

February 17, 1981

LR 15
LB 134, 245, 545A

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 16.

CLERK: Mr. President, I have a report from the Department of Administrative Services regarding a request for contract approval. That will be on file in my office. I have the 1980 Annual Energy Office Report. That will be on file in my office.

Mr. President, two Attorney General's Opinions, first to Senator DeCamp regarding LB 134, and one addressed to Senator Beutler regarding LB 245. (See pages 527 through 532 of the Legislative Journal.)

Finally, Mr. President, new bill, LB 545A, offered by Senator Johnson at the request of the Governor. (Read title to LB 545A for the first time.)

PRESIDENT: Ready for agenda item #5, resolutions. The first resolution is LR 15.

CLERK: Mr. President, LR 15 is found on page 495 of the Journal. It is offered by Senator Koch and Senator Marvel. (Read LR 15.) Mr. President, again that is found on page 495 of the Journal.

PRESIDENT: The Chair recognizes Senator Koch.

SENATOR KOCH: Mr. President, is Senator Marvel here?

PRESIDENT: Yes, sir, he was.

SENATOR KOCH: Well, I introduced this resolution on behalf of Mr. Locke who has been selected as the Teacher of the Year in the State of Nebraska, and all too often those who labor in the vineyards with the children of this state are forgotten symbols, but most of us give great credit to those who taught us something somewhere along the line. And having once lived in Hastings and attended Hastings College, I introduced the resolution on behalf of Senator Marvel and myself for Mr. Locke, who is a graduate of Hastings College and who not only teaches but works in that community in a lot of other efforts. And I would suggest that this body unanimously adopt this resolution recommending and honoring Mr. Locke for outstanding service to that community for some 15 years or more. Thank you.

PRESIDENT: Any further discussion on LR 15? If not,

LB 48, 62, 98, 172, 179,
226, 239, 266, 299, 304,
332, 342, 343, 344, 360,
453, 454, 506, 545

March 24, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Pastor Wayne Schroeder of the Calvary Lutheran Church and School, 28th and Franklin, Lincoln, Nebraska.

PASTOR SCHROEDER: Prayer offered.

SPEAKER MARVEL: Have you all recorded your presence? Is everybody here or are there still some missing? While we are waiting for the quorum you might be interested in the fact that our Clerk is hobbling around. The problem is that I was teaching him some dirty plays in basketball and got too vigorous. Record the vote.

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

SPEAKER MARVEL: Do you have some items under item #3?

CLERK: Yes, sir, I do, several in fact. Mr. President, I have a series of reports to read in. Your committee on Public Works whose chairman is Senator Kremer to whom was referred LB 98 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 226 to General File with amendments and LB 344 to General File with amendments, (Signed) Senator Kremer. (See pages 1082-1086 of the Legislative Journal.)

Your committee on Revenue whose chairman is Senator Carsten instructs me to report LB 454 to General File; LB 172 General File with amendments; LB 304 General File with amendments; LB 360 to General File with amendments; LB 506 General File with amendments; LB 48 indefinitely postponed; LB 62 indefinitely postponed; LB 299 indefinitely postponed; LB 332 indefinitely postponed; LB 342 indefinitely postponed; LB 343 indefinitely postponed; LB 453 indefinitely postponed, all signed by Senator Carsten as Chair. (See pages 1086-1089 of the Legislative Journal.)

Mr. President, your committee on Administrative Rules and Regs reports, whose chairman is Senator Vard Johnson, reports LB 266 to General File with amendments.

Your committee on Government reports LB 239 to General File with amendments and LB 545 to General File with amendments, signed Senator Kahle as Chair. (See pages 1089-1093.)

Mr. President, LB 179 is reported correctly engrossed.

Mr. President, LR 40, 41 and 42 are ready for your signature.

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LB 284, 545

was placed on the desk, I have visited with people who indicated that the 10-90 formula might not be defensible and, therefore, we have to look at something else. I am not going to take a lot of time now, Mr. Speaker and Chairman, colleagues, I am going to ask that my motion be withdrawn, but I do wish that you would take it very seriously, and I've discussed with Senator Carsten ~~there~~ several possibilities, take very seriously the problem which we face, and that we will dedicate ourselves to working together to resolve this issue as rapidly as possible when we return. I think to do anything else would be a disservice to the people of the state. They expect it from us and we should deliver it to them. Mr. Chairman, I ask that my motion be withdrawn.

SPEAKER MARVEL: Any objections to withdrawing the motion? If not, so ordered. Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I am only going to take a minute. This morning at our Chairman's meeting with the Speaker it was generally agreed and accepted that following our Easter recess and after we had had a little more time to look at this problem a little deeper with, as Senator Schmit has suggested, some other alternatives that we may more intelligently be able to address this problem that we are now facing. We are going to be working through the interim in cooperation with Senator Schmit and anyone else, and we pledge our committee's support and cooperation in trying to arrive at an acceptable solution and one that is constitutional when we come back after Easter. I think we need to tell the people in the state that we are not shirking our duties, but we are assuming them with responsibility and we hope with respect, and that is what we will do when we come back after our vacation. Thank you for this privilege, Mr. President. Thank you.

SPEAKER MARVEL: Thank you. Are we ready for 545?

CLERK: Yes, sir. Mr. President, if I may, LB 545 was introduced by Senator Lowell Johnson of the 15th District. (Read title.) The bill was first read, Mr. President, on February 17 of this year. It was referred to the Government Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Government, Military and Veterans Affairs Committee.

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LB 545

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. President and members, as the committee amendments are just in addition to what...the list that you just heard, I think I will read what I have on the bill and then move for the advancement of the committee amendments, but I think it would only be fair that we have some idea of what we are doing, because the Clerk has read the statute numbers of the sections that are involved. LB 545 creates a new system of reporting by state agencies and commissions. Instead of making an annual report to the Governor and the Legislature, some of the agencies and commissions would make a biennial report and some would no longer have a specific reporting requirement. Information about those who no longer publish a report would be gathered through the Appropriations process. The committee accepted amendments offered by Senator Johnson that added several more agency reports to the list of biennial reporting. The new agencies are the Clerk of the Supreme Court's report, the Accountability and Disclosure Committee report, the State Historical Society's report and the Property Inventory report prepared by all state agencies. Now this is a thumbnail sketch and these are additions to what Senator Lowell Johnson had in the bill. And I believe he will be able to explain more thoroughly exactly what is involved. But I do move the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 545. All those in favor of that motion vote aye, opposed vote no. We are voting on the committee amendments to LB 545. Record.

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

SPEAKER MARVEL: The committee amendments are adopted. Senator Lowell Johnson, do you wish to explain the bill?

SENATOR L. JOHNSON: I do have a further amendment on the desk.

CLERK: Mr. President, Senator Johnson moves to amend his bill. It is Request 2719.

SPEAKER MARVEL: Senator Johnson.

SENATOR L. JOHNSON: Mr. President and members of the Legislature, the note that the Clerk referred to has been passed out to you, known as Regulation #2219, which involves

four additional reports to be included under LB 545. One of them is connected with the Department of Welfare involving their annual report, one with the Department of... two with the Department of Health, rather, involving Mobile Home and Recreational Vehicle Standards Advisory Committee report, and an annual report of State Board of Examiners of Psychologists. Those three are included in that particular amendment. I move for the adoption of that amendment, please.

SPEAKER MARVEL: The motion is the adoption of the amendment to the bill as explained by Senator Johnson. All those in favor of the amendment vote aye, opposed vote no. Have you all voted? We are voting on the amendment to the bill as explained by Senator Lowell Johnson. Record.

CLERK: 25 ayes, 0 nays on adoption of Senator Johnson's amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Senator Johnson, do you want to explain the bill now?

SENATOR L. JOHNSON: Thank you, Mr. President. The members will please note that we have passed out two items, one was the amendment, one is an information sheet upon which we have listed all of the agencies and departments which are affected by LB 545. All on the righthand side of that sheet except the last 9 are actually abolishment of the annual reports. The last 9 convert from an annual to a biennial report. LB 545 repeals the statutory requirements where some 65 state agencies publish annual reports and would change 9 other annual reports to a biennial report. In its study of annual reports, the Governor's Task Force Commission for Government Improvement recommended abolishment and some modification of the requirement that state agencies publish annual reports which are of little or no value to the State of Nebraska and to the taxpayers. Now it is not suggested here that all the information and data developed by agencies of state government is unnecessary. We are only suggesting that we take this step to help in monitoring the reporting process of that information. It should be noted that the Task Force went to great lengths to verify the annual reports tagged for elimination or modification, and they do indeed provide superfluous information. We have had exceptional cooperation from the departments and agencies in consideration of LB 545's provisions for these modifications and eliminations. Contact was made not once but several times with every affected agency. In some cases we have even been encouraged to add

other reports and that accounts for part of the amendments today. While a detailed fiscal review has been...has not been completed to determine the cost impact for the state, it is estimated that annual savings to the state could be in the neighborhood of \$100,000. In reviewing these specific reports, I have found that they are duplicated by various means, the departmental reproducing machine, state printing office and by private printing firms. In all instances the statutory requirement is fulfilled yet the costs of reproduction are escalated as the publication becomes a self-serving advertisement designed to assure the continued existence of an agency or a promotional device for seeking additional funding. Reports in full color, including pictures of agency heads and staff, does seem to me to place an unnecessary and unneeded burden on Nebraska taxpayers. Our LB 545 represents a strong commitment toward the reduction and in some cases elimination of reports that have been mandated by the Legislature but are simply no longer needed in their present annual form. The bill, as I said before, leaves, in fact, those reports which provide essential and valuable information and data. I feel that it is vital that we take this first step which will show our government agencies that the Legislature is willing to reduce and modify reporting requirements on them so that they can spend more time fulfilling the goals of their specific agencies. I am hopeful that by this action it will also be translated by the agencies into a corresponding reduction of reporting requirements on the citizens of Nebraska. As representatives of the people of Nebraska, one of our prime responsibilities is to make government more efficient and more cost effective. I propose that 545 is one step in that direction, and I move for the advancement of the bill, Mr. President, unless there are questions that I can answer.

SPEAKER MARVEL: Senator Wesely. The motion is to advance the bill.

SENATOR WESELY: Yes, Mr. Speaker, I just briefly would like to add my support for the bill. The Public Works Committee looked at another bill, LB 181, and dealt with the same issue with the Power Review Board. We were compiling annual statistics in the power industry and found that, in fact, nobody was looking at the information, it wasn't in a form that could be useful and decided to totally eliminate the reporting requirements that were in there because it just wasn't valuable. And so I think that is an indication of our committee's looking at the situation and found the same sort of results Senator Johnson did. Additionally, the Power Review Board was then required only

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LB 545

to report biennially, although we did say that in that biennial report they should recognize annual information. So I guess one question of Senator Johnson, I would assume that the biennial report would break down for the two years information that would be applicable and not just be for the second year, it would cover both years but just come out every two years.

SENATOR L. JOHNSON: I am sure those agencies involved would cover their biennial period.

SENATOR WESELY: So I think the intent of the bill is a wise one from our experience in other areas that every two years you put out information that covers both of those years. That seems to me to save money and makes sense, so I will support the bill.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I certainly do support this bill. When I think of the amount of money that is spent to do these on an annual basis, and we have places where it could be portioned much, much better, I think it is a great idea. And jestingly I asked Senator Johnson before if I could amend it, and I suggested every five years, but he thought that was overdoing it a little so I agreed two years is good enough. Later I may try that. But it will not only save a lot of money, it's going to save thousands of square feet of storage space, because if you are like I am, I save all of them, it takes up a lot of room, thinking I might use them. At the end of that year they get tossed. I do the same thing over, and that goes on and on. I certainly support it.

SPEAKER MARVEL: Before we proceed, underneath the north balcony are two guests of Senator Wesely, one his cousin Judy Irons from David City, and Mrs. Raymond Wesely. Would you indicate where you are so we can welcome you to the Unicameral? Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, just a few words to support Senator Lowell Johnson in his efforts. And I don't know if he has lifted the box up so you can all see it or not, but he brought that before the committee and I think we are all familiar....I don't think he can lift it, but these are some of the reports that we all receive and as Senator Cope said, we store them away and I suppose once in a Blue Moon you do hunt for something and can't find it. But in my case I have got it buried so far that I probably never would find it and not know where to look for it.

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LB 252, 545

Now we are not saying that the information that we want to find out about these agencies is not going to be available. I am sure that it will be on a demand basis, and a lot of the things that are in those books have nothing to do with...let's say they are a financial report or what they are doing in various fields. It's more of a glorification for the department than it is information. I think that is a fair statement. And so I certainly support this and let's see how it works. I also realize that many of these are made because of grant programs that some of these agencies have, and, of course, we aren't interfering with that. If they have to have this information for grants, why I am sure they will print them, but they won't make as many of them and distribute them to everybody and his uncle. Thank you.

SPEAKER MARVEL: The motion is the advancement of the bill as explained, LB 545. All those in favor of advancing that bill vote aye, opposed vote no. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 252.

CLERK: Mr. President, LB 252 offered by Senator Chris Beutler. (Read title.) The bill was first read on January 16, referred to Public Works. The bill was advanced to General File. There are committee amendments by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman and colleagues, I will try to explain the committee amendments in layman's language rather than make a reference to the amendments as they are printed. We addressed this issue in the following amendments to LB 252. First of all, it does...the committee amendments do modify the definition of beneficial use. The amendments would say that beneficial use shall include but not be limited to. Secondly, it addresses subirrigation that would be specified as a beneficial use. Next we go to use of the word...instead of pollution control, we chose to use the words...the phrase "water quality and maintenance" rather than pollution control. And next a sentence would be added to say "nothing in the definition is intended to affect the preference for the use of surface water". By statute we do set up a preference of use and we just make a statement here in the printed amendment to say, nothing that would affect that preference of use. Then

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LB 266, 266A, 252, 545

SENATOR WESELY: Yes, I move its advancement.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 266A.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 266A.

SENATOR CLARK: You have heard the motion on advancing LB 266A. All those in favor say aye, opposed. The bill is advanced. LB 545.

CLERK: Mr. President, there are E & R amendments on LB 545.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: Yes, I move we adopt the E & R amendments to LB 545.

SENATOR CLARK: The motion is to adopt the E & R amendments on LB 545. All those in favor say aye, all those opposed. They are adopted.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 545.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 252. The Clerk wants to read a couple of things in.

CLERK: Mr. President, LR 126 offered by Senators Clark, Marsh, Barret, Nichol, Kahle, Wesely, Fitzgerald, Goodrich, Warner and Maresh. (Read LR 126 as found on page 1835 to 1836 of the Legislative Journal.) LR 127 offered by Senator Haberman. LR 128 offered by Senator Higgins and Cullan. (Read LR 127 and LR 128 as found on pages 1836-1837 of the Legislative Journal.)

SENATOR CLARK: LB 252.

CLERK: Mr. President, LB 252, Mr. President, does have an E & R amendment pending.

SENATOR CLARK: Senator Kilgarin.

May 11, 1981

LB 548, 11A, 146, 179, 316,
318, 322, 361, 366, 478A
545

vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of 548? It takes 25 votes. Record the vote.

CLERK: 27 ayes, 11 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The Legislature having completed all its work that it is going to complete for today, we are now going to have a little reading in by the Clerk and then we will adjourn.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 11A and find the same correctly engrossed; 146 correctly engrossed; 316, 322, 361, 366, 545, all correctly engrossed, and those are signed by Senator Kilgarin as Chair.

A new A bill, 487A by Senator Wesely. (Title read.)


And finally, Mr. President, Senator Koch would like to print amendments to LB 318; and Senator Dworak would like to print amendments to LB 179.

SENATOR CLARK: Senator Stoney, would you adjourn us until nine o'clock tomorrow morning?

SENATOR STONEY: Mr. President, I would be pleased to. I move that we be in adjournment until May 12th at 9:00 a.m.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are adjourned until nine o'clock tomorrow morning.

Edited by:


Mary A. Turner

May 18, 1981

LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Salverda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

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

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 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, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at

May 22, 1981

LR 188
LB 179, 181, 252, 273, 273A, 303, 322,
346, 376, 381, 384, 389, 441, 451, 470, 472A
485, 497, 501, 543, 512, 552, 545, 553, 554.

Senator DeCamp. All those in favor vote aye. All those opposed vote nay. It takes 30 votes.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator DeCamp.

SENATOR DeCAMP: How many are excused? Eleven?

SENATOR CLARK: Two.

SENATOR DeCAMP: Two? Okay, we still stand a shot, so I would ask for a Call of the House and take call in votes if that would be okay. But I would ask for a Call of the House first.

SENATOR CLARK: Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: The House is under Call. All Senators will return to their seats, and if all Senators will check in, please. The Clerk would like to read some things while we are trying to get everyone registered in here.

CLERK: Mr. President, while we are recording our presence, I have a communique from the Governor addressed to the Clerk. Engrossed LBs 181, 252, 303, 381, 441, 451, 470, 485, 497, 543, 179, 346 and 384, 273, 273A, 501 and 545 were signed by me May 22 and delivered to the Secretary of State. Sincerely, Charles Thone, Governor.

Mr. President, I have an Attorney General's Opinion addressed to Senator Barrett on 376; one to Senator Hefner on 552. (See pages 2228 through 2233 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined 406 and recommend that the same be placed on Select File with amendments; 551 Select File; 552, 553, 554 all on Select File with amendments. (See pages 2233 through 2234 of the Journal.)

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 322 and find the same correctly engrossed; 376, 389 and 512 all correctly engrossed.

Mr. President, new resolution, LR 188 by Senator Wagner.