

March 24, 1981

LB 551, 552, 553, 554

all voted? Record the vote.

CLERK: 30 ayes, 0 nays on the introduction of the new bill, Mr. President.

SPEAKER MARVEL: The motion is carried.

CLERK: Mr. President, Senator Hefner moves for the introduction of Request 928 by the Miscellaneous Subjects Committee.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. Chairman and members of the body, I move for the introduction of Request #928. This is for the State Board of Education districts, and it is for the same reasons that I gave you in the previous three. This is the last one. I urge you to vote for this motion.

SPEAKER MARVEL: The motion is the adoption of 928 as explained by Senator Hefner. All those in favor vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays on the introduction of the new bill, Mr. President.

SPEAKER MARVEL: The motion is carried.

CLERK: Mr. President, new bills. LB 551 introduced by the Miscellaneous Subjects Committee. (Read title.) LB 552 by the Miscellaneous Subjects Committee. (Read title.) LB 553 by the Miscellaneous Subjects Committee. (Read title.) And finally LB 554 by the Miscellaneous Subjects Committee. (Read title.) (Journal pages 1108-1109.)

Mr. President, Senators Wiitala, Newell, Higgins, Vard Johnson, Fenger, Beyer, Pirsch, Labedz and Kilgarin move to suspend Rule 5, Section 5 to permit the introduction of new bill Request #937.

SPEAKER MARVEL: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker and members of the body, I move to introduce Request 937 on behalf of the Falstaff Brewery, the employees of that company and also for the general welfare of Nebraska. The amended language of this request addresses the problem that Falstaff Breweries is presently having in Omaha. This is a problem that while situated in Omaha could happen about any place in the state, but since Falstaff is the only remaining

LB 118, 129A, 165, 181, 224, 234, 234A,
273, 273A, 303, 326, 336, 360, 394,
396, 411, 459A, 485, 551 - 554

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favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on the adoption of the committee amendments? Once more, have you all voted on the adoption of the committee amendments. Record the vote.

CLERK: 27 ayes, 4 nays, Mr. President, on adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Now on the bill itself, Senator Maresh.

SENATOR MARESH: Mr. Chairman, I move that LB 118 be advanced to E & R Initial.

SENATOR CLARK: Is there any discussion on the advancement of the bill? If not, all those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 1 nay, Mr. President, on advancement of the bill.

SENATOR CLARK: The bill is advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new A bill, 129A offered by Senator Nichol. (Read LB 129A for the first time.)

Mr. President, Miscellaneous Subjects gives notice of hearing for Tuesday, May 19 on LB 551, 552, 553 and 554. And that is signed by Senator Hefner as Chair.

Mr. President, I have a reference report from the Executive Board referring legislative resolutions for interim study. That will be referred to in the Journal. (See pages 1966 through 1973 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 165 and find the same correctly engrossed; 181, 224, 234, 234A, 273, 273A, 303, 326, 336, 360, 394, 396, 411, 459A, 485, all those reported correctly engrossed, Mr. President. (See pages 1974 through 1977 of the Legislative Journal.)

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LB 553, 554

by the committee. Again, let me call your attention to the fact that I will be real happy to answer any questions that you may have. So, I move for the adoption of the committee amendments.

SPEAKER MARVEL: Motion now is the adoption of the committee amendments to LB 553. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SPEAKER MARVEL: Committee amendments are adopted. Senator Hefner, do you wish to advance the bill?

SENATOR HEFNER: Mr. President, members of the body, I move the advancement of LB 553 to E & R Initial.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Record.

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

SPEAKER MARVEL: The bill is advanced. Now we are ready for LB 554.

CLERK: Mr. President, LB 554 introduced by the Miscellaneous Subjects Committee (Read title). The bill was referred to the Miscellaneous Subjects Committee, it was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move the committee amendments to LB 554. Again, let me call your attention to the map that we have prepared for you. We have six Board of Education members and they will have the same boundary lines as the Board of Regents and I talked to you a little bit about the population variance on the Board of Regents. The Board of Education districts have the same population variance. Therefore, I move the adoption of the committee amendments. If you have any questions I'd be real happy to answer them for you.

SPEAKER MARVEL: The motion is to adopt the committee amendments to 554. All in favor of that motion vote aye, opposed vote no. Record.

May 22, 1981

LB 554, 531, 412

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The amendments are adopted. Senator Hefner.

SENATOR HEFNER: Mr. President, I move for the advancement of 554 to E & R Initial.

SPEAKER MARVEL: All in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the committee amendments.

SPEAKER MARVEL: Motion is carried. We now move to Select File priority LB 412.

CLERK: Mr. President, if I may, right before that, Senator DeCamp would like to print amendments to LB 531 in the Legislative Journal.

Mr. President, with respect to LB 412, the bill has been considered by the membership on a couple of occasions. The last time, Mr. President, on May 20th the E & R amendments were adopted. There was an amendment from Senator Warner that was adopted on that day. There was a motion offered to indefinitely postpone, it was offered by Senator Fowler. That laid the bill over, Mr. President. That is now before us, the motion to indefinitely postpone.

SPEAKER MARVEL: The Chair recognizes Senator Fowler.

SENATOR FOWLER: I ask unanimous consent to withdraw that.

SPEAKER MARVEL: No objection, so ordered.

CLERK: Mr. President, the next amendment I do have an amendment then from Senator Newell. Senator Newell would move to amend LB 412 (Read Newell amendment).

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, this would be. . . this motion is to reinstate five and to from three which is a change that Senator Warner offered and was successful at establishing. The five year provision has always been in the bill, it was in the bill from day one and put there by Senator Warner and I would encourage this body to accept that motion. Three years would

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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.

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LB 552-554, 243

SENATOR CLARK: Senator Hefner, do you wish to move the bill.

SENATOR HEFNER: I move the advancement of LB 552 to E & R engrossing.

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 553 is next.

CLERK: I have E & R amendments to LB 553, Mr. President.

SENATOR CLARK: Senator Kilgarin, E & R amendments to 553.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 553.

SENATOR CLARK: You have heard the motion. All those in favor say aye, opposed. The amendments are adopted.

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

SENATOR CLARK: Senator Hefner, do you want to move the bill.

SENATOR HEFNER: I move that LB 553 to E & R engrossing.

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed. The bill is advanced. LB 554.

CLERK: I have E & R amendments to LB 554, Mr. President.

SENATOR CLARK: Senator Kilgarin, the amendments on 554.

SENATOR KILGARIN: I move we adopt the E & R amendment to LB 554.

SENATOR CLARK: You all heard the motion. All those in favor say aye, opposed no. The amendments are adopted. Do you have anything further on the bill?

CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: I move LB 554 to E & R engrossing.

SENATOR CLARK: You all heard the motion. All those in favor say aye, opposed no. The bill is advanced. LB 243. Senator Schmit is not here so we will pass over the bill if there is no objection. LB 216.

CLERK: Mr. President...

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LB 321, 243, 551-554

SENATOR CLARK: The motion is withdrawn. We go to LB 321.

CLERK: Mr. President, if I may right before that, read some material in. A new resolution LR 189 by Senators Newell, Wiitala, Higgins, Vard Johnson. (Read LR 189 as found on pages 2282-2283 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports it has carefully examined and engrossed LB 243 and find the same correctly engrossed, 551, 552, 553 and 554, all correctly engrossed.

Mr. President, with respect to LB 321 I do have E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 321.

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

CLERK: Mr. President, Senator Koch would now move to amend the bill.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman. Mr. Burnett has notified me that we have a problem in the bill on page 30 and this is a reference problem, a sectional problem and so in order to correct this and not have to bring it back from Final Reading then once it has been approved, I move that this technical amendment be adopted so that it harmonizes with the section and would not be inappropriate at a later time. I ask for the adoption of the amendment.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The Koch amendment is adopted. Senator Koch, what do you want to do with the bill? Do you have anything else on it?

CLERK: No, sir, nothing further.

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LB 406, 551, 553, 554

and 2372 of the Legislative Journal.) 44 ayes, 3 nays, 2 present and not voting, Mr. President.

PRESIDENT: LB 406 passes. The next bill on Final Reading, Mr. Clerk, is LB 551.

CLERK: (Read LB 551 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 551 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 2372 and 2373 of the Legislative Journal.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 551 passes. The next bill on Final Reading, Mr. Clerk, is LB 553.

ASSISTANT CLERK: (Read LB 553 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 553 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 2373 and 2374 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 1 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 553 passes. The last bill on this list approved for Final Reading today is LB 554. Mr. Clerk, you may proceed with the reading of LB 554.

ASSISTANT CLERK: (Read LB 554 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 554 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2374 of the Legislative Journal.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 554 passes. Do you have some things to read in, Mr. Clerk?

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LR 180

LB 320, 406, 551, 553, 554

present this information to you. We have known all along, of course, the importance of the dairy industry in Nebraska and it is a very vital part of agriculture, and we appreciate these Senators bringing this to you. Thank you.

PRESIDENT: Senator Koch, the Chair recognizes you.

SENATOR KOCH: Mr. Speaker, I know that Senator Kahle and I were caught unaware but in that vast District Senator Kahle represents in Red Cloud, Nebraska is an outstanding processor of cheese, so for the good City of Red Cloud we want them to be on the list.

PRESIDENT: And now I must recognize Senator Kahle, I guess, after that.

SENATOR KAHLE: Mr. President and members, not only do we have a cheese plant at Red Cloud, we also have one at Superior. It's been there for many years, and it is in the 37th District, and we certainly don't want to leave them out.

PRESIDENT: Thank you for the clarification and so that we get a travelogue of our great State of Nebraska. I would also at this time like to introduce from Senator Hoagland's District twenty-four 8th Graders from Louis Clark Junior High in Omaha, Ruth Owen, the teacher. They are up here in the north balcony. Do you want to wave to us up there, so we see where you are? Welcome to your Nebraska Legislature. Okay, while the Legislature is in session and capable of doing business, I propose to sign and I do sign LBs 320, 406, 551 and 553 and 554. Mr. Clerk, I guess we are ready then for agenda item #6, resolutions, and commencing with LR 180...Senator Wesely, if you want to read it for the record, Mr. Clerk.

CLERK: Mr. President, LR 180 offered by Senator Wesely. is found on page 1943. (Read LR 180.)

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Yes. Mr. President and members of the Legislature, this resolution has been pending now for a couple of weeks. It does support the service of the San Francisco Zephyr through Nebraska. I did have a handout that I passed out which shows that the San Francisco Zephyr has increased in ridership from 142,000 in 1978 to over half a million in 1980, which is a clear increase of strong support for the program. All we are asking for

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LR 189

LB 320, 406, 551, 553, 554.

people who are on the public payroll in Omaha. When he talks about these...I don't if he mentioned a George Garnett, but this man is on the federal payroll with an agency and their agency says whatever the city wants to have them say. So their interest is tainted. He may have mentioned a Mr. McVoy and I notice every time they give his name, they mention him as a member of the Omaha Board of Education but he is really a member of the Omaha Housing Authority, and he has an interest from the standpoint of the Housing Authority accumulating this land in other areas and that is why he is favor of letting them destroy the middle of a housing project development. There are many issues which need to be addressed. And Senator Newell's resolution is ill-advised and ill-conceived. So in order that the issue will remain where it ought to be, I am asking that you kill this resolution and not put the Legislature on record in favor of a project that it doesn't understand which can breed litigation and which could put the state in a very embarrassing position. Because I think if the Legislature pushes the Department of Roads forward, then there could be a type of liability that would accrue to the state as a result of that particular action. So I am asking that you put this matter to rest and vote in favor of the motion that I have up there.

PRESIDENT: The motion before the House then is the motion to indefinitely postpone LR 189. All those in favor vote aye, opposed nay. We are voting on the motion to indefinitely postpone LR 189. Well, Senator Chambers, what do you wish to do? Call of the House? Record the vote.

CLERK: 9 ayes, 17 nays, Mr. President, on the motion to indefinitely postpone.

PRESIDENT: The motion fails. Now do you want to.... Mr. Speaker, do you want to recess now and take this up after lunch, or the resolution? I believe that is what you wanted. So, Senator Newell, do you want to... does anybody want to move to recess then until two o'clock? Yes, he wants to read some things in.

CLERK: If I may, Mr. President, very quickly, the Enrolling Clerk has presented to the Governor LBs 320, 406, 551, 553 and 554. That's all that I have.

PRESIDENT: Senator Newell.

SENATOR NEWELL: Mr. President, I move we recess until two o'clock this afternoon.