

January 8, 1981

LB 50-51

Mr. President, the Education Committee would like to announce that Senator Vickers has been elected as vice chairman of the Education Committee.

Mr. President, Senator Kahle would like to have a meeting of the Government, Military and Veterans Affairs Committee upon adjournment this afternoon in Hearing Room 1113.

PRESIDENT: Does that get in all of the bills that you have this afternoon for introduction? All right, then the Legislature will stand at ease until 2:00 p.m.

EASE

#### INAUGURAL CEREMONIES

Board of Education; Board of Regents; Public Service Commission; Workmen's Compensation Judge-elect; Supreme Court. (See pages 90-91 of the Legislative Journal.)

Chief Justice Krivosha administers Oath of Office.

PRESIDENT: At this time do any of you have any further bills that you would like to get introduced today? This would be an excellent time to bring them up so that we can have the introduction of bills before adjournment. Proceed, Mr. Clerk, with the reading of the ...

CLERK: Yes, sir. Mr. President, first of all the Revenue Committee would like to announce that Senator Hefner has been elected as vice chairman of the Revenue Committee.

Read LB 50-51 by title for the first time. See page 92 of the Legislative Journal.

Mr. President, again, I will just remind the membership that Senator Kahle would like to have a meeting of the Government, Military and Veterans Affairs Committee upon adjournment in Hearing Room 1113 and Senator Hefner would like to have the Miscellaneous Subjects Committee meet upon adjournment underneath the South balcony. Mr. President, Senator Labedz would like to have an organizational meeting of the Constitutional Revision and Recreation Committee tomorrow morning at nine o'clock underneath the North balcony.

PRESIDENT: Anything else, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

February 20, 1981

LB 50, 84, 89, 174, 475

Mr. President, Senator Richard Peterson offers explanation of vote.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 84 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 89 General File; LB 174 General File; LB 50 General File with amendments; LB 475 to General File with amendments. That is all I have, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We now turn to item #5 and the Chair recognizes Senator Lamb.

CLERK: Mr. President, Senator Lamb moves that appointment of Marshall A. Lux as Ombudsman and asks that the Legislature vote for its approval as required by Section 81-8,241.

SENATOR LAMB: Mr. President, members of the Legislature, after a long and involved selection process, the Executive Board has selected Mr. Lux to replace the retired Mr. McNeil as Ombudsman. This is a very important position. The process by which Mr. Lux was selected was extended probably more than it should have been partly because two Executive Boards were involved. Mr. Lux became the acting Ombudsman on July 31st upon the retirement of Mr. McNeil. The Executive Board then advertised in fifteen papers throughout the state and the distribution of the job availability notice was made to all the legislative staff. The job was advertised statewide with a closing date for applying of October 31st, 1980. One hundred and nineteen persons submitted resumes and/or applications for the position. The sixteen applicants were selected from this group of one hundred and nineteen. The interviews of these persons were held on February 4th, 5th and 10th of 1981. The Executive Board made their selection on February 18th, 1981. This requires a two-thirds vote of the Legislature. I move that the motion be approved.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I am not sure where the report of the committee is but wherever it is you will find that I had passed on the vote for Mr. Lux and I want to explain that to you. Because of illness, I was not able to attend any of the interviews that were held on any of the candidates and that my abstaining was not in opposition to in any way, shape or form. The committee apparently, as I understand, were in strong agreement that Mr. Lux

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LB 89A, 50

Court. It is for the retirement, for the necessary over-age, the necessary supervision of court reporting, of the court reporters are all paid through the Supreme Court. In order to have a judge, it is necessary to have a court reporter and that is paid through the Supreme Court. It is not actually adding dollars to the Supreme Court. It is a pass through from the Supreme Court. All court reporters are funded through the Supreme Court.

SENATOR HEFNER: In other words you are saying that beings we are going to put one more district court judge in, we need to fund the Supreme Court a little extra to pay for this court reporter who will be responsible to the extra district judge, is this correct?

SENATOR MARSH: Yes, sir.

SENATOR HEFNER: Okay, thank you.

SPEAKER MARVEL: Motion is the advancement of 89A to E & R for Review. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted?

CLERK: 26 ayes, 0 nays on the motion to advance the A bill, Mr. President.

SPEAKER MARVEL: The bill is advanced. Now before we go to the next bill, it is my privilege to recognize from Senator Hefner's District in the North balcony 43 high school students from Wausa High School, the Wausa High School band, Wausa, Nebraska. The band director is Keith Byrkit and the band has just been chosen the Class C band of Nebraska. Where is Mr. Byrkit? Okay, may we give them a hand. The next bill is LB 50.

CLERK: Mr. President, LB 50 was introduced by Senator David Landis. (Read title.) The bill was originally read on January 8 of this year. It was referred to the Judiciary Committee for public hearing. It was advanced to General File. There are committee amendments by the Judiciary Committee, Mr. President.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as has been stated by the Clerk already, this is a ride sharing bill, and because of the subject matter, it will deal with taxing and licensing requirements, accident reporting requirements, application of Workman's Compensation laws and the guest statute. Senator Landis having thorough knowledge of

all aspects of the bill will explain those matters but the amendments offered by the committee you will find will be for the purpose, first, of clarifying when Workmen's Compensation laws will or will not apply, so if you turn to page 3 of the bill, line 5 or line 6, after the word "arrangement", it gives additional language relating to the Workmen Compensation statutes and you can read what the amendment is. The second amendment would be the insertion of the word "var" on page 4 which was inadvertently left out when the bill was drafted, and because of various provisions in the bill, it was felt wise to add the severability clause. A major amendment will be found on pages 4 and 5 where Sections 9 and 10 of the bill as drafted will be stricken. Since we have a bill before us now dealing with modification of the guest statute, this language even without that bill was considered objectionable, but in view of what we are doing with the guest statute bill, this would be even more objectionable because it attempted in the original draft of this bill to define as a guest "a person who pays for transportation". Even under the guest statute unmodified, if you were paying for your transportation and you were injured, then you would not be covered or prohibited from seeking damages against the driver. This bill as originally drafted would have said that even though you have paid for the transportation, you will nevertheless be considered a guest for purposes of the operation of the guest statute. The committee felt it wise to strike Sections 9 and 10. If you have any questions on the committee amendments, I will answer them, but if you want to hear the whole totality of the bill in context, it might be best to listen to Senator Landis and then address your questions at that time, but however you want to do it, it is up to you. I move the adoption of the committee amendments.

**SPEAKER MARVEL:** Senator Landis, do you wish to speak to the committee amendments? You want to speak to the bill as a whole.

**SENATOR LANDIS:** I will speak just tacitly to the committee amendments. At the time I introduced LB 50 I asked the Judiciary Committee to make a policy decision with respect to the guest statute, and then from that decision order their reaction to LB 50. They did so. They chose to report out to the floor of the Legislature the repeal of the guest statute and, therefore, since Sections 9 and 10 retained the guest statute and, in fact, broadened its coverage, that was antithetical to the decision on the guest statute. Since they arrived at that policy decision and the body as a whole has reiterated the fundamental soundness of the repeal of the guest statute, those sections of LB 50 are quite properly

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LB 50

struck by the committee and I support the committee amendments.

SPEAKER MARVEL: First of all, the motion is to adopt the committee amendments to LB 50. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendment is adopted. Senator Landis, do you wish to explain the bill?

SENATOR LANDIS: Yes, Mr. Speaker.

SPEAKER MARVEL: There are two additional amendments up here but I think we will let you go ahead first.

SENATOR LANDIS: Fine. I want to at this point remind the body that LB 50 has no relationship with the guest statute. It makes no change in that regard, and in fact, the policy decision of this body is moving towards with respect to the guest statute is entirely consistent now with the language of LB 50. Having said that and removed that issue from consideration, let me point out that on your desks should be a summary of the terms of LB 50 and what it is designed to do. It is a section by section analysis that very briefly outlines what we intend to effectuate by the passage of LB 50. There is a definition of the ride sharing arrangement as the carrying of from one to fifteen passengers by motor vehicle either regularly or occasionally with or without compensation but not for profit and the transportation of these passengers is not the primary occupation of the able operator. That is your basic legal definition of ride sharing. It goes on to exempt ride sharing arrangements from the Public Service Commission. Now the Public Service Commission at this point has not required any licensure or regulation of ride sharing arrangements but it is possible that they may begin doing so under the kinds of statutory powers that they have. This will indicate clearly that there is no intent to have ride sharing regulated by the PSC, as well as no statutory demand for the special insurance, equipment or accident reporting requirements which are designed to specifically regulate motor or commercial carriers. In other words, ride sharing arrangements are not commercial carriers nor motor carriers under the PSC regulations. It also exempts them from the laws imposing a tax on fuel purchased in another state by a motor vehicle, again, PSC regulations which potentially may be applied to ride sharing arrangements unless LB 50 is passed. Sections 3 and 4

seek to allay fears of employers that they may have additional liability in the event they simply promote ride sharing by the placing of posters, by the introduction of employees to each other who live in the same area and, therefore, might very easily form a ride sharing arrangement. The employers do not want to by encouraging ride sharing incur a potential economic liability if there is an accident during one of those ride sharing rides that their employees would be having. Many employers in the Lincoln area want to participate, want to encourage, want to introduce their employees to each other, use their own computer banks to outline where people live and, therefore, be able to draw their employees close together and effectuate ride sharing arrangements but they are afraid to do so for fear that there is some hidden liability. Well this says clearly that unless they own, operate the ride sharing arrangements, if all they are doing is encouraging and providing some kinds of incentives to do so, then the employer has not encouraged the liability for the ride sharing arrangement. With respect to workman's compensation, of course, where an employee is covered for their time driving to and from work or where the employer is the driver themselves, under normal Workmen's Compensation liability the employer remains liable. Nothing in Sections 3 and 4 alter existing Workmen's Compensation liability rules. It is clear in the legislative history before the committee, and I am now reiterating that on the floor. There is no intent to change the basic Workmen's compensation liability rules. What we are talking here are some kinds of shadow liabilities which may at a future time be attempted to lay at the feet of employers for the encouragement of ride sharing arrangements. Section 5 says that cities cannot tax ride sharing arrangements as some special kind of tax. Section 6 indicates that an employee will not be eligible for receiving a minimum wage or overtime for simply participating in ride sharing arrangements. In other words, employers don't want to by this kind of a measure incur some liability to pay people simply because their employees band together to ride to work, and this says there is no obligation for the employer to pay for ride sharers to and from work. I think that is simply a matter of negotiation. Section 7 indicates that a vehicle with a capacity of not more than fifteen persons shall not be a bus or a commercial vehicle and should not be subject to the equipping requirements or rules of the road or registration for normal bus operations. Section 8 indicates that motor vehicles owned and operated by state or local agencies may be used in ride sharing arrangements by public employees. As you well know, publicly owned motor vehicles which are taken home by public employees are suppose to return then at the most expedient route back to the public employer the next day. Well this

would allow those public vehicles to be used in a ride sharing arrangement to pick up other public employees to take them back to the state government or the local government employer the next day's operation so that public cars or vehicles may be used in a ride sharing arrangement. Again Sections 9 and 10 have been struck from the bill. They did relate to the guest statute. That policy decision has been made by the Judiciary Committee and therefore are irrelevant to our discussion at this time. I would move the adoption of the passage of LB 50 to E & R Initial.

SPEAKER MARVEL: A motion on the desk.

CLERK: Mr. President, the first amendment I have is from Senator Haberman. (Read Haberman amendment as found on page 785, Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Unicameral, this bill disturbs me because if you read Section 4 it says, "An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a motor vehicle not owned, leased or contracted for by the employer in a ride sharing arrangement." My amendment says, "or driven" by the employer. The reason I added this is out where I come from the little businessmen, there is no leasing firm. You cannot contract with anybody to pick up your employees. The hospital administrator goes out and picks up the nurses or picks up the people who works in the kitchen and brings them to the hospital to work and the nursing home administrator does the same thing. The small manufacturer that has two or three employees picks up his employees on the way to work and gives them a ride. Now this is in the daytime. He is not going to be drunk. He is not going to be reckless or it isn't a Saturday night and we are penalizing the small businessman and the people who cannot afford to hire somebody to pick up their employees. I feel that he should be responsible and he is responsible. He would probably have insurance but let's say that he doesn't have enough insurance. He can lose his business. Then they say, well, buy more insurance. Can't afford to buy the insurance. So all I am saying is when an employer picks up the employee and takes him to or from work and he has an accident, he is exempt from injuries to the passengers. Now I ask that you support this amendment to help the little fellow. The big fellow is going to get along all right because he can hire, or he can lease, or he can charter somebody to do it, and he isn't going out and drive it anyway but the little fellow has to. Thank you, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Haberman amendment. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, Senator Haberman's amendment would really complicate this bill because in Section 3, it talks about Workmen's Compensation and says, "Chapter 48, Article I, providing compensation for workers injured during the course of their employment shall not apply to a person injured while participating in a ride sharing arrangement", and so forth, "except that if the employer owns, leases or contracts for the motor vehicle used in such arrangement, pays for time spent in travel or pays the expense of travel." Then you have an employer-employee connection and Workmen's Compensation would come into play. What the bill is attempting to do in the form that Senator Landis has it now is to make ride sharing arrangements outside of the ordinary employer-employee relationship unless the employer does something affirmatively to make himself or herself a part of this arrangement, in which case, everything that applies in the law to employer-employee relationships for our purposes would then apply. But what Senator Haberman is saying is that, and I think I understand his amendment. Senator Haberman, let me ask you a question. You said in Section 4 you are adding your amendatory language, exactly where in Section 4. That would be on page 3.

SENATOR HABERMAN: "Not owned, leased, or contracted or driven for by the employer".

SENATOR CHAMBERS: So what you want to say is that if the employer drives the car, then he is not liable.

SENATOR HABERMAN: That is correct, if he is taking the employee to or from work.

SENATOR CHAMBERS: But he would have to not own the car in order not to be liable, right?

SENATOR HABERMAN: Will you ask me again, please?

SENATOR CHAMBERS: If he owns the car and is the driver, then he is liable or are you saying that he is not liable whether he owns the car or doesn't own it, just so he is the driver?

SENATOR HABERMAN: If it is a company car, he is exempted just as he is the driver and he is doing his job of picking up and taking his employees back and forth.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I



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am opposed to Senator Haberman's motion to amend because what he is doing is giving the employer absolute immunity even from gross negligence. This employer could be drunk. This employer could deliberately drive the car into the side of a building. As long as it is a case of him driving an employee to work, there is absolutely no liability. So if the employer doesn't like one of the employees and the employee happens to be his wife or his mother-in-law, then all he has to do is load her up in the car and drive to one of these 13,000 rickety county bridges that we have in the state knowing that the bridge will not support the car and he knows what his intention is but the wife doesn't know, the mother-in-law doesn't know and when the car reaches the bridge out jumps Senator Haberman's employer and the car goes onto the bridge and falls into the river and hopefully from the standpoint of the employer the wife or the mother-in-law is drowned and the employer is not liable, at least civilly, because all that he has to do is show that he was driving this individual to work. What I am doing is exaggerating but what I am giving you as an example could occur without any civil liability under the amendment as drafted by Senator Haberman. So let me ask him, Senator Haberman, is that your intention that an employer can be absolutely immune from liability no matter what the circumstances of the accident?

SPEAKER MARVEL: Senator Haberman, do you yield?

SENATOR HABERMAN: Yes, I will yield and I will have to say, no, that is not my intention. If the man is drunk or deliberately causes the accident, then, Senator Chambers, he should be responsible for it but we are going to throw the guest statute out and this opens up the door and this is what scares me.

SENATOR CHAMBERS: Well, Senator Haberman, what your intention is doesn't mean anything when we are writing statutes. Based on your language, the employer is not liable if he is driving the car.

SENATOR HABERMAN: Well, then I am opposed to that.

SPEAKER MARVEL: Senator Chambers, you have one minute.

SENATOR CHAMBERS: Okay, then, thank you, Senator Haberman. I will let you respond if you want to. I hope you will see what has been done or is being done if you adopt Senator Haberman's amendment. I hope you reject it and not complicate the bill with these types of matters. There may be some who have genuine questions about the concept of the bill itself and I would like it to at least have a hearing on the basis of what it will attempt to do without these

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complicating factors. I am totally opposed to Senator Haberman's amendment, and if you adopt it, there is no way I could support the bill but I don't think it would be constitutional anyway.

SPEAKER MARVEL: Senator Landis, do you wish the floor? We have about seven minutes left.

SENATOR LANDIS: Mr. Speaker, I will just respond to the Haberman amendment briefly indicating that I cannot support the amendment and would find the bill difficult to support in the event it was passed. With one addition of a word, Senator Haberman has returned us to the issue of guest statute completely. Secondly, there is a problem with the workmen's compensation statutes. They probably would cover this type of liability anyway and this would complicate things. I am hoping the amendment will be withdrawn.

SPEAKER MARVEL: The motion now is the Haberman amendment #1. Senator Haberman.

SENATOR HABERMAN: Mr. President...

SPEAKER MARVEL: I alert you to the clock. We will recess...adjourn at noon.

SENATOR HABERMAN: I didn't mean to open up Pandora's box, therefore, I will withdraw both amendments until I have an opportunity to talk to some other people. So at this time I will withdraw them, Mr. President.

SPEAKER MARVEL: Any objection? Hearing none, so ordered. Senator Landis, do you want to move the bill?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I move LB 50. It looks that we may have some questions about this particular section on Select File. If Senator Haberman wants to redraft the amendment and bring it to our attention at that time, I am willing to meet with him or other interested parties between now and that time to work out whatever problems there may be. Otherwise we can reexamine that issue on Select File. I would move it to E & R Initial at this time.

SPEAKER MARVEL: The motion is the advancement of LB 50 to E & R for Review. All those in favor of that motion vote aye, opposed no. Have you all voted? We are voting on the advancement of LB 50 to E & R for Review. Have you all voted? Record.

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LR 29, 30  
LB 50, 75A, 190

CLERK: 25 ayes, 3 nays, Mr. President, on the motion to advance.

SPEAKER MARVEL: The motion is carried. The amendment is advanced to E & R for Review. Do you have some items to read in, Mr. Clerk?

CLERK: Yes, sir, briefly, Mr. President. I have a lobby registration report from February 27 through March 5.

Mr. President, new resolutions, LR 29. (Read.) (See pages 786 and 787, Legislative Journal.) Mr. President, that will be laid over pursuant to our rules. LR 30 by Senator Vickers. (Read. See page 787, Legislative Journal.) That, too, will be laid over.

Mr. President, finally, Senator Kahle would like to print amendments to LB 190 in the Legislative Journal.

SPEAKER MARVEL: Is that it?

CLERK: And, Mr. President, finally, a new A bill, LB 75A. (Read title.)

SPEAKER MARVEL: Senator Beutler, would you adjourn us until Monday at 9:30 a.m.

SENATOR BEUTLER: Mr. Speaker, I would move the Legislature be adjourned until Monday, March 9th at 9:30 a.m.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until Monday, March 9th, 9:30 a.m.

Edited by:

Marilyn Zank  
Marilyn Zank

March 9, 1981

LB 9, 50, 257, 266,  
313, 475, 508.

CLERK: Mr. President, I have a series of Attorney General's Opinions, the first to Senator Vard Johnson regarding LB 9; one to Senator Vard Johnson regarding LB 266; a third to Senator DeCamp regarding LB 508; one to Senator Wesely regarding LB 257, and one to Senator Hefner regarding LB 206. (See pages 794 through 804 of the Legislative Journal.)

PRESIDENT: Ready then for agenda item #4, General File. The first bill on General File this morning is LB 313, Mr. Clerk.

CLERK: Mr. President....

PRESIDENT: We will pass over the first two bills which are Senator Stoney's bills and come back to them. Starting out then with LB 50. Oh, that's off of there. All right, so then we are at 475.

CLERK: Mr. President, LB 475 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Read title.) The bill was first read on January 20 of this year. It was referred to the Judiciary Committee for Public Hearing. The bill was advanced to General File. There is a committee amendment pending, Mr. President, by the Judiciary Committee to add the emergency clause.

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and members of the Legislature, this is simply the emergency clause and the reason for it being that this should go into effect sooner so that we would have a Commission on Judicial Qualifications. I understand that at the present we don't have one and because of the voting of the public last November this should be done immediately. I move for the adoption of the E clause.

PRESIDENT: Any discussion on the....that is a committee amendment, Senator Nichol? A committee amendment which is to add the E clause. Any discussion? I guess that is your opening and closing, Senator Nichol. The question then is the adoption of the committee amendment to LB 475. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays on the motion to adopt the committee amendments, Mr. President.

PRESIDENT: The motion carries. The committee amendment

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March 10, 1981

LB 9, 34, 50, 74, 89,  
89A, 124, 174, 178,  
194, 345, 425, 500

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: I take great pleasure in introducing my own pastor, Pastor Harold Hamilton from First Lutheran here in Lincoln.

PASTOR HAROLD HAMILTON: (Prayer offered)

PRESIDENT: Roll call. Senator Marsh.

SENATOR MARSH: Mr. President, for all who are within my range of my voice, I would like to give notice that tomorrow I am going to ask for a recorded vote on those who are here by 9:05 a.m.

PRESIDENT: Thank you, Senator Marsh. Senator Nichol.

SENATOR NICHOL: Mr. President, I will make sure to be here tomorrow but I wonder if that is going to be an occurrence every day, Senator Marsh. I am sorry, she is talking. I was just curious about what the rule would be.

PRESIDENT: Have you all recorded your presence? It is now 9:05 a.m. Has everybody recorded your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined LB 74 and recommend that same be placed on Select File with amendments; LB 500 Select File with amendments; LB 425 Select File with amendments; LB 194 Select File with amendments; LB 174 Select File with amendments; LB 89 Select File with amendments; LB 89A Select File with amendments; LB 50 Select File with amendments.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 2:10 p.m. yesterday LBs 9, 34, 124, 178, and 345.

Mr. President, your committee on Enrollment and Review

March 13, 1981

LB 50, 89, 89A, 194,  
LB 500, 425, 475

SENATOR CLARK: All those in favor of advancing 425 say aye, all those opposed no. The bill is advanced. LB 194.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move the E & R amendments to LB 194 be adopted.

SENATOR CLARK: All those in favor of the E & R amendments to LB 194 say aye, all those opposed no. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: No further amendments, Mr. Speaker?

CLERK: Nothing further, Senator.

SENATOR BEUTLER: I would move that LB 194 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 194 say aye, all opposed. The bill is advanced. LB 89. Senator Beutler. Are there E & R amendments on this one?

CLERK: There are no E & R.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89 be advanced to E & R for engrossment.

SENATOR CLARK: The question is the advancement to E & R for LB 89. All those in favor say aye, all those opposed no. The bill is advanced. LB 89A.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 89A be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of advancing LB 89A say aye, opposed no. The bill is advanced. LB 50.

CLERK: There are E & Rs, Senator.

SENATOR BEUTLER: Mr. Speaker, I would move that the E & R amendments to LB 50 be adopted.

SENATOR CLARK: The E & R amendments to LB 50, all those in favor say aye, all opposed nay. The amendments are adopted. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I would move that LB 50 be advanced to E & R for engrossment.

SENATOR CLARK: All those in favor of LB 50 being advanced say aye, opposed no. The bill is advanced. LB 475.

March 16, 1981

LB 328, 477, 35, 112,  
245, 206, 206A, 22, 50,  
74, 89, 89A, 171, 194,  
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

March 24, 1981

LB 72, 73, 50, 104

SPEAKER MARVEL: The motion is carried. The bill is amended. Now all those in favor of readvancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 2 nays on the motion to readvance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is re-advanced. Okay, the Clerk will now read on Final Reading, LB 73.

CLERK: (Read LB 73 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. Record the vote.

CLERK: (Read record vote as found on pages 1096-1097 of the Legislative Journal.) 30 ayes, 9 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 104.

CLERK: (Read LB 104 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 no. Record the vote.

CLERK: (Read record vote as found on page 1097 of the Legislative Journal.) 36 ayes, 1 nay, 9 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: LB 104 is declared passed. The Clerk will read LB 205.

CLERK: Mr. President, I have a series of motions to return LB 205.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, since Senator Newell is out in California bellying up to the owner of Falstaff I am willing to wait on my motion until he crawls back.

SENATOR CLARK: I think we will pass over it anyway. We had three motions to return the bill. We will read LB 50.



March 24, 1981

LB 50, 171, 194, 425

CLERK: (Read LB 50 on Final Reading.)

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. Record the vote.

CLERK: (Read record vote as found on page 1098 of the Legislative Journal.) 36 ayes, 1 nay, 9 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The bill is declared passed on Final Reading. Pass over LB 74 and go to LB 171.

CLERK: (Read LB 171 on Final Reading.)

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

CLERK: (Read record vote as found on page 1099 of the Legislative Journal.) 40 ayes, 0 nays, 9 excused and not voting; Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next bill, LB 194.

ASSISTANT CLERK: (Read LB 194 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 no. Have you all voted? Clerk, record.

ASSISTANT CLERK: (Read record vote as found on pages 1099-1100 of the Legislative Journal.) The vote is 40 ayes, 0 nays, 9 excused and not voting.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will read LB 425 on Final Reading.

ASSISTANT CLERK: (Read LB 425 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? Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 1100 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

March 25, 1981

LR 46  
LB 39, 39A, 50, 72, 73,  
104, 167, 171, 194, 197,  
197A, 252, 425, 475, 500

SPEAKER MARVEL PRESIDING

SENATOR BEYER: (Prayer offered.)

SPEAKER MARVEL: I have a note here that indicates that today is the 35th birthday of Senator Howard Peterson and this occurred on the weekend, March 22, and there will be rolls served in his honor and we wish Senator Peterson the best for the year to come. Have you all recorded your presence? Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 252 to General File with amendments. (Signed) Senator Kremer.

Your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 39 and recommend that same be placed on Select File with amendments; 39A Select File; 167 Select File with amendments; 197 Select File with amendments; 197A Select File. All signed by Senator Kilgarin as Chair.

Your committee on Enrollment and Review respectfully reports we have carefully examined LB 72 and find the same correctly reengrossed. (Signed) Senator Kilgarin.

Senator Wagner would like to be excused for the day.

And, Mr. President, LB 73, 194, 50, 171, 194, 425, 475, and 500 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 73, LB 104, LB 50, LB 171, LB 194, LB 425, LB 475, LB 500. Item #4, resolution.

CLERK: LR 46 is offered by (read LR 46.)

SPEAKER MARVEL: Senator Lamb, this is your resolution.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this is a resolution which honors Senator Nichol's mother who recently passed away. The fine lady has been a long time credit to the State of Nebraska. I urge the adoption of this resolution.

March 25, 1981

LR 47  
LB 190, 298, 50, 73, 104,  
171, 194, 425, 475, 500

amendment to LB 190 as explained by Senator DeCamp.  
All those in favor of that motion vote aye, opposed vote  
no. Record the vote.

CLERK: 31 ayes, 0 nays on the adoption of Senator DeCamp's  
amendment.

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

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

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

CLERK: 35 ayes, 1 nay on the motion to advance the bill, Mr.  
President.

SPEAKER MARVEL: The motion is carried the bill is advanced.  
Before we proceed, underneath the North balcony it is my  
privilege to introduce Miss Cindy Pace who is a teacher from  
Millard and her friend from Ralston who is here under the  
auspices of Senator Koch. Cindy, will you stand up so we can  
welcome you to the Unicameral?

CLERK: Mr. President, I have a few matters to read in.  
Revenue Committee is going to meet in executive session  
upon adjournment today in Room 1520.

Your Enrolling Clerk respectfully reports that she has  
presented to the Governor LB 73, 104, 50, 171, 194, 425, 475,  
500.

I have a Reference Report referring LBs 551 through 555.

A new resolution by (Read LB 47. See pages 1126 and 1127,  
Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 298 was introduced by Senator Vard Johnson.  
(Read title.) The bill was first read on January 19. It was  
referred to the Urban Affairs Committee for public hearing.  
The bill was advanced to General File. There are committee  
amendments pending by the Urban Affairs Committee, Mr. Presi-  
dent.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature,  
the committee amendments narrow the impact of the bill and  
indicate that, first, the City of Lincoln is exempt and,

March 26, 1981

LB 50, 73, 138, 194,  
292, 425, 475, 500.

two o'clock on Friday instead of four or five o'clock. If you have any questions on this, you can check with the Clerk's office, or you can check with our office. Now does anybody have any.....Senator Kahle.

SENATOR KAHLE: Mr. Speaker, really no comment on what you just said but I wonder if we wouldn't be ahead if you scheduled some of the real heavy bills on Friday and Friday afternoon instead of the consent calendar. Maybe people would stay here. In the going on five years now that I have been here, I have never left on a Thursday or a Friday when we were in session, and I resent the fact that many of you do leave for the last day no matter when it is, and I just really feel that you are not being very responsible and perhaps if we would handle some of those real tough bills on Friday, you would stick around. Thank you.

SPEAKER MARVEL: I think that we, Senator Kahle, in answer to your question.....well, we are going to adjourn. Okay, Senator Howard Peterson, would you adjourn us until nine o'clock....I'm sorry, Pat, go ahead.

CLERK: Excuse me. Mr. President, a communication from the Governor to the Clerk. (Read communication regarding LBs 50, 73, 194, 425, 475, 500.)

I have a....your Committee on Business and Labor reports regarding gubernatorial appointment. (See page 1156 of the Legislative Journal.)

Senator Vickers would like to print amendments to 138. (See pages 1156 and 1157 of the Journal.) And Senator Kilgarin asks unanimous consent to add her name to LB 292 as co-introducer.

SPEAKER MARVEL: Senator Peterson, would you adjourn us until nine o'clock tomorrow morning. I am sorry. Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to remind the Public Works Committee for a very short meeting below the north balcony immediately upon adjournment.

SPEAKER MARVEL: Today?

SENATOR KREMER: Yes.

SPEAKER MARVEL: Okay.

SENATOR H. PETERSON: Mr. Speaker, I would move we adjourn