

January 30, 1981

LB 536-540

Your Committee on Retirement Systems gives notice of public hearing in Room 1520 for February 12, 19, 26 and March 5. (See pages 381 and 382 of the Legislative Journal.) Your Committee on Business and Labor gives notice of hearing in Room 1019 for February 11, 18, 25, March 4 and March 11. (See page 382 of the Journal.)

Mr. President, new bills: (Read title for the first time to LB 536 through 540). (See pages 382 through 384 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: Mr. Clerk, do you have all the business cleared off your desk?

CLERK: Yes, sir, I do.

SPEAKER MARVEL: I move we adjourn until Monday, February 2nd, 1981, at 9:30 a.m.

PRESIDENT: Motion is to adjourn until Monday at 9:30 a.m. All those in favor signify by saying aye. Opposed nay. We are adjourned until Monday at 9:30 a.m.

Edited by:

*Marilyn Zank*  
Marilyn Zank

March 23, 1981

LB 39, 280, 303, 423, 536

is adopted. Are we now ready for General File, Mr. Clerk?

CLERK: Mr. President, if I may read just an item or two in. Your committee on Government, Military and Veterans Affairs reports LB 280 to General and LB 536 to General File. (Signed) Senator Kahle. The Government Committee reports favorably upon certain gubernatorial appointments, and the Government Committee would like to have an Executive Session under the north balcony upon recess this morning. Underneath the north balcony, the Government Committee, Mr. President. (See page 1061 of the Journal for gubernatorial appointment.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 303 to General File with amendments, and 423 to General File with amendments. (Signed) Senator Koch. (See pages 1060 and 1061 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we are ready for General File, LB 39E.

CLERK: Mr. President, LB 39 was offered by Senator Kahle. (Read title.) The bill was first read on January 8 of this year. It was referred to the Public Health and Welfare Committee. The bill was advanced to General File. There are committee amendments pending by the Public Health and Welfare Committee.

SPEAKER MARVEL: Senator Wesely, do you want to take the committee amendments?

SENATOR WESELY: Yes. Mr. Speaker and members of the Legislature, the Public Health Committee found that there were some technical problems with the bill. The committee amendments would adjust and take care of those technical problems and make it clear that this is not retroactive but it does, in fact, it's a prospective decrease in the percentage figures and I think it is just a technical amendment by the committee. I move the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 39. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee

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LB 280, 536

SPEAKER MARVEL: Senator Wesely, do you want to explain the bill?

SENATOR WESELY: Yes, Mr. Speaker, this bill was brought to me by the Lancaster Sheriff, Dale Adams who found that he had unclaimed property that was piling up in his office there over a two year period that could not be dealt with evidently under the present system because there really are not any statutes to deal with it. Although major items can be sold by the state treasurer in a process that we do have, the items that we are concerned with in this bill were small items that just accumulated over a period of time that he would like to get rid of but he would like to sell at an auction so some money could be raised that could then be kept by the county and used for public purposes. So, the feeling was that we just needed a statute to allow the county sheriffs to deal with the question of unclaimed property in a very expedient manner and this bill was introduced. There really isn't too many problems that I think we have with the situation other than what is dealt with here. State Treasurer Marsh did appear, had some concerns about hand guns and some other seized property and how to deal with it. There was a commitment made by the State Patrol to work with Treasurer Marsh to try to work out something for next session but because it is seized property versus unclaimed property which is what this bill deals with it was felt best not to deal with it in this legislation. So, the bill is back to county sheriffs dealing with unclaimed property.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of the motion vote aye, opposed vote no. LB 280. Record the vote.

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

SPEAKER MARVEL: The motion is carried and the bill is advanced. LB 536.

CLERK: Mr. President, LB 536 is offered by Senator DeCamp at the request of the Governor. (Read.) The bill was first read on January 30. It was referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments on the bill.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, this is a Task Force bill. It just transfers those duties from one department to another as per the agreement of all the various agencies. I move the advancement of the bill.

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SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, that was a very good explanation of the reason for the bill, Senator DeCamp. I appreciate that. I am still not quite sure that I understand the reason. I wonder if Senator DeCamp would respond to a question, please.

SPEAKER MARVEL: Do you yield?

SENATOR DeCAMP: Sure.

SENATOR VICKERS: Senator DeCamp, I notice the language that indicated that the Department of Roads should prepare the plan, implement the procedure and the rules and regulations and also submit a copy of the plan to the Executive Board of the Legislative Council. All that has been stricken. Now if we move this procedure over to the Military Department, who is going to look over their shoulder? Undoubtedly we were looking over the Department of Road's shoulder. Now who is looking over the Military Department's shoulder as they administer this procedure?

SENATOR DeCAMP: Well they already have procedures there.

SENATOR VICKERS: You did not answer my question as to who is looking over their shoulder. Who reviews their procedures then?

SENATOR DeCAMP: I don't know. I will go find out.

SENATOR VICKERS: Thank you, Senator DeCamp. It seems to me that if there was a reason for the language on page 3 when the Department of Roads was doing this then obviously there should be a reason for that sort of oversight if the Military Department is doing it. I think the body should move a little carefully on these sort of issues until we make sure that we do have oversight by somebody. I guess I am a little bit hesitant to understand exactly why this is a good procedure to move from the Department of Roads to the Military to start with. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, members, this bill was heard before the Government Committee and perhaps I can help a little bit. It was strange that this surplus equipment as being distributed through the Roads Department and the idea was of course that it is surplus military equipment so it was a...it looked like a move in the right direction to see that the Military did keep track of it and that

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it would be distributed by the Military instead of the Department of Roads. That is basically the change that was to be made. Now as far as the administration of the program, it is my understanding there would be very little difference in the administration of the program and is what is being done now. I understand the surplus goods will be stored in perhaps the same warehouse with part of the same staff that we had before but the Military would be the ones that would oversee the distribution rather than the Department of Roads. I think that is the essence of the bill and really it does not change anything very much but it does look like it would be more proper for the Military Department to be distributing that surplus material than the Roads Department. Thank you.

SPEAKER MARVEL: Senator Beutler. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I, too, heard this bill and it does make sense to me if you are going to have military equipment be declared surplus by the Military Department that our National Guard ought to take care of it, handle it and sell it and so I support the bill and ask that you advance it.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker, members, I guess I would like to ask Senator Kahle a question then if he would respond.

SPEAKER MARVEL: Senator Kahle.

SENATOR VICKERS: Senator Kahle.

SPEAKER MARVEL: Senator Kahle, will you respond to a question from Senator Vickers?

SENATOR KAHLE: Yes, I sure will.

SENATOR VICKERS: Senator Kahle, where does it say in the bill that this is military equipment? It says surplus property and it says that they shall on behalf of the state for any political subdivision. I guess the question I have is what about the Fire Districts of the State of Nebraska that have got some federal surplus property to be used as fire fighting equipment and so forth, you know, the pickups and the trucks and this sort of thing. That is not all military equipment, is it?

SENATOR KAHLE: Well I think generally it is.

SENATOR VICKERS: Yes, but it is not being used for military

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purposes once it is declared surplus property.

SENATOR KAHLE: Oh, no.

SENATOR VICKERS: I mean this is not necessarily military equipment once it comes into the State of Nebraska. Is that right?

SENATOR KAHLE: If I understand it right, Senator Vickers, it is military equipment that is surplus. It does not necessarily go back to the Military. It can go to any subdivision of government that could qualify for the use of those products that are left or that equipment. So I know that in my own case our fire department did acquire a jeep one time from that stockpile. I don't know exactly where it came from. It was from another state but it is military equipment that is surplus and it can be asked for by subdivisions of government.

SENATOR VICKERS: Okay, thank you, Senator Kahle. I think there might be a little bit of misunderstanding here because we are not necessarily talking about machine guns, rockets, bombers and this sort of thing. We are talking about four wheel drive vehicles, pickups, jeeps, maybe even motor graders or something of this nature as far as I know. I am a little bit...I still have a little bit of a hesitancy to let the Military Department have this. I think Senator Kahle undoubtedly must have...can you explain this any further, Senator Kahle, I will ask you another question then if you would respond please?

SENATOR KAHLE: Yes, I just found out that it may not necessarily be all military equipment. It can be any kind of government or federal... any federal surplus.

SENATOR VICKERS: Any federal surplus equipment including typewriters if they had some.

SENATOR KAHLE: Right. Yes, all kinds of office equipment and besides surplus and military and...

SENATOR VICKERS: Okay, thank you very much, Senator Kahle. I am still a little bit hesitant to vote for the advancement of this bill. Thank you for responding, however.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

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LB 536, 158

SPEAKER MARVEL: The bill is advanced.

SENATOR WESELY PRESIDING

SENATOR WESELY: Mr. Clerk, would you please read LB 158.

CLERK: Mr. President, LB L58 was offered by Senator Marvel at the request of the Governor. (Read.) The bill was read on January 14, referred to Appropriations. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR WESELY: Senator Warner, do you wish to take the committee amendments?

SENATOR WARNER: Senator Marvel will take it. He has got it. I move their adoption. They are real good.

SENATOR WESELY: Senator Marvel, do you wish to take the committee amendments to LB 158?

SENATOR MARVEL: I have two sheets that back up the presentation and the first one is the introducer's statement of purpose which states, in effect, that this bill is to create a cash fund for the State Energy Office. This fund will be used to deposit energy audit fees collected from various state agencies. The fees will pay the cost of conducting energy audits of state owned buildings and reporting the results of the audits back to the agencies. The energy savings realized from the conservation measures recommended by each audit will save the state a substantial amount in energy costs. Now the Appropriations Committee has offered a series of amendments to LB 158. There are...the first one, the revolving fund instead of a cash fund; secondly, a two year life, twenty-seven months; third one, audits would be mandatory not voluntary; number four, cost of audit limited to actual cost of the audit not to exceed five cents per square foot; number five, reports of audits are to be submitted to the budget administrator and the legislative fiscal analyst within sixty days and this finally, Mr. President, is the impact of these amendments. The Energy Office could charge up to \$1,500 for a thirty thousand square foot building, \$2,000 for a forty thousand square foot building as opposed to the \$150 and \$200 estimate originally arrived at. The next impact, instead of spending \$73,603 maximum, the Energy Office fiscal note estimates expenditures of \$125,450 in '81-'82 and \$147,393 in '82-'83. The third impact is stated as follows: The staff reduction, the energy auditors could not take place and item number four, the energy office will be hard pressed to do all necessary audits in two years as they have revised their estimates from seventeen hundred

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LB 44, 111, 119, 201, 323,  
LB 379, 337, 505, 536

SENATOR VICKERS: Okay, thank you very much, Senator Cullan.

SENATOR CLARK: The question before the House is the advancement of LB 379. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. We will now take up LB 44.

CLERK: Mr. President, may I read some material in?

SENATOR CLARK: You bet, go right ahead and read it in.

CLERK: Mr. President, Senator Koch would like to have an executive session of the Education Committee Monday, March 30 upon adjournment in Room 1517.

Mr. President, Senator Chambers asks to print amendments to LB 111 in the Legislative Journal. (See page 1169 of the Legislative Journal.)

Appropriations Committee will meet in executive session today upon adjournment in Room 1003.

Senator Beutler would like to print amendments to LB 536 in the Legislative Journal. (See page 1169.)

Public Health and Welfare reports a gubernatorial appointment hearing.

Your committee on Business and Labor reports LB 119 indefinitely postponed; 201 indefinitely postponed; 323 indefinitely postponed; 337 indefinitely postponed and 505 indefinitely postponed, (Signed) Senator Maresh, Chair.

Mr. President, LB 44 was introduced by the Criminal Justice and Law Advisory Committee. (Read.) The bill was read on January 8, referred to Judiciary for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: On the committee amendments, Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, the Judiciary Committee amendments on LB 44 completely re-draft the bill so what I would like to do, Mr. Chairman, is



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LB 58, 87, 157, 157A, 158, 200,  
280, 283, 329, 330, 333, 371,  
407, 427, 427A, 437, 483, 491, 536

PRESIDENT LUEDTKE PRESIDING

FATHER HENRY BURTON: (Prayer offered).

PRESIDENT: Roll call. Roll call, please. Would all of you please register your presence if you are here? We are still waiting a quorum. Senator Warner, do you want to give us your presence here and we can get a quorum. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will then stand as published. Are there any other messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 329 and recommend that same be placed on Select File with amendments; 333 Select File with amendments; 483 Select File; 407 Select File; 427 Select File; 427A Select File; 157 Select File; 157A Select File; 200 Select File; 371 Select File; 280 Select File; 536 Select File; 158 Select File; 330 Select File; 58 Select File with amendments; 491 Select File; 283 Select File with amendments; 87 Select File; 437 Select File with amendments. All signed by Senator Kilgarrin as Chair. That is all I have, Mr. President.

PRESIDENT: Thank you, Mr. Clerk. Senator Haberman, did you wish...Senator Haberman. The Chair recognizes Senator Haberman for a point of personal privilege. Yes, and you should all pay attention to this because it is pretty personal.

SENATOR HABERMAN: Mr. President, members of the Unicameral, this is a very personal thing and I would like to have your attention, especially the attention of the press. In the Omaha World Herald and in the Star this morning, it says, "Senator Rex Haberman of Imperial who operates a liquor store". I do not operate a liquor store. I do not own a liquor store nor do I have any stock in any liquor stores. I do not know where this idea came from and I would like to inform this body and have it go on the record that I am in no way involved in any liquor stores, wholesale, retail, giveaway or anything else, and I thank you, Mr.

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LB 200, 158, 330, 58,  
491, 536

CLERK: 26 ayes, 0 nays on the adoption of Senator Carsten's amendment.

SPEAKER MARVEL: The motion is carried, the amendment is adopted. Senator Kilgarin, do you wish to advance LB 200.

SENATOR KILGARIN: I move LB 200 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. Before we go to the next item in the north balcony it is my privilege to introduce from Senator Rumery's district 18 students from Mid-Plains Community College, North Platte, Nebraska, Criminal Justice Club and Don Grubbs the instructor. Are you folks still upstairs? Okay, your presence will be recorded in the Journal. LB 536 has an amendment and Senator Beutler is not here. If there are no objections we will pass over that and take it up tomorrow. LB 158. Senator Kilgarin.

SENATOR KILGARIN: I move LB 158 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried, the bill is advanced. The next bill is LB 330. Senator Kilgarin.

SENATOR KILGARIN: I move LB 330 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried, bill is advanced. LB 58.

SENATOR KILGARIN: I move the E & R amendment to LB 58.

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

SENATOR KILGARIN: I move LB 58 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion carried, the bill is advanced. The next is LB 491.

SENATOR KILGARIN: I move LB 491 be advanced to E & R for Engrossment.

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LB 87, 172, 536

The first order of business there is LB 536.

CLERK: Mr. President, if I may right before that, Senator Fenger would like to print amendments to LB 172 in the Journal. (See pages 1351 through 1353 of the Legislative Journal.)

Mr. President, LB 536 has no E & R amendments. I do have an amendment from Senator Beutler to the bill. Senator Beutler moves to amend LB 536 by reinstating the stricken language in lines 13 through 15 beginning with the word "the" in line 13.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Members of the Legislature, I wish to withdraw the amendment. I still have some concerns but at this point in time I don't have them in proper form for consideration by the Legislature. So at this time I wish to withdraw the amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, I now have an amendment from Senator DeCamp and that is to the Beutler amendment so I presume that that would be withdrawn as well, Mr. President.

SPEAKER MARVEL: Hearing no objection, so ordered.

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 536 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. The next bill is LB 87.

CLERK: Mr. President, there are no E & R amendments to LB 87. I do have an amendment from Senator Higgins that was, I believe, pending. Senator Higgins, do you wish to withdraw that one? Okay. Mr. President, Senator Higgins wishes to withdraw her amendment.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, in lieu thereof I have an amendment

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LR 54  
LB 167, 72, 205, 378, 40,  
44, 87, 173, 292, 292A,  
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

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LB 173, 271, 536

is an amendment proposed, I would ask unanimous consent to pass over LB 536 also.

SPEAKER MARVEL: Any objections? So ordered. Senator Fitzgerald.

SENATOR FITZGERALD: Mr. Speaker, did Senator DeCamp request that this be passed over? I know he is going to be out of state for awhile and I know Jerry Warner is in the building. He will be here. Did he make any requisitions that he wanted the bill passed over (interruption)?

SPEAKER MARVEL: Would you pose your question to Senator Beutler, Senator Fitzgerald?

SENATOR BEUTLER: (Mike off) Senator Fitzgerald, he did not request that it be passed over. I have an amendment up on the bill and I asked the Speaker if it could be passed over because I didn't want to argue the amendment while Senator DeCamp is not here. If you would like to go ahead and argue the amendment without Senator DeCamp...

SENATOR FITZGERALD: No, I never knew the amendment was up there, Chris. I just thought the bill was as is. So if you have an amendment over there, I will wait for John.

SPEAKER MARVEL: The next bill is LB 271. The Clerk will read.

CLERK: (Read LB 271 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall LB 271E pass with the emergency clause attached? Those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 1480, Legislative Journal.) 41 ayes, 1 nay, 6 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Senator Warner, are you ready for LB 173? The Clerk will read LB 173 on Final Reading.

CLERK: (Read LB 173 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass, LB 173 on Final Reading? Those in favor vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

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SPEAKER MARVEL: The bill is declared passed on Final Reading. We will now move to LB 536 on Final Reading.

CLERK: Mr. President, I have a motion on the desk. Senator Beutler moves to return LB 536 to Select File for a specific amendment.

SPEAKER MARVEL: The Chair would like to warn the Legislature once again, unless we can figure out some way of pulling back bills on Final Reading, we are going to have a serious situation in the future, so the Chair, as the Chair proposes to do, can simply ask your cooperation. I have never in 25 years seen the handling of Final Reading like it's been handled the last few weeks. I don't think it is necessary. I think you can take care of the items without breaking down Final Reading. So I would appreciate your cooperation. Now proceed.

CLERK: Mr. President, Senator Beutler moves to return LB 536 to Select File.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: I have a feeling I've been a little bit handicapped, Mr. Speaker.

SPEAKER MARVEL: That might have been deliberate.

SENATOR BEUTLER: Well, I, nonetheless, feel it's my obligation to say what I think needs to be said here, and maybe we need a longer session or fewer bills if there is not time to discuss adequately each and every bill. But as far as this particular bill is concerned, it's a bill that does nothing. This bill has had very little or no discussion and it constitutes an agency shuffle the likes of which we haven't seen this year. The bill, I remind you, its one and only effect is to shift the responsibility for the federal surplus program from the Department of Roads to the Military Department. The effect of my amendment, the one and only effect of it, is to shift it from the Roads Department to the Department of Administrative Services Materials Division. What I am suggesting makes sense and I hope I can convince you that what the bill does right now makes no sense whatsoever. First of all, why is the switch to the Military Department? There is no apparent logic whatsoever to shifting this federal surplus program to the Military Department. Let me describe basically what the federal surplus program is so that you will know what we are talking about. It...like it indicates, it is

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LB 536

Federal surplus property that's available to the political subdivisions of the state and also to non-profit tax exempt organizations in the state. The State of Nebraska turns around and distributes property to different nonprofit basically health and education associations in the state. There are about 975 of them that are eligible organizations and 400 of them or so are participating on a regular basis. The organizations that receive the property are charged with the overhead costs of distributing the property and the distribution is basically regulated by the General Services Administration of the federal government. Now, out of all this property that's coming from the federal government, far less than 1 percent of it and the best estimate I can get is that 4 or 5 percent of it is military property. The one and only argument I have ever heard for switching it to the Military Department is that some small portion of the property is military property, and I think it was stated on the floor that a large percentage of it was military property, which is according to our Fiscal Office, at least, not at all correct. The property consists of office equipment, office machines, hand tools...to give you an idea of some of or most of the people who are basically using this property, the ten biggest users have been the University of Nebraska, the Mount Michael School at Elkhorn, Beatrice Public School, City of Omaha, Douglas County, units such as this. Now that program has been with the Roads Department. The only logic that I could determine from talking to people as to why it was in the Roads Department was that the Roads Department afforded transportation on a cheap basis to this program for hauling these goods and materials from central locations in Kansas City, federal locations in Kansas City out to the different units, nonprofit corporations that use the materials, and they could provide maintenance and repair on the vehicles and charge the program about \$14 an hour. Now that maintenance and repair cost, if it's switched over to the Military Department, is going to be more expensive because they don't have their own facilities for doing that, and in turn it will mean that the administration costs that are charged back to the nonprofit corporations will increase accordingly. That is the disadvantage for switching it to the Military Department. I could see no advantages for switching it to the Military Department. What I am suggesting, that the real home for this activity should be DAD Materials Division. First of all, these are the people that have expertise with regard to the acquisition and obtaining of materials and supplies. They do most of the requisitioning for the government.

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Beyond that, and more importantly I think, the state itself has a surplus property program. The state surplus property program is basically the same function, does the same thing. They have five people in DAS that are doing that now. They understand this kind of a program. To me, it is obvious and logical that what should be done is that the federal program should be added onto the state program and that should be one unit of 11 people working on surplus property programs which are basically the same type of program. We are so short on time, I am not going to belabor this long, but I wanted to give you the opportunity of doing this in the way I felt was the correct manner of rather than shifting this function from one agency to another mindlessly. Thank you.

SPEAKER MARVEL: Senator DeCamp and then Senator Warner.

SENATOR DECAMP: Mr. President and members of the Legislature, I sponsored this bill on behalf of the Governor. It is one of the major Task Force bills. It is ready for Final Reading now. I oppose the amendment and Senator Warner is going to explain to me why I oppose the amendment.

SPEAKER MARVEL: The Chair recognizes Senator Warner.

SENATOR WARNER: That's a concept I hope you use all day, John. I would rise to oppose the amendment for a couple of reasons. I don't know if there is any one particular logic better than another. There is obviously contact with the Military Department with the federal government from time to time, so there is some relationship there. But what it really goes back to, some years ago this whole function was in the Department of Education and then the service was expanded and it was looked for a home and at that point the bill was in Appropriations Committee before I was a member, and the original concept was to place it exactly where Senator Beutler is suggesting today, is the Department of Administrative Services. The Department of Administrative Services at that time, as I recall, resisted it. It was the previous administration and I think that administration felt that it was not proper to do it. Obviously, this administration does not feel it is the proper place for it, and as I recall, the Roads ended up with it at the time it did happen because they lost and that was about it. It was a place to put it, and I think the Military is a logical place, they certainly do have facilities for storage. There are facilities all over the state, as a matter of fact, armories, storage buildings,



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LB 586

where some materials go into them, they could be located more conveniently than some governments as well as private organizations, and finally, the funding of the cost is on a revolving fund basis. The cost is supposed to be covered by the purchase of the goods and that's all they pay is just the operating cost and I can't see where it would be any significant difference as a practical matter in shifting that to DAS as being any more economical than anywhere else, and I could even visualize where it might be more expensive because you are going to gear up that organization as well to take on expanded roles that they now do not have. So I would hope the body will not adopt the amendment and pass the bill. I don't think it's that big a deal.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President and members, I rise to support Senator Beutler and for many of the same reasons Senator Beutler has so aptly pointed out, but in defense of Senator Beutler and the mood of the body on amending bills on Final Reading, I think one thing needs to be said. LB 586, if any of you that were here a couple of weeks ago on a Friday when a Consent Calendar was being gone through, LB 586 went across on the Consent Calendar and at that time I raised questions about this very item that Senator Beutler is talking about. Now in fifteen minutes it is rather difficult to raise too many questions and discuss it or debate it very thoroughly. So if we are concerned about the amount of debate that's taking place on Final Reading, I think maybe we should look at our entire process in the way we deal on the Consent Calendar and tomorrow would be a good example. I think you will...most of the members of this body, if they are really honest and truthful about it will admit that on Consent Calendar there is a lot of bills go across that could be doing various things that most of us have no idea of what they are doing to a large degree. So I commend Senator Beutler for bringing this to our attention. I think it is important that we deal with it. I think he has got a good suggestion. But I did want to point out to you that this bill hasn't had very much debate, being on the Consent Calendar, going across on Select File without any debate, I think that the body should take a serious look at Senator Beutler's proposal. I think it's a good one, and I urge the adoption of his amendment.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body,

I rise to support the Beutler amendment also, and I will be very brief. Frankly, this bill is not well thought out. I used to be in charge of this program when I worked for DAS some nine years ago and, frankly, this program isn't a very good program no matter who has it, and we have shuffled it...it was originally in the Military, we shuffled it to the Department of Roads. They didn't do a very good job with it either, so they are shuffling it back and the Military won't probably do a very good job with it. But the bottom line is that if the program is to work even in a semblance of order, it probably ought to be in DAS and Senator Beutler's proposal won't add greatly to the program but at least it will give it some organization and hopefully if DAS wants to do this correctly, they can get the information out to people. And my problem with this program is that you get these books and you don't know what kind of materials you are buying and you get down there and you see that you've got a real good deal, that you are going to get something free from the federal government and you find out it's inoperative, won't work, etcetera, etcetera, and that is one of the key problems in this whole program. But I think that Senator Warner probably is very accurate in his closing statement and that was that it isn't a big deal. I guess I sense that the body is not going to do this and it's not a big deal, what we are doing is wrong. The win for the reorganization committee shouldn't be a very proud win for them because, in fact, it is not the preferable way to deal with it.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, you have been chastising us for taking so much time and I have not spoken for, I think, three days now, at least two, it seems like three. We heard this bill in the Government Committee and I feel that I should say something about it. I'm sure that it's not an earthshaking thing, but in the hearing before us it would seem that it would work much smoother if it were in the Military. The goods are federal surplus and they do fit in with...the Military is also federal. So I think that the bill is all right the way it is. I deplore this idea of bringing up everything on Final Reading for rehashing and taking up time after time after time of our valuable time. The Road Department has been leasing space to put the equipment. That's not going to change, I understand. They will use the same space so the cost will probably not change. Even some of the staff people will be used. I think the bill should be passed the way it is at the

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Governor's request and let it go at that. Thank you.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I, too, sat on the Governmental Committee Affairs and heard this bill and I rise to support Senator Beutler. The DAS, as I understand it, now takes care of our surplus. The DAS does the buying and the purchasing of all the state supplies, and what would be more natural than to have DAS take care of this surplus. As far as having armories or places to store equipment, the DAS could use the State Highway Department buildings that they are now using to store this equipment if they have to. Right down the street here a block and a half we have a complete mechanic shop where they do all the work on the state cars. The DAS could use those mechanic shops to bring this equipment up to snuff if they had to before they sold it. Why should we take the National Guardsmen who are going to be on training in case we have a problem? Why should we have them taking care of old vehicles? We should leave them alone. Leave them be National Guardsmen and continue their training and let's let the DAS handle this and I fully support Senator Beutler's motion to return this bill and to give this to DAS. Thank you, Mr. President.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: I think I will call the question.

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

CLERK: 30 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Senator Beutler, would you wish to close on your motion?

SENATOR BEUTLER: I do, Mr. Speaker. The floor debate on this has been really kind of sad. It was indicated that this was a major Task Force bill. If this is a major Task Force bill, Senator DeCamp, I guess I am a little disillusioned with the Task Force because this bill does no good and it's costing the government money by shifting agencies unnecessarily. The statement was made that DAS is not the proper place, that the Governor doesn't think it's the proper place, and yet nobody

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stood up on this floor today to tell me or you why DAS was not the proper place. And I have explained to you why I think it is the proper place because they run the state surplus program, they have the expertise. This is their business. It was stated that the Military would be a good place maybe because they have storage. But when they shift the program, they shift the whole program. They have storage now. They have adequate storage I have been told. That storage will go with them when they shift the program. This doesn't have anything to do with storage. Storage...I think that's a completely bogus argument. So my point is made. I really hope you will take it seriously though because if we are going to have a bill, let's at least have a bill that makes the shift to the right and logical place where they can handle it with the greatest efficiency. I hope you will vote for the amendment. Thank you.

SPEAKER MARVEL: The motion is to return the bill explained by Senator Beutler. All those in favor of returning the bill vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Beutler.

SENATOR BEUTLER: I would like a record vote, Mr. Speaker.

SPEAKER MARVEL: Okay, record the vote.

CLERK: (Read the record vote as found on pages 1660 and 1661 of the Legislative Journal.) 17 ayes, 26 nays, Mr. President.

SPEAKER MARVEL: The motion lost. Okay, the Clerk will read on Final Reading LB 536.

CLERK: (Read LB 536 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass on Final Reading? LB 536. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 1661 of the Legislative Journal.) 38 ayes, 9 nays, 2 excused and not voting, Mr. President.

May 4, 1981

LB 11, 249, 290, 298,  
478, 531, 536

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: (Prayer offered.)

PRESIDENT: Roll call. Have you all registered 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, I have an all-party message of condolence addressed to the Governor regarding LB 11. That will be inserted in the Journal. (See page 1700, Legislative Journal.)

Mr. President, your modeling clerk respectfully requests that she has on this day at 1:00 p.m., May 1, presented to the Governor LB 290 and 536.

A communication from the Governor addressed to the Clerk. (Read. Re: LB 249, 298, 536, 290, 478. See page 1700, Legislative Journal.)

Mr. President, I have a gubernatorial appointment, appoint Mr. Ray Young to the Advisory Committee to the Department of Public Welfare, Institution and Corrections.

Mr. President, I have a series of audit reports from the State Auditor: (Read. See page 1701, Legislative Journal.) Those audit reports will be on file in my office, Mr. President.

PRESIDENT: We are ready then for agenda item #4, Final Reading. The Sergeant at Arms will clear the aisles, see that all unauthorized personnel are off the floor. All members will return to your desks and when everybody is there we will commence with the day's Final Reading.

CLERK: Mr. President, while we are waiting, Senator DeCamp would like to print amendments to LB 531 in the Legislative Journal.

PRESIDENT: All right. Anything further?

CLERK: No, sir.

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LB 327, 331, 506, 536

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Jack Glass from the First Assembly of God Church here in Lincoln.

REVEREND GLASS: Prayer offered.

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

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

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

CLERK: Mr. President, on approximately page 1774 we will insert LB 536 having been signed by the presiding officer.

PRESIDENT: All right, the Journal will stand as being corrected. Any messages, reports or announcements?

CLERK: Mr. President, yes, sir, two resolutions. Read LR 78. That will be referred to the Executive Board for reference. LR 79, introduced by several members. Read. (See pages 1737-1739 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, I have a notice of hearing from Education Committee on gubernatorial confirmation hearings scheduled for May 21. I have an Attorney General's opinion addressed to Senator Vard Johnson regarding LB 506 and LB 327 and 321 (sic) are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 327 and LB 331.

CLERK: Mr. President, I have a series of interim study resolutions. The first is LR 80 offered by the Business and Labor Committee. The purpose of the study to consider numerous questions that have arisen concerning Nebraska's unemployment compensation program. Mr. President, that is all that I have.

PRESIDENT: Before we begin on agenda item #4, the Chair takes pleasure in introducing some guests of Senator Kremer from Aurora, Nebraska, Mr. and Mrs. Larry Carrier and son, Steven. Would the Carriers stand and be recognized and welcome to your Unicameral Legislature, welcome. We will