Before the vote, the introducer of the bill asked to have you check in so we are certain as to how many are here. Will you please record your presence. Senator Landis, will you record your presence, please. Senator Higgins. Sergeant at Arms, will you please find Senator Higgins. Senator Beutler, everybody is here. Shall we proceed now? Okay. All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed vote no, LB 5, constitutional amendment. A constitutional amendment will take 30 votes. This is a constitutional amendment for the primary. It takes 40 votes. If that fails then we will go...then it will be 30 votes. Have you all voted? Okay, record the vote.

CLERK: (Read record vote as found on pages 1094-1095 of the Legislative Journal.) 26 ayes, 13 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: Having failed to get the necessary votes, the question now is, shall the constitutional amendment go on the general election ballot. Do you want to clear the board? All provisions of law having been complied with,

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LB 5, 72

the question is, shall the bill pass. Those in favor vote aye, opposed vote no. Record.

CLERK: (Read record vote as found on page 1095.) First of all Senator Beutler changing from yes to no for purposes of reconsideration. 26 ayes, 14 nays, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill fails to receive the necessary votes and, therefore, the bill does not pass. I think, Senator Vickers, you have an amendment on LB 72. Right?

CLERK: Mr. President, Senator Vickers moves to return LB 72 to Select File for a specific amendment. That amendment is found on page 833 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, a copy of the amendment has also been passed out. It should be laying on your desk. The amendment quite simply is because of a problem that I mentioned when this bill was on General File and I missed it on Select File and was not able to get it done in time and, therefore, I would apologize to the body for having to bring it back to attempt to amend it at this point in time. The problem is because of the fact that there are certain areas in the State of Nebraska, certain people that have begun to have a small business enterprise made up of using pheasant feathers, pheasant skins and so forth to make wall plaques, the current craze of western hats with the feather hatbands has expanded the market for this sort of an enterprise and the law as presently written indicates that if you deal in pheasant feathers or upland game bird feathers or skins, you have to have a fur buyers permit. A fur buyers permit is being increased by LB 72, the dollar figure from \$50.00 to \$100.00. These skins or these feathers are of relatively small value, I am told around three or four dollars at the most. They are also a portion of the upland game bird that is thrown away and discarded by the vast majority of hunters. The amendment that I am offering would exclude from the fur buyers' permit the requirement that a person dealing in upland game skins or feathers had to have a fur buyer's permit. I would point out though that it does keep in the statutes that it would be unlawful to sell any part of the game bird, meaning the part of the meat, for instance, the bird itself which was the real intention of this statute I am told by the Games and Parks people when it was originally put in here. The intention is only to remove to make an exception as far as feathers and skins are concerned, not an exception as far as the birds themselves, the meat from the birds are concerned.

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SENATOR BEUTLER: If they don't do that, I assume that it probably would.

SENATOR CHAMBERS: All right, members of the Legislature, I know the bill is going to pass but I tried to get an Attorney General's Opinion...no, I am not going to undertake that obligation, I have done enough. But I hope that the Governor is listening and that he perhaps may study the situation and see what the courts may do and he can talk to the Attorney General and other people, and being not a part of the Legislature officially and above the fray, he may want to determine whether or not he would like to set his signature to a bill which makes one of these fire fighters a law enforcement person when he or she is conducting any investigation of any kind. And based on the definition that you have just adopted, that is what this bill now does.

SENATOR CLARK: The question before the House is the advancement of the bill. All those in favor vote aye. All those opposed vote nay. Do you want a record vote? Voting aye.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the advancement of 205? Record the vote.

CLERK: 28 ayes, 9 nays, Mr. President.

SENATOR CLARK: The bill is readvanced. We will now go to number 5, LB 5, constitutional amendment. Motion to reconsider. LB 5. Motion to reconsider.

CLERK: Mr. President, Senator Beutler has moved and the motion is found on page 1142 to reconsider the body's action on Final Reading of LB 5.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, just to refresh your memory, this is the bill that does away with Final Reading except if one Senator requests Final Reading. When this came up for the Final Reading on the bill itself, it only got 26 votes. It needs 30 to pass. That was the day you may recall that there were a dozen Senators missing from the Legislature. I believe that it does have the votes. I don't want to go through all the arguments again unless others would like to rehash them. Basically, though, I would just remind you that this year, for example, the Speaker has

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already notified us that we are going to have trouble getting through even our priority bills and I would suggest to you again that the time spent on Final Reading would be much better spent on General File or Select File arguing the bills in detail. And I would ask you to move the bill, or ask you to reconsider so that we can vote on this on Final Reading another time. Thank you.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, I have had a great interest in this proposed constitutional amendment that Senator Beutler has for ever since I have been here, and I was absent the day it was considered and I think it is important that several of us who were absent are given an opportunity to make a decision in favor. I have sat through too many Final Readings where it was an absolute waste of time. Senator Beutler has provided a provision where if one member asks that a bill be read, it can be, and I think that is appropriate. I am sure that if many people out in the state were to observe television when we do Final Reading really know that it is sort of a mockery and not the best use of time, particularly when we work under constrictions of days. So I would hope that we would support Senator Beutler's attempt to give us another chance to place our vote in favor of LB 5A, the constitutional amendment, and allow the Legislature to proceed with its time in a more orderly way. Thank you.

SPEAKER MARVEL: Senator Maresh and then Senator Marsh.

SENATOR MARESH: Mr. Speaker, a question of Senator Beutler.

SPEAKER MARVEL: Senator Beutler.

SENATOR MARESH: Senator Beutler, would you consider an amendment to specify that all new language proposed shall be read at large? Instead of reading the entire...all the old language, just specify in the Constitution that the new language shall be read? The new sections, or if it is an entirely new bill, then it shall be read?

SENATOR BEUTLER: Senator Maresh, I would be very amenable to doing this. I am not sure that I would be amenable to that and putting that into the Constitution because I am not sure how you would word it. Reading the new language in and of itself will most of the time really not

explain the change to you very well. But what I would be very amenable to do and I have promised to do this, is to put into the rules of the Legislature next year working in conjunction with everybody who is interested, a set of rules with regard to Final Reading, perhaps reading a summary of the bill, outlining the changes that the bill makes to the law, or something in that nature that we can put in the rules and which will be flexible and we can see how it works. But I can't say honestly that I would be in favor of putting what you are suggesting into the constitutional amendment.

SENATOR MARESH: As you may know, rules are pretty temporary and can be suspended and changed. Every session we have the Rules Committee making changes so I don't think that would mean anything. But if we had in the Constitution that we shall take a look at what is proposed in new language, I think then it would have some meaning.

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: Mr. Speaker and members of the Legislature, I rise to support the reconsideration of LB 5 which is the constitutional amendment. The safeguard is in this proposal so that if there is a reason such as Senator Maresh just mentioned, that the new language for some specific reason needs to be read, the safeguard is there for any one member of the Legislature could ask to have that there to have it read. And Senator Maresh, with that safeguard in it, I expect to support it because anyone, including yourself, could ask to have the new wording read to the body. I like the safeguard in it. I also like the opportunity not to spend one-third of the approximate length of the legislative session sitting in a seat listening to a bill being read very rapidly that if I have not already done my homework to know how I intend to vote, I am certainly not going to be able to make up my mind in the time it takes to read some of the short bills, nor to comprehend what is in a lengthy piece of legislation. That kind of proposal needs to have time spent before Final Reading. It needs to have study. It needs to have the study away from the legislative floor so that there is a degree of peace and quiet and you can truly comprehend what is included in a proposed piece of legislation. I strongly support LB 5. I hope the entire legislative body will help to move this to the Governor's desk and then to the voters in the State of Nebraska for this streamlining of legislative activity so we can do a better

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job for the peoples of Nebraska.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I am opposed to this bill as I have been opposed to attempts to abolish Final Reading in the past. Senator Beutler's suggestion that an outline or an explanation might take the place of Final Reading I think has an infirmity, Senator Beutler, because as with 205 sometimes the person who drafts the bill doesn't really understand the significance of the words used, so somebody putting together an outline or a summary might really intend to convey the notion of what he or she thinks the bill means but the words that are actually used are the ones that would be viewed by a court or whoever is to come into contact with that law. So I don't think that would be an adequate solution. And I would disagree with Senator Marsh about not being able to gain anything while a lengthy bill is being read. There was one last year I think related to the power of eminent domain and a word like "useful" rather than "necessary" was in the bill, and I amended that word out, and the body agreed. But nobody else had made that motion. So it means if the bill were not being read on Final Reading, I would not have caught that because I hadn't studied that bill prior to its reading. And apparently other members of the body either had not read it or they were content to let it go through even though they disagreed with it. So there are some of us who will read these bills on Final Reading, and I am one of those people who frankly will acknowledge that many bills get no reading from me until Final Reading. If the bill were not to be read, I would have to try to get the schedule in advance and see which bills are coming up and if there were lengthy bills and I thought that I had some objections, I would have to prepare a number of frivolous motions to engender discussion and debate on Final Reading to give me time to analyze the portion that I may genuinely be concerned about. And then if I felt that there was enough concern, I would make an appropriate motion to return the bill. But I think time may in the long run be saved by keeping Final Reading just as it is. I am not one of those who would go for a tradition simply because it has been around for a long time, but this Final Reading time has been shown to carry benefits to the body, even on LB 205. People, I guess, who thought that they understood that bill and would have voted to pass it on this morning after the discussion, changed their mind and adopted certain amendments. So, there will be burdens connected with any procedure that

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takes time and requires concentration. But I don't think every burden is hurtful, some are of value and some are essential. I wouldn't say that Final Reading, Senator Marsh, is an absolute necessity to having the system function effectively when you think of the system as a generic term that applies to every legislative body in the world...or in the universe, if there are legislative bodies in other places than on this planet. But considering what I know about the Nebraska Unicameral, it is a very wholesome practice. I think it does more good than cause harm, and I hope that the 30 votes to bring this bill back for reconsideration are not here this morning.

SPEAKER MARVEL: Before we turn to Senator Cope, I wish to introduce from the districts of Senator Wesely, Beutler and Marsh, 55 students, 9th Grade, Lincoln East High, and teachers, Dwain Myers, David Bacon and Allison Peek. Will you raise your hands so we can see where you are so we can welcome you. Where are you located? Okay. Senator Cope. Where did Senator Cope go? Senator Marsh, for what purpose do you rise?

SENATOR MARSH: Second time, Mr. Speaker. I would like to respond to Senator Chambers. Senator Chambers, there still would be the safeguard which you desire for, in fact, you could ask to have every bill read on Final Reading if you so desired. But some of them might not be necessary for understanding, and it would not be in the Constitution. What is...would be in the Constitution when this change is passed is the safeguard allowing a Senator to request that a bill on Final Reading be read. So your safety would be protected and yet on a simple half-page bill it would not be necessary to read. It certainly does not add to the understanding to read a budget document. What you need for the understanding is an explanation of what those dollar figures do, not reading one figure after another figure, and that kind of an explanation really needs to be done before Final Reading. I still rise to support LB 5 as it is presented to us because I believe that the safeguard which Senator Chambers feels is important is left in the Constitution. When any one Senator has that privilege, then the safeguard would remain and that would remain as part of the Constitution. It simply would not mean that every single bill, when no one had a need to have it read aloud, would of necessity have to be read anyway to take unnecessary time. I think the safeguard would be there for Senator Chambers. There might be times that Senator Marsh would want to ask to have a bill read, but that safeguard would

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be in the Constitution when LB 5 would be adopted by the people of the state, and yet it would help to streamline the process as I see it.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President, I call the question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? I see five hands. All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 27 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator Beutler, do you wish to close on your motion?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would just make one comment. I wanted to make one distinction clear in case it was not clear in everybody's mind. I think it is clear in most people's minds. But doing away with reading at large on Final Reading does not mean...does not mean that you still cannot file motions to return to Select File. It doesn't change that. We still have and will continue to have the opportunity to debate bills at the third stage. All it does is preclude the reading unless there is a request by one Senator. So I hope that distinction is clear in everybody's mind, and I hope you can support the reconsideration. Thank you.

SPEAKER MARVEL: The motion before the House is the reconsideration of LB 5, constitutional amendment. It takes 30 votes. All those in favor vote aye, opposed vote no. Have you all voted? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I guess I would ask for a Call of the House. The vote is possible, Mr. Speaker.

SPEAKER MARVEL: Shall the Legislature go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 24 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. All take your seats. Record your presence. Unauthorized personnel please leave the floor. Okay, the Clerk is authorized to take call-in votes.

CLERK: Senator Pirsch voting yes.

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LB 5, 40, 261, 335, 353,
428.

SPEAKER MARVEL: Meanwhile in the south balcony from Senator Dworak's District, 49 students, 4th, 5th, 6th Grades, from Humphrey Public School, Humphrey, Nebraska, Mrs. Debbie Trabert, Miss Nancy Gallop, Miss Mamie Anderson are teachers. In the south balcony, will you raise your hands so we can see where you are?

CLERK: Mr. President, Senator Richard Peterson voting yes. Senator Wagner voting yes. Senator Goodrich voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 31 ayes, 8 noes on the motion to reconsider, Mr. President.

SPEAKER MARVEL: All provisions relative to procedure having been complied with, the question is, shall LB 5 pass? All those in favor vote aye, opposed vote no. 30 votes. Have you all voted? Have you all voted? Senator Beutler. Record the vote.

CLERK: (Read the record vote as found on page 1244 of the Legislative Journal.) 30 ayes, 10 nays, 6 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. Do you have some items to read in?

CLERK: Yes, sir, I do. Mr. President, your committee on Judiciary whose Chairman is Senator Nichol reports LB 428 to General File, and LB 335 to General File with amendments, and 353 General File with amendments, all signed by Senator Nichol. (See pages 1244 and 1245 of the Legislative Journal.)

The Appropriations Committee will meet in Executive Session today upon adjournment in Room 1003.

Mr. President, Senator Wesely would like to print amendments to LB 261 in the Journal. (See page 1245 of the Journal.)

SPEAKER MARVEL: I would like the attention of the Legislature, if I could. Yesterday afternoon after rather extensive debate on LB 40 the time ran out and, therefore, it is the judgment of the Chair that the time for that particular bill should be completed. Some of you have questions about the way the priorities are set. I welcome you, first of all, to visit the office and

road systems and I think the body needs to know exactly how it is and if we print it in the Journal we can get everybody the correct information prior to the time it is taken up. So I would ask unanimous consent to pass over the bill on Final Reading.

SPEAKER MARVEL: Any objections? If not, so ordered.

CLERK: Mr. President, Senator Warner would like to print amendments to LB 190 in the Journal and LB 5 is ready for your signature Mr. President.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 5. I would like to suggest to the members of the Legislature if we could continue until about 2:00 then there wouldn't be any problem of anybody coming back. Does anybody object?

SENATOR MARSH: I object.

SPEAKER MARVEL: You object, okay. Anybody else? The only way I can do it is try to get a feel. Those who will stay to 2:00 to process some of this legislation vote aye on the board. Those who are opposed just vote no and we will see where we are. Yes maam, you are recognized.

SENATOR MARSH: Thank you. We did this last week but we had a days warning. Last weeks activities were juggled but we had a day to make the change of plans. Many of us have made commitments for this noon, it does not seem fair to ask someone who has been juggled and juggled when I am willing to come back and work this afternoon to do this at the last minute when it is now 11:00 a.m. That is less than an hour till noon. I am willing to put the time in, it does not seem fair to do that change at this hour.

SPEAKER MARVEL: Okay, Mr. Clerk do you want to read on Select File.

CLERK: Mr. President, LB 39 was last considered by the membership on March 30th of this year. At that time the E & R amendments were adopted. Also, Senator Warner made a motion on March 30 to indefinitely postpone the bill. That is now pending Mr. President. The motion by Senator Warner to indefinitely postpone LB 39.

SPEAKER MARVEL: The Chair recognizes Senator Warner.