

May 7, 1981

LB 360, 541A

RECESS

SPEAKER MARVEL: Please record your presence. We almost have a quorum. We need about six more ayes. Record.

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

SPEAKER MARVEL: Do you have anything to read into the....?

CLERK: Very quickly, a new A bill, LB 541A offered by Senator Nichol. (Read. See page 1833 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we are ready on Select File for LB 360.

CLERK: Mr. President, the first amendment I have is from Senator Schmit and the amendment is Request #2315. It is found on page 1497 of the Journal.

SPEAKER MARVEL: Is Senator Schmit present? Okay, Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, Senator Schmit asked me to take these amendments for him so I will read what it says here. Number one amendment...which one are you taking up first?

CLERK: We are taking up Request #2315.

SENATOR DeCAMP: I think that is the one that Warner disagrees with. Jerry, is that the one you disagree with?

CLERK: That is page 1497 of the Journal.

SENATOR DeCAMP: It says to exempt grain alcohol produced in the State of Nebraska...is that the one you don't like? Why don't we do the other one first? That is supposed to be the one that he don't care about. Is that okay? Request #2371?

CLERK: Well, I have one ahead of you then, Senator. Okay?

SENATOR DeCAMP: Yes, why not.

CLERK: Mr. President, the next amendment I have is from...well Senator Warner and Carsten had amendments that they want to withdraw.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, Senator Warner now moves to amend the bill and those are on page 1601 of the Journal.

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LB 165, 506A, 541A, 257A

CLERK: 29 ayes, 2 nays, Mr. President, on the advance of 506A.

SENATOR CLARK: 506A is advanced. The next bill is 541A.

CLERK: (Read.)

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I move that LB 541A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 541A? If not, all those in favor vote aye. All those opposed vote nay. Have you all voted on the advancement of 541A? Record the vote.

CLERK: 27 ayes, 2 nays, Mr. President, on the motion to advance the A bill.

SENATOR CLARK: The bill is advanced. We are going to take 257A if there is no objection to it now. This is a bill that has to catch up with the main bill. Senator Wesely.

CLERK: (Read.)

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Move it be advanced.

SENATOR CLARK: The motion before the House is the advancement of 257A. Is there any discussion? If not, all those in favor vote aye. All those opposed vote nay. The advancement of 257A. Have you all voted? Have you all voted on the advancement of 257A? Record the vote.

CLERK: 27 ayes, 2 nays, on the motion to advance the A bill, Mr. President.

SENATOR CLARK: The bill is advanced. We will now go to item #5 on the agenda, Final Reading. LB 165. Is everyone in their seat? We are on Final Reading. All unauthorized personnel will leave the floor. All senators will be in their seats. Read the bill.

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

SENATOR CLARK: Read the motion.

CLERK: Senator Warner would move to return LB 165 to Select File for a specific amendment. The amendment is on page 567 of the Journal.

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

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

SENATOR CLARK: LB 556.

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

SENATOR CLARK: Senator Warner, on the committee amendments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The legislator chaplain today is Senator Rumery.

SENATOR RUMERY: Prayer.

PRESIDENT: Roll call. Has everyone registered your presence so we can begin the days activities. Record the presence Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

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

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

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

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

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

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

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LB 541, 541A

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

SENATOR WARNER: I assume we are under Call, Mr. President, so to get the issue decided, I ask for a roll call vote and get it over with. Are we under Call?

SPEAKER MARVEL: Yes, we are under Call.

SENATOR WARNER: I will just ask for a roll call vote then, Mr. President.

SPEAKER MARVEL: Do you want to record your presence? Senator Burrows, Senator Wiitala, Senator Kremer, Senator Wesely, Senator Schmit, Senator Beutler, Senator Vard Johnson, Senator Hefner, Senator Landis. Senator Warner, we have Senator Hefner...okay, a roll call vote.

CLERK: (Roll call vote taken. See pages 2183 and 2184, Legislative Journal.) 23 ayes, 26 nays, Mr. President.

SPEAKER MARVEL: LB 541 on Final Reading.

CLERK: (Read LB 541 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. 541. Record the vote.

ASSISTANT CLERK: (Record vote read. See page 2184, Legislative Journal.) The vote is 37 ayes, 11 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Now before we go to the next item, we have some guests who are going to leave in a few minutes. Underneath the North balcony, it is my privilege to introduce twelve Nigerian legislators and staff from the Anambra State House of Assembly and they are here studying the legislative process and they are escorted by Mr. Herbert Smith of the State Department. Will you please rise so we may welcome you to the Unicameral? Thank you. The Clerk will now read on Final Reading LB 541A.

ASSISTANT CLERK: (Read LB 541A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied

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LB 541A, 497

with, the question is, shall the bill pass? Those in favor vote aye, those opposed vote no. Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 2185, Legislative Journal.) The vote is 35 ayes, 13 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Now before we go to the last item on Final Reading for the morning, underneath the South balcony it is my privilege to introduce John Anderson of Holdrege, Nebraska as a guest of Senator Barrett. Now the Clerk will read on Final Reading LB 497.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator DeCamp moves to return LB 497 to Select File for specific amendment. That amendment is found on page 2073 of the Legislative Journal.

SPEAKER MARVEL: Excuse me, excuse me, can't hear up here. Do you want to try again? (Gavel).

ASSISTANT CLERK: Mr. President, Senator DeCamp moves to return LB 497 to Select File for specific amendment. That amendment is found on page 2073 of the Journal.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, we laid this bill over the other day on the theory that maybe Senator Hoagland and Senator Chambers and I and some others interested in the question of expenses could reach some understandings or settlements and maybe put this amendment on. I think I am going to withdraw the amendment. It would take hours to debate germaneness, so on and so forth. My conversation with Senator Chambers indicates he is going to be talking to the Exec Board and some others that are working on the expense thing before he does anything. The amendment was intended to repeal his bill that was passed earlier. I think it can be worked out another way and at this late date it would cause more havoc than help so I will withdraw it and hope we can work this out some other way.

SPEAKER MARVEL: Hearing no objection, so ordered. Okay, the Clerk will now read on Final Reading LB 497.

CLERK: (Read LB 497 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied

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

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

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

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

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

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

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

SPEAKER MARVEL: Senator Fowler.

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

SPEAKER MARVEL: Hearing no objections so ordered.

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

SPEAKER MARVEL: Chair recognizes Senator Chambers.

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