

February 12, 1981

LB 544

SENATOR NICHOL: Mr. Chairman, members of the Legislature, this is not an emergency. I don't mean to say that it is. It would just allow the Highway Commission to meet outside of Lincoln if they should choose to do so.

SPEAKER MARVEL: All in favor of the Nichol motion vote aye, opposed vote no. It requires 30 votes. Have you all voted? Have you all voted? Senator Nichol.

SENATOR NICHOL: With ten absent I guess we should have a Call of the House. I hate to do that. Please.

SPEAKER MARVEL: Shall the House go under Call is the motion. All those in favor vote aye, opposed vote no.

CLERK: 25 ayes, 0 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The House is under Call. All legislators please return to your seats, record your presence. Unauthorized personnel please leave the floor. Please record your presence. All legislators are to be in their seats. We are under Call. All legislators please be in your seats. We are under Call. Senator Nichol, we are going to have to suspend the operation until all legislators get in their seats. Senator Lowell Johnson, Senator Beyer, Senator Kilgarin, Senator Newell, Senator Landis. Okay, the Clerk is authorized to take call-in votes. The motion is the suspension of the rules to introduce a new bill, Request 889.

CLERK: Senator Fenger voting yes, Senator Higgins voting yes, Senator Labeledz voting yes, Senator Goll voting yes, Senator Wesely voting no, Senator Warner voting yes, Senator Fitzgerald voting yes, Senator Rumery voting yes, Senator Hoagland voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 30 ayes, 10 nays, Mr. President, on the motion to introduce the bill.

SPEAKER MARVEL: The motion is carried. Do you want to go to the next item?

CLERK: Mr. President, new bill, LB 544 offered by Senator Nichol: (Read title. See page 516 of the Journal.) Now, Mr. President, Senator Nichol has a second motion, to suspend Rule 5, Section 5 to permit introduction of Request 890.

SPEAKER MARVEL: Senator Nichol.

March 23, 1981

LB 17, 47, 56, 79, 84, 151,
220, 224, 313, 446, 485, 544.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence?

CLERK: Mr. President, Senators Fitzgerald, Koch, Howard Peterson, Wagner excused; Beutler, Cullan, Gc11, Hoagland and Vard Johnson until they arrive.

PRESIDENT: While we are waiting for those to register their presence, the Chair would like to recognize from Senator Sieck's District, seven students from Benedict High School, Bud Exstrom, their teacher. They are up here in the north balcony. Would you folks stand up and be recognized. Welcome to your Legislature. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: No, sir, there are no....

PRESIDENT: The Journal then stands correct as published. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, the committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 17 and recommend that LB 17 be placed on Select File, LB 446 Select File with amendments. (Signed) Senator Kilgarin. (See pages 1050 and 1051 of the Legislative Journal.)

Mr. President, your committee on Public Works whose Chairman is Senator Kremer, reports LB 224 to General File with amendments, 485 General File with amendments, 544 General File with amendments and LB 79 indefinitely postponed. (Signed) Senator Kremer as Chair. (See pages 1051 and 1052 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 47 and find the same correctly engrossed; 56, 84, 151, 220, 313, all correctly engrossed. (Signed) Senator Kilgarin.

I have a report from the Legislative Accountant regarding legislative employees. It will be inserted in the Journal. (Page 1052 of the Journal.)

May 1, 1981

LB 485, 544

SENATOR CLARK PRESIDING

SENATOR CLARK: The motion carried. The bill is advanced. The next bill is 544.

CLERK: Mr. President, LB 544 (read title). The bill was read on February 12, referred to Public Works, advanced to General File. There are committee amendments, Mr. President.

SENATOR CLARK: Senator Wesely, do you want to take the committee amendments?

SENATOR WESELY: Mr. President, the committee amendment only adds the emergency clause because we felt this was an important bill and should be passed with the emergency clause so that is the only change.

SENATOR CLARK: You heard the committee amendments. All those in favor of the committee amendments vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 25 ayes, 0 nays, Mr. President, on the motion to adopt the committee amendments.

SENATOR CLARK: Motion carried. The committee amendments are adopted. Senator Nichol on the bill.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 544 will allow the members of the State Highway Commission when the majority determines it is necessary to hold their meetings in locations within the state other than in Lincoln. The present law requires that they hold all meetings in Lincoln and this bill only provides that they meet at places other than Lincoln and we hope that this will increase the ability of the citizens to voice their views regarding the function of the Commission. I move for the advancement of LB 544.

SENATOR CLARK: The motion before the House is the advancement of LB 544. Is there any discussion? If not, all those in favor of advancing it vote aye, opposed vote nay. Voting aye, Mr. Clerk.

CLERK: Senator Clark voting aye.

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May 1, 1981

LB 544, 303

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is advanced. The next bill is 303. Is there anyone prepared to take that bill? It is Senator Beutler's bill. Senator Koch, are you prepared to take 303?

SENATOR KOCH: Yes, Senator Beutler has requested that I handle it in case we got to it today and I will.

SENATOR CLARK: All right, the Clerk will read.

CLERK: Mr. President, if I may, LB 303 (read title). It was originally read on January 19, referred to the Education Committee for hearing. The bill was advanced to General File with committee amendments attached, Mr. President.

SENATOR CLARK: On the committee amendments, Senator Koch.

SENATOR KOCH: Because it is...the whole purpose of the bill is to correct some problems we have when school boards have vacancies and Senator Beutler's bill brings about a uniform procedure and we follow in the school boards primarily what we follow in our own cases here. In case there is an appointment, then the next election you would run and that is the way the procedure goes. It is uniform for all systems except the Class Is. As you know the Class I schools presently have an annual meeting and by caucus select the members of those boards. In this case it says in case of vacancy the board members will appoint the person who will serve until the next annual meeting at which time he would continue that position or someone would replace that person. So that is what LB 303 is about and I ask for adoption of the amendment and the advance of the bill to E & R Initial.

SENATOR CLARK: Is there any discussion on the committee amendments? If not, all those in favor vote aye, all those opposed vote nay. Voting aye.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the committee amendments. Record the vote.

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

May 7, 1981

LR 75
LB 181, 224, 316, 396, 441,
485, 487, 543, 544

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Reverend Bob Chitwood of Capitol City Christian Church here in Lincoln.

REVEREND BOB CHITWOOD: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence? We are going to have to suspend in order to take up some of these bills, so I hope everyone has registered their presence so we can see if we have 30 people here. Mr. Clerk, why don't we record the presence and at least get started on the early things we have got.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal stands correct as published. Are there any messages, reports, announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 181 and recommend that same be placed on Select File with amendments; 396, Select File with amendments; 543, Select File with amendments; 487, Select File with amendments; 316, Select File with amendments; 441, Select File with amendments; 224, Select File; 485, Select File with amendments; 544, Select File with amendments. All signed by Senator Kilgarin, Chair. (See pages 1809 through 1811 of the Legislative Journal.)

Mr. President, your committee on Education gives notice of hearing on gubernatorial appointments for May 21. (See page 1812 of the Legislative Journal.). And, Mr. President, LR 75 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 75. The Chair recognizes Senator Marsh.

SENATOR MARSH: Thank you, Mr. President. The Lincoln Journal on Monday, May 4th, printed an inaccurate article regarding an interview about the Treasurer's office vacancy which will occur June 15th. I should have moved to correct the misstatement immediately, which stated: "State Senator Shirley Marsh of Lincoln said Monday she will ask Governor Charles Thone to appoint her to the soon to be vacated post

May 19, 1981

LB 134, 165, 165A, 181, 186,
303, 336, 336A, 459, 459A,
485, 488, 544

It is printed, I am sorry. Mr. President, Senator Vickers would like to print amendments to LB 186. (See page 2119 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor the bills that we read on Final Reading this morning. (Re: LB 181, 165, 165A, 303, 336, 336A, 459, 459A and 485.)

Mr. President, Education offers a hearing notice for confirmation hearings regarding certain gubernatorial appointments.

Mr. President, Senator Vickers would like to print amendments to LB 544. (See pages 2116-2118 of the Legislative Journal.)

And finally, Mr. President, one last thing, Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 134 as cointroducer.

SENATOR CLARK: No objections, so ordered. I think they are trying to find our Sergeant at Arms out there. Walt (Robbie) Robinson is visiting the Legislature today, the former Sergeant at Arms. He is at the back of the Chamber. Welcome, Robbie. We will now take up LB 488.

CLERK: Mr. President, LB 488 was a bill introduced by Senator Goodrich. (Read.) The bill was first read on January 20. It was referred to the Government, Military and Government Affairs Committee. The bill was advanced to General File. There are committee amendments pending by the Government Committee, Mr. President.

SENATOR CLARK: Senator Kahle, the committee amendments.

SENATOR KAHLE: Mr. President and members, I move the committee amendments and the committee amendments do considerable with the bill. LB 488 increases the salaries for constitutional officers for the next...(interruption)

SENATOR CLARK: (Gavel.) Could we have it a little quiet, please. It is awfully hard to hear up here.

SENATOR KAHLE: LB 488 increases the salaries for constitutional officers for the next four year term of office beginning in January of 1983. The offices are for the Governor, the Lieutenant Governor, Secretary of State, Attorney General, Auditor of Public Accounts and State Treasurer. The bill as introduced set a base salary for each officer plus Section 3

May 20, 1981

LB 529A, 234, 389, 544, 561

CLERK: (Read record vote as found on page 2136 of the Legislative Journal.) 42 ayes, 4 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading.

CLERK: Mr. President, Senators DeCamp and Maresh move to reconsider the body's action on failing to pass LB 234 yesterday.

Mr. President, Senator Kremer would like to print amendments to LB 544. (See page 2137 of the Legislative Journal.)

Mr. President, Senator Koch moves to override the Governor's line item veto of the state aid monies as set forth in LB 561.

Mr. President, I have a reference report from Senator Lamb referring a gubernatorial appointment for confirmation hearing.

Mr. President, that is all that I have, Mr. President.

SPEAKER MARVEL: Okay, are we ready for item #6? Senator Wesely, do you wish to be recognized on item #6? Okay.

SENATOR WESELY: Mr. Speaker, members of the Legislature, there is a motion pending to return LB 389 from Final Reading to Select File for a specific amendment. That amendment is an amendment cosponsored by Senator Schmit and myself, the cosponsors of this bill to delay the operative date of this bill, LB 389, which provides for disabled family members to be served in their home. This program would be delayed until July 1, 1982. This would effectively eliminate the need for an A bill this year and this provision in this amendment is one which has been worked out in cooperation with the Welfare Department and with the budget office. I think you have on your desk a handout that was presented by me. It is a letter from John Knight to myself concerning LB 389 and his support for the concepts and aims of that legislation. He talks a bit about the Minnesota program. I would urge you to take a look at that. Also attached is a sheet showing some of the cost savings. There were questions before about, well, can you be more specific on cost savings on this program. The handout will give you some idea of where we can save money depending on the certain facilities we are talking about in providing that assistance. So I think it clearly is a program that has a lot of support. The concerns that were in the past was the fact that we just did not have the money this year with the budget as it was and so we are asking to delay implementation and, thus, not have any need for an A

May 26, 1981

LB 285, 324, 487, 544

CLERK: Senator Clark voting yes.

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

CLERK: 27 ayes, 3 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate has ceased. Senator Cullan.

SENATOR CULLAN: Adopt the amendment.

SENATOR CLARK: The question before the House is the adoption of the amendment. All those in favor vote aye, all those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Cullan amendment? Report the vote.

CLERK: 26 ayes, 9 nays, Mr. President, on adoption of Senator Cullan's amendment.

SENATOR CLARK: The amendment is adopted. Do you have anything further on the bill?

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

SENATOR CLARK: All right, the question before the House is the advancement of LB 285. Is there any discussion? All those in favor say aye, opposed nay. The bill is advanced. LB 324. Senator Landis, I think it is a motion.

SENATOR LANDIS: Mr. Speaker, I want everybody to recognize the fact that I am withdrawing LB 324. Take it off your schedules and let's all save a little time.

SENATOR CLARK: That will lay it over one day.

SENATOR LANDIS: Oh, ...you may want to object. The introducer moves to withdraw LB 324.

SENATOR CLARK: That will lay over one day. LB 487. Do you want to withdraw this one, Senator Wesely?

SENATOR WESELY: Mr. President, I think we can just pass over that until tomorrow. That is fine.

SENATOR CLARK: Fine, we will pass over 487 and 487A. 544. You have been a wonderful audience. We are down to the last four bills. 544.

May 26, 1981

LB 544

CLERK: Mr. President...

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: I believe that Senator Warner has an amendment on it.

CLERK: I thought that you were going to lay this one over, Senator, or am I mistaken?

SENATOR NICHOL: No. Yes, you are mistaken.

CLERK: Okay. In that case, Mr. President, I have several amendments. I have E & R amendments to the bill, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 544.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed nay. The E & R amendments are adopted. The next amendment.

CLERK: Mr. President, I have the next amendment is by Senator Warner and it is Request #2295, Mr. President.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, this bill is one that makes it permissive for the State Highway Commission to meet outstate, that is to meet elsewhere than at the State Capitol. The germaneness of my motion is to add an additional state agency to make it permissive for them to meet outside the State Capitol and in this case it is the State Board of Agriculture, that currently meets at Lincoln every year by statute and the State Board of Agriculture is composed of county fair representatives throughout the state. It is their desire because of travel and other reasons to periodically meet outstate rather than always at the State Capitol. So what the amendment does is requires that every other year the State Board of Agriculture would meet within the state capitol city but in even number of years, that they could meet elsewhere in the state as they may choose or in Lincoln if they chose to do that. It was requested at their annual meeting this year, that at least sometimes they would like because of travel restrictions be able to meet outstate. So I would move adoption of the amendment and I am sure it is germane because it is the same subject matter.

May 26, 1981

LB 544

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I have no objection to Senator Warner's amendment.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: A question of Senator Warner if I may, Mr. President. Did I understand you, Senator Warner, this is county fair officials?

SENATOR WARNER: Well, the State Board of Agriculture is composed of a representative of each county fair in the state plus the board of twenty-nine is on the State Board of Agriculture, but the two groups which is one group for purposes of a State Board of Agriculture meet annually but the State Board of Agriculture by law is comprised of twenty-nine individual board members plus the president or the designated delegate of each county fair.

SENATOR CARSTEN: But did this come from the board or did it come from county board members as individuals?

SENATOR WARNER: The amendment came from the State Fair Managers Association which is the association of county fair organizations throughout the state and they initiated the request and subsequently the State Board of Agriculture which is composed of mostly the same people but not totally, concurred to meet every other year outstate would be appropriate.

SENATOR CARSTEN: Okay, thank you.

SENATOR CLARK: Is there any further discussion? If not, all those in favor of the Warner amendment vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Have you all voted on the adoption of the Warner amendment to LB 544? Record the vote.

CLERK: 26 ayes, 0 nays on adoption of Senator Warner's amendment, Mr. President.

SENATOR CLARK: The Warner amendment is adopted. The next amendment.

CLERK: Mr. President, the next amendment is offered by Senator Vickers. It is on page 2116. Senator Lamb, I understand, will take the amendment, Mr. President.

May 26, 1981

LB 544

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President and members, this is Senator Vickers' amendment which Senator Sieck was supposed to handle but then Senator Sieck had to leave so here I am. It is on page 2116 and all it does is allow utility vehicles to have two spotlights instead of one.

SENATOR CLARK: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, for a number of years actually a lot of the utility companies have been doing this anyway and really what you are doing is just legalizing what they have been doing and I would urge the adoption of the amendment. If anybody has got any questions I would be glad to answer them.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: I believe also it states that they shall not shine those in people's eyes and it has cautions about it too so I believe it is okay.

SENATOR CLARK: Senator Haberman. Well you don't have to do that. You were the last one. All those in favor of the Vickers amendment vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, Mr. President, 0 nays on adoption of Senator Vickers' amendment.

SENATOR CLARK: Is there anything further on the bill? It is adopted.

CLERK: Mr. President, Senator Kremer would move to amend. It is on page 2137. I understand Senator Wesely will handle it.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, this is a technical amendment to help the Highway Department, the Roads Department because they have had some difficulty. They are now required to adopt the most recent uniform manual of traffic control devices developed by the

May 26, 1981

LB 544

Department of Transportation. Evidentially this has caused some difficulty with the language that we have and so rather than saying that, we just change it from "most recent" to "a uniform manual of traffic control devices" and it would just make it a little easier for them and they would do the same thing they have been doing but it is a clarifying amendment.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: This is something that should be done. I approve of it.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I am not too concerned about this amendment at all but just for a point of procedural clarity I would like to request a ruling from the Chair as to whether or not this amendment is germane.

SENATOR CLARK: Senator Cullan, I would rule it is in the same chapter but it is an entirely different subject, so I would rule it not germane. Senator Wesely.

SENATOR WESELY: I would have to challenge the Chair on that.

SENATOR CLARK: All right, fine.

SENATOR WESELY: Could I speak to that?

SENATOR CLARK: We must stand at ease for a few minutes. We are running out of tape here.

EASE

Edited by

Mary Turner
Mary Turner
Arleen McCrory
Arleen McCrory

May 26, 1981

LB 544

SENATOR CLARK: The Legislature will come to order. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature I would like to ask all of you at this late hour to uphold the ruling of the Chair, that this is no time to go "Mickey Mousing" around. I ask you to vote to uphold the ruling of the Chair on the germaneness of this amendment..

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Whatever the body wishes to do is fine with me, just so we get on with it.

SENATOR CLARK: Senator Wesely.

SENATOR WESELY: This is an important decision, I would like to emphasize. I think....let me first talk about the amendment and then let's talk about the implications. First off this is a simple amendment brought to us by the Department of Transportation, I should say the Highway Commission, and all it says is that the Highway Roads Department will adopt a uniform manual traffic control devices instead of the most recent edition. Now the difference is they have a 1978 edition but every year they update it, so under the present statute they can have the most recent uniform manual they have to go by the most recent edition so it is a technical thing, it's not a major thing. It deals with the Roads Department, it deals with the Highway Commission and it's generally in the subject matter that we are talking about LB 544, which deals with the Highway Commission, the meetings that they have and it is in the same chapter as the statutes that are dealing with in this bill. Now think about this. Now how many times have we amended bills on the floor. We have done it today several times with amendments dealing not with a particular subject but dealing in the chapter in the general area we are talking about. That is not uncommon, we have had other amendments that didn't even deal with the same chapter and we rejected those. That is fine. I have no trouble with that. But this is the same chapter, it is generally in the same sort of vein as the bill as introduced and I think to reject this is a bad precedent and would be very detrimental to any sort of amendments on the floor whatsoever. I think that is an overly restrictive decision on the part of the Chair and it ought to be overruled. I would strongly urge your support for the motion to overrule the Chair, otherwise I think that you can pretty well discount any amendments to

May 26, 1981

LB 544

bills from now on. I think that is clearly what this decision would result in.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would suggest that the Chair be upheld. It is not enough that two things be in the same chapter, there are chapters that deal with different subject matters. For example Chapter 39, might deal with highways, bridges, traffic lights, stop signs and all types of things that are in the same chapter but they may not be the same subject matter. So in this particular one I would have to go with the Chair. Senator Clark, I'm not always opposite to you.

SENATOR CLARK: Thank you, Senator Chambers. Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I raise the issue not to hinder the Public Works Committee, Senator Kremer, Senator Wesley, but for a procedural reason. I do believe that the Chair should be overruled and we should adopt the amendment. I would just point out to the body we have already adopted an amendment to this bill that is in a completely different chapter. We also adopted other amendments that are not as germane as is this one. So I just wanted to raise that procedural point. I really do believe that the Chair should be overruled and I would ask you to do that. Thank you.

SENATOR CLARK: The question before the House is shall the Chair be overruled. All those in favor of overruling the chair vote aye, opposed vote nay. Have you all voted? Have you all voted? Record the vote. Senator Wesely.

SENATOR WESELY: It may be futile, but I am going to have to ask for a Call of the House and a roll call vote. This is very important and I think it is a mistake.

SENATOR CLARK: We'll have everyone check in, we have never raised the Call. We are under call any way. Will everyone check in please. You want a roll call vote you say? All right. There are fourteen excused. We are looking for Senator Hefner. That is all we have. Kind of a tough one. There are fourteen excused. Maybe if we wait 15 minutes we will have 25 excused, I don't know. Do you want a roll call vote or not.

SENATOR WESELY: I think we will probably go to a roll call, but first off, are we talking about 25 votes or are we talking

May 26, 1981

LB 544, 344

a majority of those present to overrule the Chair. I thought it was a majority.

SENATOR CLARK: A majority of those present.

SENATOR WESELY: Would overrule?

SENATOR CLARK: Yes.

SENATOR WESELY: I guess we will go to a roll call. That will be fine.

SENATOR CLARK: A majority of those present and voting. Call the roll. Shall the Chair be overruled.

CLERK: 15 ayes, 18 nays, 1 present and not voting, 14 excused and not voting, 1 absent and not voting. Vote appears on page 2295 of the Legislative Journal.

SENATOR CLARK: The Chair is sustained.

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

SENATOR CLARK: The question before the House is the advancement of 544. All those in favor say aye, opposed. The bill is advanced. LB 344.

CLERK: Mr. President, with respect to LB 344, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 344.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed no. The E & R amendments are adopted. Anything further on the bill?

CLERK: Mr. President, I have an amendment from Senators Landis and Koch.

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I would move the advancement of LB 344 which is the non-resident violators compact. Oh, excuse me. I move the adoption of the amendment.

SENATOR CLARK: Senator Lamb, do you want to talk on this?

May 27, 1981

LB 552, 544

PRESIDENT: You waive closing, all right, the motion then is the return of LB 552 for the specific Dworak amendment. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President.

PRESIDENT: The motion carries. The bill is returned. LB 552 is returned. Senator Dworak, do you wish to move the adoption of your motion.

SENATOR DWORAK: Mr. President, I move the adoption of the motion.

PRESIDENT: The motion is to adopt the Dworak amendment. Any further discussion? That is his opening and closing. All those in favor of adopting the amendment vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, to adopt the amendment.

PRESIDENT: The motion carries. The Dworak amendment is adopted. Senator Dworak, do you want to move that back?

SENATOR DWORAK: I move LB 552 be moved to E & R final.

PRESIDENT: Motion to advance LB 552 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 552 is advanced to E & R for engrossment. Senator Dworak, the Clerk would like to get your attention.

CLERK: Senator, just for clearing the record, you did want to withdraw that amendment on 2270, that one earlier that you had offered? Is that correct?

SENATOR DWORAK: Yes.

CLERK: Thank you.

SENATOR DWORAK: I will check the amendment to make sure we are talking about the right amendment.

PRESIDENT: We will go on then, Mr. Clerk, to LB 544.

CLERK: Mr. President, Senator Cullan would move to return LB 544 to Select File for a specific amendment.

PRESIDENT: Senator Cullan.

May 27, 1981

LB 544

SENATOR CULLAN: Mr. President, members of the Legislature, this is the amendment which I have visited about with you and I know other members of the Legislature perhaps have and I think we tried to visit with every member of the Legislature about this particular amendment. I know the opposition to the amendment has also made an effort so I hope that we could handle this without a great deal of time consuming debate. What the amendment does, and I've had Pages distribute a copy to you just a few minutes ago, what the amendment does is set up a procedure whereby the State of Nebraska will determine whether it is in the public interest of the State of Nebraska before allowing state property to be crossed by a pipeline company or pipeline that does not have the right of eminent domain rather than automatically in allowing any entity to cross state property whether or not it is in the public interest. The current procedure for this process is that anyone who wants to cross underneath a state road files an application of permit with the Department of Roads. They then have to indicate that they submit their drawings and plans to make sure that they do not damage the road. They may have to post a bond and then after the construction is completed, the bond is returned and the job is completed. And these permits are granted as a matter of course irrespective of the nature of the project which will go underneath the road. I want to be very blunt with each member of the Legislature. My motive for presenting these amendments to LB 544 is my concern that the State of Nebraska automatically allows entities to cross state property without any determination as to whether or not it is in the best interest of the state to do that and that is why we have set up this public interest test. One of the entities that would be affected by this legislation would be the pipeline that is proposed to go through western Nebraska this summer or sometime which is the coal slurry pipeline and I have reasons to believe now that the ETSI Company is acquiring right-of-way in western Nebraska, that they will perhaps approach the State of Nebraska and request permits this year and that is the reason that I have decided to approach the Legislature at this point in time on LB 544 this late in the session to request you to approve these amendments. Now all the amendments say is that we will determine whether it is in the best interest of the public before we allow a pipeline to be constructed underneath the state property and we are not setting up a very rigid or difficult test here. The test is whether installation of the pipeline interferes or causes unreasonable hazards to the use of the right-of-way for highway purposes, whether it is a pipeline that serves the transportation interests and needs of the state. Here is an

important one, whether the pipeline will have a significant adverse effect on the quantity or quality of surface water or groundwater in any aquifer located in whole or in part within Nebraska and (d) whether the pipeline can reasonably expect not to have a significant adverse effect on the state's economy and (e) whether such pipeline adversely affects the public health and safety of the state. Now if those individuals who have been promoting this pipeline through the State of Nebraska have been truthful with us then I do not believe this will not be a major hurdle for them to cross but it does say that the State of Nebraska will exercise some discretion rather than just allowing any entity to cross state property whether or not it is in the public interest. I would ask you to adopt these amendments and move LB 544.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to ask for a ruling from the Chair on the germaneness of the issue.

PRESIDENT: Yes.

SENATOR BEUTLER: I believe that the bill in its original form simply has to do with holding meetings of the Highway Commission outside of the City of Lincoln and that we are grafting on to that a major amendment which has serious implications for the state which has not to my knowledge had a public hearing, which is not in Chapter XXXIX, 1100 series which has to do with the Highway Commission but is rather in the Chapter XXXIX, 1300 series having to do with state highways and I would ask the Chair to rule that the amendment is not germane. I would remind the Chair that yesterday under similar circumstances an amendment was also rejected.

PRESIDENT: Well, the same person was not in the Chair though and I have always ruled on germaneness as to the bill. Now I am not talking about germaneness as to any individual subject matter but since you could have a bill that would cover anything covered in Chapter XXXIX and still be germane, I am going to rule that at this point it is germane. Whether or not it has ever had a hearing and whether it can be referred back for a hearing is something the Speaker can decide. So I am going to hold that at this point, Senator Beutler, that it is germane to the bill.

SENATOR BEUTLER: Mr. Speaker, I would ask the Chair, move the Chair be overruled.

PRESIDENT: Okay, that is agreeable. The motion then is to overrule the Chair on the subject of germaneness. Now

May 27, 1981

LB 544

do you have any further argument on that, Senator Beutler, at this point? I think we have received your reasoning, unless you want to add to that.

SENATOR BEUTLER: Well I will just close at the appropriate time, Mr. Speaker.

PRESIDENT: All right. Now who wants to...I think maybe since the motion is by Senator Cullan I will allow Senator Cullan to argue why it should not be overruled regarding germaneness.

SENATOR CULLAN: Mr. President, members of the Legislature, I would already point out that this bill already has a number of amendments on it and certainly it is as germane as any of the amendments that has already been adopted to this bill or LB 285 which we added a number of issues to yesterday or LB 472 which was an appropriations bill which is now a Christian prayer bill so I guess what has really happened in the past is the germaneness issue is not an issue at all unless someone raises it and no one objected to the many, many amendments to LB 285 or to the previous amendments to this bill and so they were adopted and so now Senator Beutler raised the germaneness issue. It does deal with roads. It is in the same chapter. I would ask you to give me the opportunity to do this. Let me also say that next year I do plan to come in with some legislation to clarify this whole area but it is important that we do this this year because the ETSI Company is acquiring right-of-way in the State of Nebraska now and they could, if we fail to do something, acquire these permits automatically between now and the next legislative session and then I would be powerless to do anything and the Legislature would be powerless to protect the interests of the State of Nebraska and lastly, I would say that we are not putting very stringent requirements on them with this bill. It would just simply try and protect the public interests of the State of Nebraska. So I would say it is in the same chapter. It is similar to many, many actions the Legislature has taken on many, many bills in this last few days and I would ask your indulgence. Please sustain the Chair on this issue. Vote no.

PRESIDENT: I am not going to have too much more debate on the matter of germaneness since I have already decided and it is just an overruling. So, Senator Beutler, if you would just close on your motion to overrule the Chair and then I will call the motion. I think that there is no sense in delaying it any further.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature,

let me repeat again that this little bill, 544, which I could have voted for but I will not vote for if this amendment gets attached, had to do only with one little subject matter, whether the meetings of the State Highway Commission should always be in Lincoln or whether they could be outstate. Now we have ballooned that or we are about to balloon that into a major bill. It has not had a public hearing. We are in the last couple days of this session. There is no reason why we could not have some hearings on this in the summer and in the fall. It is this kind of process I feel that causes us to pass bad legislation and I am really surprised at Senator Cullan who hopefully is gaining more respect for the processes of law through his experience in law school, is coming back in here and suggesting that we do not follow in a meaningful way our own processes. The section of the bill, the section of the statute that this bill deals with is the section called the Highway Commission. It is the 1100 section of the statutes. Senator Cullan's amendment goes into a separate section, the 1300 section, which has to do with state highways. They are completely different sections although they are in the same chapter. Just because we have added one or two innocuous amendments to this bill already doesn't mean that we should adopt an additional nongermane amendment. It is one thing to commit a couple of venial sins but it is another thing to commit a mortal sin by attaching a nongermane amendment which is of such a scale as the one that we are looking at right now. So I would ask you to give some consideration to our process and to the time we have left in this session and whether we shouldn't be spending this time on the things that are directly before us and on things that have had public hearings and ask you to overrule the Speaker. I would remind you that yesterday the Speaker ruled that another amendment which was more germane than this one, ruled that it was not germane and he was upheld on the floor of this Legislature and we are going to look like idiots, frankly, to come around here today and suddenly say that a less germane amendment is, in fact, more germane. So I beg you for the purpose of consistency and the image of the Legislature in addition to act consistently on this particular bill and to overrule the Speaker's ruling that it was, in fact, germane. Thank you.

PRESIDENT: All right, the question then is, shall the Chair be overruled on the decision relative to germaneness on the Cullan amendment to LB 544. All those in favor will be in favor of overruling the Chair, those opposed will sustain the Chair. All right, just so that you will know...yes, Senator Newell.

May 27, 1981

LB 544

SENATOR NEWELL: Mr. President, my green light works sometimes but my red light doesn't work at all and I would like to vote in this regard, red, but I push the button and she don't register red.

PRESIDENT: Well on this particular bill, if you don't vote at all it is the same thing as voting red so we will understand the compassion in your heart.

SENATOR NEWELL: Is this overruling the Chair?

PRESIDENT: Yes, and you vote green you will overrule the Chair.

SENATOR NEWELL: Now, Mr. President, only for you I ask this question.

PRESIDENT: Yes, sir.

SENATOR NEWELL: Once when I read the rules the rules said it takes a majority of those present.

PRESIDENT: Of those present--there are forty-nine present so it takes twenty-five.

SENATOR NEWELL: I see.

PRESIDENT: Forty-eight, excuse me. It is forty-eight present. So it takes twenty-five.

SENATOR NEWELL: So in other words it applies...(interruption.)

PRESIDENT: Are you filibustering?

SENATOR NEWELL: ...if I don't, if I don't vote...I would like to have a red light. It would be helpful if I had a red light. How did it get up there?

PRESIDENT: It is very red up here on the board, your light. Senator Nichol.

SENATOR NICHOL: Mr. Chairman, it is my bill.

PRESIDENT: It is your bill so I recognize you, whatever you want to do.

SENATOR NICHOL: Senator Cullan was a gentleman about this and came to see me about this amendment and I said it was okay as long as he didn't run into a snag. I think we have run into a snag and I would request respectfully that Senator Cullan withdraw his amendment.

May 27, 1981

LB 544

PRESIDENT: Well we are in the middle of a vote so we can't do anything right now. We have to finish this vote and if somebody doesn't start voting there won't be any snag. Senator Beutler. Record.

CLEEK: 16 ayes, 21 nays, Mr. President, to overrule the Chair.

PRESIDENT: The Chair is sustained. Now, we are back to the speaking list then. We still haven't got anything accomplished because the bill is not returned yet. So you haven't got the bill returned yet so, Senator Warner, you are the next speaker.

SENATOR WARNER: Are we on the amendment?

PRESIDENT: Yes. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, first I have one brief question for Senator Cullan if he would briefly explain why the severability clause is attached. What part of this is suspect?

SENATOR CULLAN: Mr. President, I very often include the severability clause particularly when you add amendments to bills that already have other amendments adopted to them. So as a matter of routine I always add the severability clause. I think I did the same thing on 285 the other day if I am not mistaken.

SENATOR WARNER: Okay, thank you, some cause for concern then I take it. I would oppose returning the bill though for two or three other reasons. I can appreciate the motion of the coal slurry line but I would hope the body would not return this bill because as I read the amendment what is to determine public interest again is so vague and imprecise, unprecise, that I don't know what a director or state engineer would do with it and I would suspect no one could define what those really are intended to accomplish. There is no basis for a state engineer to make a determination. Obviously if he was going to make all these determinations that are called for here it would be a tremendous expense. I am not aware of any fee to be charged in the amendment for making this determination. I don't see a process for public hearing. I assume maybe elsewhere under this broad guidelines that the department has that a public hearing is possible but it is not precise that that is, at least I did not see it in the amendment, that it precisely calls for it. But there are obviously determinations to be made based upon the language here that the director or state engineer or the Department of Roads would have absolutely no basis at making that deter-

May 27, 1981

LB 544

mination and I think it would be ill-conceived to attach an amendment at this point as has already been pointed out this late in the session that could be as significant as this is in trying to make it a workable piece of law and I would suggest that the amendment not be adopted.

PRESIDENT: Senator Nichol. Senator Wesely.

SENATOR WESELY: Yes, Mr. President, members of the Legislature, I hate to disagree with Senator Warner but I will on this point because I do think his concern about the fact that this amendment is not clear in terms of public purpose outlines what the Roads Department will look at is incorrect. I think that, in fact, if you will look at the amendment and I assume most of you have a copy, on page 2 of it it goes through quite clearly the five or six different specific items that they have to look at when they determine public interest in terms of allowing these pipelines underneath our right-of-ways in the state and I think that quite clearly when you talk about the different items they have that that is very appropriate and let me go through those very briefly with you. First off I will look at whether installation of such pipelines interferes with or causes unreasonable hazards to the use of the right-of-way for highway purposes. It makes common sense when granting a right-of-way. (b) Whether such pipeline serves the transportation interests and needs of the state. (c) Whether such pipeline will have a significant adverse effect on the quantity or quality of the surface water or groundwater on any aquifer located in whole or in part within Nebraska, certainly a key concern of any coal slurry pipeline proposal. (d) Whether the pipeline can reasonably be expected not to have a significant adverse effect on the state's economy and (e) Whether such pipeline adversely affects the public health and safety of the state. I think the general intent and the goals of that public purpose section are quite clear to me. What we are trying to do is assess whether or not the allowance of a pipeline to this effect to go under our right-of-ways in the State of Nebraska will serve the state or not and I think that the Roads Department would be quite capable of working with other individuals to come to a conclusion and to grant or not to grant a permit. So I think it is clear and I think it is a needed amendment and I think that it is necessary at this time to adopt it and support its goals.

PRESIDENT: Before I go to the next speaker and then I will come back to Senator Nichol. Are you ready to speak? I will want to introduce a guest of Senator Cope's administrative assistant, Jo Forbes, Rolf Sturzenegger from St. Gallen, Switzerland, under the North balcony. Rolf, would

May 27, 1981

LB 544

you stand and be recognized. Welcome to the Nebraska Legislature, Rolf. Now, Senator Nichol.

SENATOR NICHOL: Senator Marsh, what were you going to say to me?

SENATOR MARSH: Senator Nichol, I was saying that I have been a supporter of LB 544 and in its present form I expect to continue my support. If the amendment is adopted to LB 544 I no longer can support it. In fact, I will actively oppose it.

SENATOR NICHOL: Senator Haberman, what were you going to say to me?

SENATOR HABERMAN: I was going to say to you, Senator Nichol, I could support 544 as it is but I will not and cannot support it with this amendment.

SENATOR NICHOL: Senator Kremer, were you going to say something? The point is, Mr. Chairman, I really do feel that this size of amendment now, and it is undoubtedly more than a slight amendment such as the bill in itself is. I think the tail is starting to wag the dog and I would still request Senator Cullan to withdraw his amendment.

PRESIDENT: All right, Senator Vickers. We are just about to that point, Senator Nichol, where he can make that decision. Senator Vickers.

SENATOR VICKERS: Mr. President and members, I think we are having a repeat of last Friday's performance somewhat when major amendments are offered to rather insignificant bills. There were several comments made last Friday as to the bad effects of doing this sort of thing. First of all, for the record I want it clearly understood that I am opposed to the coal slurry pipeline. I have always been and I always will be and I sympathize with Senator Cullan and Senator Wesely in their offering of this amendment but at the same time I have to also have a little bit of respect for the body and the way that we operate. And even though I have a lot of sympathy for what they are attempting to do I also have a lot of respect for the integrity of this body and the way that we operate under our rules. I think we are making a mockery somewhat of those rules by attempting to insert such major pieces of legislation in this fashion. I would also point out as Senator Warner pointed out, that there are some very difficult criteria to be met by the state engineer. I would certainly hate to be the state engineer. Senator Wesely indicated that it would be easy to get additional help in this area.

Quite honestly, the only one that I am concerned about of (a), (b), (c), (d) and (e) is (d) and I think that is the one that the majority of the people of the State of Nebraska are concerned about. How is it going to affect our water, both surface and underground water in the State of Nebraska. I think there could be probably an answer to that. We could probably find out as to whether or not it interferes with the unreasonable hazards for the use of the right-of-way as (a) calls for. I think probably the state engineer is qualified to do that. (b) where it talks about whether it serves the transportation interests and needs of the state. I don't know who in the world would be able to answer that question. Where it talks about under (d) whether the pipeline can reasonably be expected to have a significant adverse effect upon the state's economy. Again, I don't know where you are ever going to get an answer to that question. I think that this is a perfect example of using a sledge hammer to kill a fly on the last moment of the session and even though, as I indicated, I am strongly opposed to the coal slurry pipeline and I certainly have a lot of sympathy for the cause that Senator Cullan has so adequately carried over the years. I do believe that there is a lot of problems with this particular method that is being used at this point in time.

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: I yield to Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I told Senator Nichol when I initiated this process that I would withdraw the amendment if it became a problem. More than thirty members of this Legislature told me or Senator Wesely or others that they supported this concept and so I still don't believe that there is a problem but I agreed to Senator Nichol that I would do that if he believed a problem was developing and so I will withdraw it but I think it should be an indication to those who...well, I guess that is enough. Thank you.

PRESIDENT: Thank you, Senator Cullan. He has withdrawn the motion to return so we are...there is a further motion I believe though, so the Cullan motion is withdrawn. Is there...? Go ahead.

CLERK: Mr. President, if I may, right before that, I have a communication from the Governor addressed to the Clerk. (Read communication re: LB 134, 224, 326 and 360.) (See page 2329 of the Legislative Journal.)

May 27, 1981

LB 39, 39A, 411, 544

Mr. President, Senator Vickers offers a rules change. That will be referred to the Rules Committee. (See page 2329 of the Legislative Journal.)

Mr. President, I have in my possession letters as well as accompanying certificates from the Secretary of State regarding receipt of LB 39 and LB 39A. Both will be inserted in the Journal, Mr. President. (See pages 2330-2332 of the Legislative Journal.)

Mr. President, Senator Dworak would now move LB 544 to Select File for a specific amendment.

PRESIDENT: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. Speaker, based on the previous discussion with Senator Cullan and Senator Marvel's inclination I ask unanimous consent to withdraw this amendment.

PRESIDENT: All right, the amendment is withdrawn. Thank you, Senator Dworak. That takes care of...anything further on LB 544? Well then it just remains where it is. There is no motion to return so we will go on to the next one which is LB 411.

CLERK: Mr. President, Senator Hoagland would move to return LB 411 to Select File for a specific amendment. (See pages 2332-2334 of the Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, you will remember that last night between 8:15 and 8:30 p.m. LB 411 came up. It is Senator Sieck's bill and Senator Sieck was off the floor and Senator Landis handled the bill for Senator Sieck and we worked out an amendment which incorporated Senator Sieck's amendment and made one other change but we were unable to get the amendment up here in time to have it attached and Senator Landis indicated that we would offer that today. Now what this amendment does basically is it does away with the requirement in Nebraska law that a motion for new trial necessarily be presented to trial court as a prerequisite to appealing a case and in doing that it makes Nebraska procedure consistent with that of the federal courts in many other states around the country and does away with a relatively antiquated rule in Nebraska that a lot of trial lawyers feel is unnecessary, going back within ten days to the trial court to remind him of all those same areas you reminded him of during the trial and that he turned down and relieves trial lawyers of that burden, relieves the courts of necessarily having to consider motions

May 27, 1981

LB 285, 531, 544
LB 389, 389A, 234A

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read LB 389.

ASSISTANT CLERK: (Read LB 389 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 389 pass. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on pages 2348-2349 of the Legislative Journal.) 34 ayes, 9 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 389A.

CLERK: (Read LB 389A 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 vote nay.

CLERK: Senator Clark voting no.

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

CLERK: (Read record vote as found on page 2349 of the Legislative Journal.) 31 ayes, 11 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. Do you have anything to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right, go right ahead.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 285 and find the same correctly engrossed; 544 correctly engrossed; 234A correctly engrossed and 531 correctly engrossed. Those are all signed by Senator Kilgarrin as Chair.

SENATOR CLARK: How many more do you have to come up yet, Pat? What? We are waiting for seven more bills. Senator Marvel, I imagine we had better stand at ease until they come up. This might be a good time to discuss a lot of

May 29, 1981

LB 488, 494, 531, 544

is not here, we are only going to have four or five bills on Final Reading next year, if we can't take care of those in the first two days of next year, maybe we ought to get another Legislature. So there will be absolutely no reason why people cannot run next year and know exactly what they are running and know what the salary is going to be and what their filing fee will be. That is the only reason I want to lay it over. I do not care about the salaries either.

PRESIDENT: All right, that is the closing. The question is, the motion to lay over LB 488. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 15 nays to lay the bill over, Mr. President.

PRESIDENT: Motion carries. The bill is laid over. The next bill on Final Reading then is LB 494, Mr. Clerk.

CLERK: (Read LB 494 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 494 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 45 ayes, 0 nays, Mr. President. I am sorry. (Read the record vote as found on page 2416 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 494 passes. Speaker Marvel, the next bill is passed over. Is that correct?

SPEAKER MARVEL: What, 531?

PRESIDENT: 531.

SPEAKER MARVEL: It's my understanding that the introducer wants it passed over.

PRESIDENT: Is that all right with you?

SPEAKER MARVEL: Yes.

PRESIDENT: Okay, the next bill on Final Reading is LB 544, Mr. Clerk.

CLERK: (Read LB 544 on Final Reading.)

May 29, 1981

LB 544, 552

SENATOR CLARK PRESIDING

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on page 2417 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill having declared a constitutional majority is declared passed with the emergency clause attached. The Clerk will now read LB 552.

ASSISTANT CLERK: (Read LB 552 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. All those opposed vote any.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2418 of the Legislative Journal.) The vote is 44 ayes, 1 nay, 2 excused and not voting, and 2 present and not voting, Mr. President.

SENATOR CLARK: The Chair declares the bill, 552, passed. Now we will go to number 5, motions. The first motion on the desk. Senator Koch, for what purpose do you arise?

SENATOR KOCH: Mr. President...I'm sorry, Mr. Chairman, I have a point of personal privilege, please.

SENATOR CLARK: Fine.

SENATOR KOCH: It's with relationship to the conduct of this day's session, and I want to put something on record here. Were we advised by the Governor that he would put every bill back to us today that he was going to veto? If we met today, would he put every bill back

May 29, 1981

LB 321, 385, 396, 396A, 411, 460,
487, 487A, 494, 544, 552, 561.

health when they reach there. I ask you to support the motion to reconsider the previous motion.

PRESIDENT: All right, motion is suspension of the rules, which will require 30 votes also. Those in favor of the Schmit motion on LB 561 vote aye, opposed nay. Sorry you can't do it. There is three excused. They are all back, okay, I'm sorry, they are all back. So you have all the people here now. Do you want a Call of the House?

SENATOR SCHMIT: Let's have a Call of the House and a roll call vote.

PRESIDENT: All right, erase the board, and all those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 19 ayes, 3 nays, Mr. President, to go under Call.

PRESIDENT: The motion carries. The House is under Call. Sergeant at Arms will see that all members are returned to the Chamber. All members will return to your desks. All members will register your presence. While we are waiting, while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 385, LB 552, LB 544, LB 494, LB 321, LB 396, LB 396A and LB 411, LB 460, LB 487 and LB 487A. Looking for Senator Cullan, Senator Kremer, Senator Lamb, Senator Sieck, Senator Nichol, Senator Labedz, Senator Higgins... oh, there she is. Senator Pirsch. Senator Kremer, Senator Lamb, Senator Pirsch, Senator Sieck. Do you want to wait until they arrive, Senator Schmit? All right, we will wait. Then do you wish a roll call vote? All right, sir. It will be done. Senator Kremer is here. Senator Lamb is on his way. All right. Senator Pirsch. Does anybody know where she is? Oh, okay. One more and we can go. Proceed, Senator Schmit. All right, proceed with the roll call, Mr. Clerk. The question is the suspension of the rules on LB 561 for purpose of the override.

CLERK: (Read the roll call vote as found on page 2419 of the Legislative Journal.) 22 ayes, 24 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The motion fails, so therefore the second motion is not possible. What is the next motion on the desk, Mr. Clerk? Okay, the next motion.

CLERK: Mr. President, the next motion I have is offered