

April 14, 1981

LB 557, 558, 559, 560,  
561, 562.

introduction of Request #935 by the committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: I so move, Mr. President.

SPEAKER MARVEL: The motion is the introduction of the bill. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to introduce.

SPEAKER MARVEL: The motion is carried. The bill is introduced.

CLERK: Mr. President, Senator Warner moves for the introduction of Request #950 by the Appropriations Committee.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move the introduction of the bill.

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

CLERK: 31 ayes, 0 nays on the motion to introduce, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is introduced. The Clerk is going to read the titles and then we will have a motion to put the bills on General File.

CLERK: Mr. President, new bills. LB 557 by the Appropriations Committee. (Read the title to LB 557 for the first time.) LB 558 introduced by the Appropriations Committee and signed by its members. (Read title to LB 558 for the first time.) LB 559 by the Appropriations Committee. (Read title to LB 559 for the first time.) LB 560 introduced by the Appropriations Committee and signed by its members. (Read title to LB 560 for the first time.) LB 561 signed by the Appropriations Committee. (Read title to LB 561 for the first time.) And finally, Mr. President, LB 562 offered by the Appropriations Committee. (Read title to LB 562 for the first time.)

Mr. President, Senator Warner now moves for suspension of rules, Rule 3, Sections 4 and 12, and Rule 6, Section 1, so as to place LB 557, 558, 559, 560, 561 and 562 directly

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LB 163, 562, 466, 559, 560

Senator Warner, are you ready for 163 as amended.

SENATOR WARNER: Yes, Mr. President, I move that the bill be advanced. As indicated, it is merely the reaffirmation of current projects underway.

SPEAKER MARVEL: All those in favor of the adoption of the amendments...all those in favor of advancing the bill vote aye, opposed vote no, 163. Record.

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

SPEAKER MARVEL: Motion is carried. The bill is advanced. Now we are ready for 562.

CLERK: Mr. President, LB 562 (read title). The bill was read on April 14 and referred directly to the General File, Mr. President.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 562 be advanced. Briefly, the bill contains roughly \$3.7 million for 309, for the continued deferred maintenance of various buildings, a variety of small projects. There is no major construction of any major building contained in the budget bill for reasons I have discussed numerous times before so I move the bill be advanced.

SPEAKER MARVEL: The motion is the advancement of LB 562 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. The bill is advanced.

CLERK: Mr. President, Senator Newell would like to print amendments to LB 560; Senator Labeledz to 466; Senator Haberman to 559.

And Senator Schmit offers notice of hearing for gubernatorial appointments confirmation.

SPEAKER MARVEL: Senator Vard Johnson, would you like to recess us until tomorrow morning at nine o'clock?

SENATOR V. JOHNSON: Mr. Speaker, I move that we recess until

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LB 160, 161, 163, 232, 241,  
252, 326, 557-562

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Dwayne Lueck from Trinity Lutheran Church, Martinsburg, Nebraska. This is Senator VonMinden's pastor.

REV. LUECK: Prayer offered.

PRESIDENT: Roll call. Has everybody registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, correction, page 1577, line 7, add Senator Hefner's name after Sieck.

PRESIDENT: Correction so ordered. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 252 and recommend that same be placed on Select File with amendments; LB 326 Select File with amendments; LB 232 Select File with amendments; LB 160 Select File; LB 161 Select File; LB 557 Select File; LB 558 Select File; LB 559 Select File with amendments; LB 560 Select File; LB 561 Select File; LB 163 Select File with amendments; LB 562 Select File, all signed by Senator Kilgarin as Chair.

Mr. President, LR 60 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 60. We are ready then for agenda item #4. The Sergeant at Arms will see that all members are at their desks and clear the aisles for Final Reading. We are ready for Final Reading as soon as everyone takes their places. We are about ready for Final Reading. As soon as everyone is in their place we will commence Final Reading. All right, we will commence. The first bill on Final Reading, Mr. Clerk, is LB 241.

CLERK: (Read LB 241 on Final Reading.)

PRESIDENT: (Interrupts reading.) Pardon me, Mr. Clerk, will you stop please. Senator Koch, for what purpose do you arise?

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LB 404, 522, 562

inappropriate. If there was a community alternative, there could be a cheaper alternative and a more fulfilling alternative for those individuals. So LB 404 does, I believe, in the long term reduce that cost while enhancing quality of life. It provides some additional resources, a mechanism for additional resources if the Legislature chooses to provide them to extend services to other parts of the state. For those reasons, those of us on the interim study committee felt that LB 404, either in its original form or now as scaled back by the Public Health and Welfare Committee, 404 is an important step for low cost services for the elderly of Nebraska. I would move that it be advanced.

SENATOR NICHOL: We are voting on the advancement of LB 404. All those in favor vote aye, opposed nay. Have you all voted? We are voting on the advancement of LB 404. Record please.

CLERK: 25 ayes, 11 nays on the motion to advance the bill, Mr. President.

SENATOR NICHOL: The bill is advanced. We will next take up LB 522.

CLERK: Mr. President, if I may right before that, Senator Koch would like to print amendments to LB 562. (See page 1611.)

Your committee on Miscellaneous Subjects gives notice of public hearing for Thursday, May 7.

Mr. President, LB 522 was introduced by Senator Vard Johnson. (Read.) The bill was read on January 20, referred to Public Health and Welfare. The bill was referred to General File. There are committee amendments pending by the Public Health and Welfare Committee, Mr. President.

SENATOR NICHOL: Senator Wesely.

SENATOR WESELY: Thank you, Mr. President, members of the Legislature, I am going to explain the committee amendments to LB 522. They are substantial amendments and I think substantially improve the bill as a result. I will go through them one by one. You can look on your committee statement again to find exactly what I am referring to but I will explain them in detail as I go through them. First off, we change the effective date of the proposal from July 1 of 1982 to July 1 of 1983. This is to allow for a greater deal of time to effectuate the change. What we are talking about with this legislation is going from a county welfare system in conjunction with the state to a total state system so that the counties no longer would have a joint role with the state. The state would take over that

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LB 560, 444, 482, 562

SPEAKER MARVEL: All right, Pat, now we are advancing the bill. The motion is to...advance the bill. All in favor of advancing the bill say aye, opposed no. You want a record vote? Okay, a record vote is requested. The bill has been advanced. Okay, the Clerk has got a couple items to read in.

CLERK: Mr. President, I have amendments to 562 from Senator Kahle, Lamb and Schmit to be printed in the Journal. (See page 1672 of the Legislative Journal.) Senator Kahle to print amendments to LB 444; Senator Hoagland to LB 482, Mr. President. (See pages 1672-1673 of the Legislative Journal.)

And I have a final reminder, Mr. President, the Executive Board will meet tomorrow morning at eight o'clock in Room 2102. That is all that I have, yes, sir.

SPEAKER MARVEL: Senator Landis, do you wish to adjourn us until 9:00 a.m. tomorrow, Friday?

SENATOR LANDIS: With deep pleasure I would move to adjourn until nine o'clock Friday morning, Mr. Speaker.

SPEAKER MARVEL: All in favor of that deep pleasure say aye, opposed no. The motion is carried. We are adjourned until nine o'clock, Friday, April 24th. (sic.)

Edited by Arleen McCrory.  
Arleen McCrory

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LB 163, 512, 541, 562  
LR 77

advancement of 163 is the motion. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: See that doesn't take so long if you get at it, does it. The bill is advanced. LB 562.

CLERK: Mr. President, if I may, right before we get to that I have some matters to read in. Legislative Resolution 77 offered by the Public Works Committee. The purpose of the study calling for. . . read LR 77.

Senator Howard Peterson would like to print amendments to LB 512 and Senators Nichol and others to LB 541.

Mr. President, LB 562, there are no E & R amendments to the bill. The first amendment that I have is from Senator Koch, the amendment is on page 1611 of the Journal, Mr. President.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Clerk, will you please read the amendment.

CLERK: Read Koch amendment.

SENATOR CLERK: Senator Koch.

SENATOR KOCH: Thank you Mr. Clerk. For those of you who may not be familiar with LB 562, the Governor in his request did have in there the \$500,000 for the capital construction money. A year ago we approved the planning money for the purpose of studying this issue to determine whether or not we should indeed proceed with renovation of this facility. I would remind you that the building formerly was an orthopedic hospital structurally sound but rapidly deteriorating and the heating and cooling system is almost in a total state of disrepair. Not too long ago we were talking about weatherizing buildings and we are going to get back to that before very long. Now, here we have a state agency, where we spend the planning money and the estimate was \$500,000 to bring it in compliance to some degree so that we could have a totally efficient facility

in terms of the system of heating and cooling. That also included weatherization and installation. I think for us to place this building in this position is not good planning. I know that the Appropriation Committee will probably argue against this. But I believe once we spend the planning money and we find that there is indeed a justification for it that for us to delay it and add to our woes in terms of expenditure money as it relates to the facility and its heating and cooling is not in the best interest of tax payers. What I am proposing to do is place back into the budget the \$500,000 the Governor had requested to remodel the 10th and South headquarters for the Department of Public Institutions which serves the Division of Rehabilitation Services for the visually impaired. I submit to you that if we lay this over that inflation will again take its heavy toll and we will then be in the position of having spend additional money and I submit to you that right now is the time to get at it and to perform this function. Renovate it, put it in a position where it can indeed be efficiently heated and air conditioned and in addition to this there is a part of this facility that can be used by other agencies of government for various agencies. Again if you want to look at cost effectiveness as the space goes up years ahead for other agencies of government this could be used by certain agencies and minimize our cost in that relationship. I ask for the adoption of this amendment to add \$500,000 to restore the Governor's proposal for the purpose of renovating this facility the old Orthopedic Hospital for the Department of Public Institutions and a Division of Rehabilitation Services for the visually impaired.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature I rise to oppose the amendment. Two things I'll say, I suppose I'll say more than once this afternoon, obviously and capital construction that would be done now or done last year would be cheaper if you look at inflation. I suppose I could make that comment for all 35, 40 million capital construction that was before us in a variety of requests from a number of institutions. The overriding thing though that the Appropriations Committee is recommending on capital construction was that none would be done this year of any major building. The emphasis with limited revenue should be for operations as a priority for capital construction and that was the policy carried out throughout by the committee. This project specifically however from the planning money that was appropriated last year also carried some renovation funds which was another \$715,088.

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The specific project probably a savings, or at least it is going to be more expensive to do the two projects two separate times. When we were looking at the project it would have been a total of \$500,000 this year plus the \$715,000 second year funding to complete all of the renovation as well as the mechanical equipment that was included this time this being done in one contract would make more sense than spreading it over two years with the balance to be done at some other time in the future. Let me say that there are probably half a dozen different capital construction projects, any one of which by itself can be logically justified. The issue however is keeping capital construction at a minimum this year for operations and secondly to keep commitments in the long run as flexible as possible from the states point of view or that they handle whatever changes we may be faced with next year because of changes in federal funds and federal allocation or a whole variety of programs. It seems to me the prudent management of the state money then dictates that capital construction be kept at a minimal as is recommended by the Appropriations Committee that no major projects be done. I would hope that the committee would support that concept without expansion of major projects as proposed by this as well as some of the other amendments that will be before you during the afternoon.

SENATOR CLARK: I would like to introduce Mr. and Mrs. Al Eden from Grand Island. They are guests of Howard Peterson. They are under the north balcony. Will you stand and be recognized please. Will you have them stand and be recognized. Welcome to the Legislature. Senator Koch, would you like to close on your motion?

SENATOR KOCH: Thank you Mr. Chairman. Senator Warner talks about the impact of the federal government and we realize that that is rather evident. In fact as I understand this morning coming down here that they expect to vote on that budget tomorrow or the next day. Then we will know what is really in it. But I believe that once we make a study and we find that there is need that for us to delay this is not in the best interest of the tax payers. That is generally what we always talk about. We can continue to do patch work on this type of facility. If we do then the patch work proves to be very costly and indeed is not in the best interest of this body or anyone else. Because if we allow this to be laid over and then we decide next year if those moneys are forth coming, and I don't know

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where they will be coming from that additionally when we look at the cost of construction right now it is considered to be at least one percent per month, so if you lay that over you can see what it is going to be next year in addition to what we are talking about at the present time. When we pay the money to make the plan the architects and engineers report to us, then I think it is time we should heed that and proceed. That way we know we are trying to keep up with those things that have been identified as needing repair and improvement. We all have heard the old antage a stitch in time saves nine, and an ounce of prevention is worth a pound of cure. It is just like a lot of things in this state, we have looked over them for a lot of years, we have looked over our highways and we haven't repaired them or made those kinds of maintenance repairs that we need. Suddenly we are looking at huge sums of money. I don't know how long we can defer these things and still look the public in the eye and the tax payers and say, I'm sorry, but all of a sudden we have huge problems. Just like highways we have had revenue bonds available, we haven't used them except only again one governor and that was Tiemann. The rest of the time we have sat by and watched highways either by not being built or not being maintained. Yet we know that it is a part of the economic bloodstream of this state. I'm saying here today that if we want to bring this building into some kind of condition which is energy efficient which

improves its environment for the visually impaired and for other kinds of people, now is the time to do it. For us to delay is merely going to cost additional money and I think you can justify that to the public by doing it now and not waiting until tomorrow. I ask for the adoption of this amendment. Again I will state since the governor is frequently used on this floor in convenience, Governor Thone did have that particular piece of money in his budget and we are merely carrying out his wishes and I would ask for the adoption of the amendment.

SENATOR CLARK: The question is the adoption of the Koch amendment. All those in favor vote aye, opposed vote nay. Have you all voted? We are voting on the adoption of the Koch amendment to 562. Senator Koch, what do you want to do?

SENATOR KOCH: How many are excused Mr. Chairman?

SENATOR CLARK: I think there are two.

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SENATOR KOCH: In that case I will ask for a Call of the House and a roll call vote.

SENATOR CLARK: The call has never been lifted.

SENATOR KOCH: It hasn't been?

SENATOR CLARK: No.

SENATOR KOCH: Oh, okay Mr. Chairman, I will ask for a roll call vote.

SENATOR CLARK: We are technically under call.

SENATOR KOCH: We are still under call. Thank you.

SENATOR CLARK: Yes. If everyone would check in please. Roll call vote. I see people sitting in their chairs that have not checked in. Would you please check in. Would everyone check in please. Senator Marsh, Senator Kremer, Senator Hefner, Senator Sieck. I would hope that we could keep everyone in their seats. We are going to have a roll call vote. Senator Koch, do you want to start the roll call? There are four short.

SENATOR KOCH: Who is missing Mr. Chairman?

SENATOR CLARK: Senator Kremer, Senator Sieck, Senator Marsh and Senator Hefner.

SENATOR KOCH: Are they in the building?

SENATOR CLARK: I haven't any idea.

SENATOR KOCH: I would appreciate it if they would return.

SENATOR CLARK: There is Senator Marsh coming in now.

SENATOR KOCH: Now we can start.

SENATOR CLARK: Here is Senator Sieck.

SENATOR KOCH: We can start now.

SENATOR CLARK: The Clerk will call the roll if we can have a little quiet please.

CLERK: Roll call vote. 17 ayes, 25 nays, 4 present and not voting, 2 excused and not voting, 1 absent and not voting.

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LB 562

Vote appears on pages 1727-28 of the Legislative Journal.

SENATOR CLARK: Motion lost. What is the next motion? The Call is raised.

CLERK: Mr. President, the next amendment that I have is from Senator Haberman. Read Haberman amendment.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, it makes me feel good to stand up here this afternoon and only ask for \$146,000. Now isn't that a piddling sum compared to the millions that we spent? What I would like to have you do, is I would like to have you go to Chadron, Nebraska, which is 450 miles in northwest Nebraska out in the toolies. Now in case you don't know what the toolies are I'm going to tell you. If you were in the Navy and the toolies were the furthest place you could be for a barracks in the Navy from the head. In the army it was the latrine and in England it was the necessary. So I want you to figure here you are 450 miles out in the toolies at Chadron State College. I want you to picture 3,945 total credit and non-credit college students out here in western Nebraska. I handed out a map and from almost every county in the state there are students at Chadron. Now they are a special group, they have a real desire to obtain an education. The relationships between the students and the people down town is excellent. They realize they need each other. The staff or the people, the faculty at Chadron is very conservative and very honest. They were given \$95,000 to build a track. The bids were over \$95,000 so they decided not to start the track and then come in and ask for more money. They decided to wait and take bids at a different time to see if they could build it for that sum. So by being frugal and by trying to save money they lost the \$95,000. The budget committee took it away from them. So in essence I'm not asking for \$146,000 I'm only asking for about \$50,000 because they had the \$95,000 that was taken away from them. I would like to have you take the slip of paper that I passed out and look at the capital construction for the past ten years throughout the state on a cost per student. The University of Nebraska is almost \$3,000. The University of Omaha is \$1,475. Peru is \$2,000. Wayne State is \$1,628. Kearney is \$1,100 and the capital construction cost for the past ten years for Chadron on a student basis is \$169. ~~\$169.~~ On the total construction, on the total construction there was 62 million dollars in the last ten years spent at the

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University of Lincoln, 20 million to University of Omaha, 10 million to Medical Center, 8 million at Kearney, 4 million at Wayne, 2 million 500 thousand at Peru, and \$667,000 at Chadron. So you can see by the records that they have come up short every time they have tried to do something. Now remember this money is not general fund money. It will not raise the sales and income tax. This money comes out of the cigarette tax fund. Remember what Senator Koch has said on this floor many many times.....

SENATOR CLARK: Could we have it quiet please so we can hear.

SENATOR HABERMAN: The best interest investment that you can make is in our young people. So I ask you to support this request for \$146,000 planning money for an activity center at Chadron State College.

SENATOR CLARK: Senator Vard Johnson.

SENATOR JOHNSON: I discovered that I punched my light inadvertently. I don't have anything to say Senator Clark.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, again I will repeat the overall policy the committee was recommending this year was no major capital construction starts for the current year the reason being using the funds for operations, the other reason for next year and the year following was to retain the maximum flexibility that the state could have in order to handle major adjustments that may happen in federal funds. Now you should also understand that if this is to go ahead next year while the amendment does not carry that amount, anticipated cost would be 5.3 million for the construction of the building including 82-83 and 83-84 fiscal years. So what you are voting on in essence is a 5.3 million dollar not a \$146,000. It also is funded from the state building fund, at least as drafted, not the cigarette tax as stated, but that is immaterial as a matter of fact. I know there are those who like to somehow or other separate the cigarette taxes if that is non-tax money, but that is tax funds just the same as sales and income tax and the other miscellaneous sources of revenue. Whenever you subtract or spend funds from capital.....from the Nebraska capital construction fund, which is the cigarette tax, that is the same as general fund, makes absolutely no difference

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whatsoever, but somehow or other the image has gotten created that that is different and it is not. In this case it is not even the fund that is being used. I could stand and make an argument, I think, for every capital construction request that was made by an agency this year and everyone of them when viewed by themselves is absolutely correct but again it is the accumulated total and if you are going to provide any kind of flexibility at all, for the state....meet what we know is a coming problem next year then capital construction needs to be retained at a minimum. In defense of just...on a pure basis of statistical factual type information going through the coordinating commission study findings which were released about the time of the session, which we directed them to make some review of the condition of buildings on the various campuses, there is only one campus that rated a higher satisfactory condition than Chadron, that was UNO, they had a slightly higher percentage of the facilities were in . . . . .

SENATOR CLARK: You have one minute left.

SENATOR WARNER: . . . . .condition, and those that will require extensive upgrading or should be demolished there was none at Chadron and none at UNL and they were substantially higher at other campuses. Also, in comparing Chadron with other institutions nationally there is a comparable condition of facilities whether or not they were over built Chadron was exceeded above the medium only by the University of Nebraska. Curtis and that other facilities were all less adequate than either of those two when compared to the national standard. So, I would urge the body to reject the amendment. . . .

SENATOR CLARK: I'm sorry Senator Warner, your time is up. Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, it has been kind of a pleasure to visit with my colleagues about this particular proposal. I walk up and usually approach it this way, thanks to some remarks that my good friend and colleague from Neligh made the first couple of days of the session. I usually walk up and say how about a couple of votes for the playpen in Chadron and right now it looks like it may be close. Most of you have discussed this issue with Senator Haberman or myself or a representative of the state colleges and I think you are familiar with the proposal. We are talking about a

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commitment and I hope a long term commitment to build a facility at Chadron of approximately five million dollars in cost. So when you vote for the \$146,000 that Senator Haberman is talking about you are voting hopefully for that commitment because it would of course be very unwise of us to spend \$150,000 or \$146,000 in planning and not carry through with the construction. Most of you I am sure believed that Chadron is a college which does need a facility of this nature. I think the facility is justified on the basis of information that you have received in the past as far as the student usage of the current facilities, the over crowding of existing facilities on the campus at Chadron as well as the increased enrollment in physical education and health related programs on the campus. There is an additional need that I think justifies this particular facility on the campus at Chadron State College. As you know half of the student activity center at Chadron State College has had to be closed in the past because that building is collapsing. So they have had to vacate what appears to be a very excellent facility and that facility will eventually have to be demolished. Rather than rebuild that facility it is less expensive for us to incorporate some of the activities that were once carried on in the activity center and the student center into the current proposal in the activity center. So this does go to take care of some of the problems that resulted from the sinking of that building on the campus at Chadron State College. I guess there is not a great deal more that I can say other than to urge you to support the appropriation of \$146,000. I would like to also point out again that the state colleges did refrain from spending \$95,000 that was already appropriated to them once. The \$95,000 that the Appropriations Committee chose to snatch back from the state colleges and return to the capital construction fund. So I urge you to support the \$146,000 total appropriation this year and the later phases of the project which will be in excess of five million dollars in the future. Thank you for your attention and I hope that we can vote on this issue successfully today.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, just briefly because the hour is late, being from the west of course I am expected to support this measure. I am hearing words of like commitment and so forth and I say commitment to what? To education? No, not necessarily. Commitment to build a building, or to build buildings.

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Now a big adieu has been made about not spending \$95,000 for a track. We have a track up there don't we? Sure we do. We need another building to have. . . .another building to play in, we have a building to play in. We have a building that needs repairing why don't we do that first. I think it is a time to zero in on education, not building more buildings. This building would be somewhere in the neighborhood of half the size of the sports center I would assume since it is about half the price of it, it cost \$800,000 to open the doors on the sports center which is a little bit different than having a sports center in Chadron, Nebraska because of the number of people using it and the number of people coming to the events in it could not possibly be nearly self supporting. I understand that we have traded enough votes among the various state colleges that this will probably pass anyway and I think that I am blowing into the wind, but I still think we should look at our priorities where the money really counts or whether we are building buildings as something beautiful that this legislature did.

SENATOR CLARK: Senator DeCamp.

SENATOR DE CAMP: Question.

SENATOR CLARK: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye all those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 26 ayes, 1 nay to cease debate Mr. President.

SENATOR CLARK: Debate has ceased. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the legislature, I will just make two or three comments and we will vote and go home. This was in the Governor's budget, for what it is worth. Also this would amount to \$30 a student of cigarette tax money. I don't feel a bit bad about spending that money for students. Senator Nichol you can't compare this to the Devaney Center here, that was built what ten years ago and inflation has taken care of that so that is no comparison. So I do ask you to vote for the \$140,000. Thank you Mr. President.

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SENATOR CLARK: All those in favor of the Haberman amendment vote aye, all those opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 25 ayes, 16 nays Mr. President on the adoption of the Haberman amendment.

SENATOR CLARK: Motion carries, the amendment is adopted. Nex amendment.

CLERK: Mr. President, Senator Haberman moves to amend..... excuse me.

SENATOR CLARK: It is withdrawn.

CLERK: Senators Kahle, Lamb and Schmit move to amend Mr. President and that is found on page 1672 of the Journal.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Would the Clerk please read the amendment?

CLERK: Read the amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I don't know exactly where we are at since the last amendment passed, perhaps Senator Warner can enlighten us but found out that the money that is in LB 245 or the Vet School bill is cigarette tax money. If we do not change the funding around we will find ourselves not having this amount of cigarette tax money left and 245 would have to be brought back for a specific amendment. I know the Speaker warned us last week and before that we should avoid trying to bring bills back. So I thought and the other people that signed the bill and many others in this body that signed the amendment that now would be the time to get it straightened out while 562 is before us. So on page 11, section 22 of LB 562 there is a provision for the funding of the building renewal task force. Over 3½ million will be appropriated from both the state building fund and the Nebraska capital construction fund. This amendment proposes that on line 25, \$1,166,125 be stricken and insert \$2,466,125 in its place. The additional 1.3 million will

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come from the state building fund and then in line 26 strike 2.6 million and insert 1.3 million from the Nebraska construction fund. This will free the 1.3 million necessary to fund LB 245 which is currently on Final Reading. This amendment is necessary in order that LB 245 will be adequately funded before the Nebraska capital construction fund is completely appropriated. This amendment will also not raise the total budget but is merely switching funds from one area to the other. . As most of you know or all of you know LB 245 passed General File quite easily, it passed Select File I believe with 27 votes without a Call of the House so we assume that it has some strength. So I thought it would be wrong to let this funding go through as it now is, the cigarette tax money is completely used up and this would necessitate of course bringing 245 back and changing the funding for it, which would be another step that would not be necessary if we handle it today. I would hope that you would go along with this, we certainly know that we will have a battle when 245 comes before the body on Final Reading, we are not trying to circumvent that today but I do think that we should straighten out the funding problem here and now and not cobble it up or cause the bill to have undue problems on Final Reading. With that I move the adoption of my amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: (no response)

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, to I guess give my explanation, normally for as long as I have known, since cigarette tax was established and the 5¢ was put on what we call the Nebraska capital construction fund. The receipts that were available after the debt service for those buildings that the tax was originally put on for, after that debt service was funded, the balance of what was raised has automatically been used for whatever authorized capital construction projects that came out of the committee before we begin to use straight General Fund money. It wasn't....because anything magic about the cigarette tax, it was just the simple fact that those funds that are collected are put into that fund and ought to be expended before you begin to use general fund money. So

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the bill 562 as it came from committee followed that practice that has always existed to my knowledge. The problem apparently is that for whatever reason 245A was also funded from the Nebraska capital construction fund or the cigarette 5¢ and I guess again because some how or other that...something magical about cigarette tax is not tax money or something. If you adopt the amendment and 245A passes, there is no problem. If on the other hand you adopt the amendment and 245A does not pass then you will have a million three of the cigarette tax that will be unexpended or will require some kind of action somewhere on some A bill to try and reappropriate those funds in lieu of General Fund money. So that the body understands the impact of the amendment we have already substantially gone over what the guidelines of that the committee adopted as a recommendation to this body for total expenditure so maybe that argument doesn't make any difference any more. But, what you do need to understand that there will be some problems in the million three that will be tied up in the event 245A does not....is not enacted. There were possible ways to have drafted amendments for 562 and also for 245A that made them technically correct that would allow for whatever happened but I understand that was not a desired route to go and the preferable route by those who are supporting the amendment was to go the way that is being offered. The impact of it is zero if 245A is enacted we have a million three problem that is not insurmountable but will require some other adjustments if 245A does not pass. So with that explanation that is all that I have to say Mr. President.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I wonder if Senator Kahle would yield to just a brief question.

SPEAKER MARVEL: Senator Kahle.

SENATOR HOAGLAND: Senator Kahle there is about 1.4 million dollars involved in this appropriation, is that correct?

SENATOR KAHLE: 1.3 is what we are talking about in this amendment.

SENATOR HOAGLAND: 1.3? Now is it the intent of the people that are proponents to the vet college to actually spend that money in this next fiscal year?

SENATOR KAHLE: No sir.

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SENATOR HOAGLAND: Excuse me, no?

SENATOR KAHLE: We are not intending to spend it.

SENATOR HOAGLAND: If you were to spend it, what would it be spend for?

SENATOR KAHLE: It will not be spend until the other criteria of the bill are met.

SENATOR HOAGLAND: Well what are the purposes of appropriating it and setting it aside if it is not going to be spend?

SENATOR KAHLE: It needs to be there to show our earnest desire and our earnest commitment that we are serious about building a vet school. When the other criteria are met it will be spend for the vet school.

SENATOR HOAGLAND: Are there any guarantees in the statute that it won't be spent?

SENATOR KAHLE: There are none in the statutes. We have several others and there will be some made when the bill comes up that I hope will satisfy your problem with the bill. I hoped today that we would not be getting into 245, when that time comes we hope to allay your suspicions and all of the things that you are worried about whether it be a letter from the Board of Regents, whether it be a letter from the President of the University, whether it be a statement by any or all of those, it will put it right in the bill. We don't know exactly yet what will happen. But it is not our intent to spend the money but we have to have an appropriation and a commitment before we can go to Washington and try to get the funds.

SENATOR HOAGLAND: Let me ask one final question. If it is not your intent to spend it until these additional conditions are met, would you object to putting those conditions into the measure?

SENATOR KAHLE: Well I think that is an issue that we should take up when the bill comes up. Today we are talking about the overall funding of that and we need the 1.3 million no matter how you look at it.

SENATOR HOAGLAND: Okay, thank you Senator Kahle. Members of the body, I for reasons that are perhaps obvious to all of you I would oppose appropriating 1.3 or 1.4 million

dollars and setting it aside when it could be used for some other purpose if it is not the intent of the proponents of the vet college to spend it in the first instance. I....maybe Senator Warner and others on the Appropriations Committee could address the significance of setting money aside and not spending it. It seems to me that it really didn't make any sense to appropriate money if we are not going to spend it. Secondly, if eventually we are not going to spend it until certain conditions are met. It doesn't seem to me to make any sense not to write those conditions into the statute. In other words, unless those conditions are written into the statute, as I read the appropriation bills and again Senator Warner and others can correct me if I am wrong, there would be nothing to prevent the Board of Regents from taking that money and spending it. Now maybe I am missing something or maybe I am simple minded about this thing but I just don't think that it makes any sense for us to appropriate money we don't intend to spend. If we are going to wait for certain conditions to take place well lets state those conditions in the statute.....in the proposal. I'm kind of mystified by this whole process. Thank you Mr. Speaker.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President and members of the Legislature, in response to Senator Hoagland's questions there is a possibility the money will be spent if the other conditions are met which involves the federal funding, involves the participation of other states. So to say categorically that the money will not be spent is not exactly true, but the money, we have pledged that the money will not be spent until the other conditions are met. To get back to the amendment, this amendment as Senator Kahle has explained is not spending money per se, it is transferring it from one pocket to the other so that the Final Reading version of LB 245A will not have to be changed and as Senator Warner has explained as the bill is written it does use cigarette tax money this is merely transferring the money around in LB 562 so that that cigarette tax money is available for the veterinary college should the bill pass.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Am I closing?

SPEAKER MARVEL: Senator Kahle is closing on the motion.

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SENATOR KAHLE: Mr. Speaker, members, at 5:16 in the evening it may be difficult to get the necessary votes, I do not know, but we are committed to this so we are going to plead with you to make this change in 562 in order that things will go smoothly, at least in our estimation, on 245. If you don't like 245 you are certainly going to have a chance to vote against it before the smoke all clears. But it would be foolish of us to sit here and let this happen and find out that we could have handled it much easier and Senator Warner has explained it exactly right and I'm not not...he and I have talked about this many times, several times in the last few days and I know exactly how he feels and I'm sure he knows how I feel about it and how the rest of us who are supporting 245 feel. So I would hope that you would give us this one more chance, we have asked for chances before because we know we have a long shot on our hands and we certainly would like to have the chance to try 245 unencumbered with the funding in place and I'm sure that the question that Senator Hoagland has will always be one that is with us, which comes first, the chicken or the egg, but we hope that we can convince everybody that we are on the up and up with this and that we sincerely desire to have a fair chance and that we have not given up on federal funds. I have had a talk with Congressman Bereuter about it the last few days and I don't believe that that is futile at all that we have a chance of perhaps getting those funds. If we do have a chance to get them we are going to have one of the cheapest veterinary schools in the country as far as Nebraska money is concerned. So I urge you to adopt the amendment that Senator Schmit and Senator Lamb and myself have brought before you. I see Senator Schmit has come back, would you like to have part of my closing time?

SENATOR SCHMIT: Senator Kahle has said and Senator Lamb that we have the necessity for the funds in this manner. We are not going to be doing anything that everyone isn't aware of. We believe that the system is ready to go. We think that we ought to have it in this manner. I think that there has been a handout or two here that explains it very well and the facts are you can't spend appropriated money twice. So we need your vote on this amendment and we need it now.

SPEAKER MARVEL: The motion is the adoption of the Lamb-Kahle-Schmit amendment. All those in favor of that amendment vote aye, opposed vote no. This is the vote on the amendment. Have you all voted? Record.

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CLERK: 25 ayes, 13 nays Mr. President on the adoption of the amendment.

SPEAKER MARVEL: The motion is carried the amendment is adopted.

CLERK: Mr. President, the next motion I have is from Senator Wesely and that is to reconsider the vote on the Koch amendment to LB 562.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I and a majority of the Lincoln delegation voted not for this amendment which would have brought about half a million dollars in capital construction to Lincoln to renovate the facility for the visually impaired. I voted against this motion because I felt that we had set a policy in the Appropriations Committee against capital construction this year because of budget restraints, because we simply could not afford capital construction. I thought that was a good policy to take that it placed first and foremost the fact that we needed to provide adequate salaries for state employees, we need to maintain our good teachers at our public schools, we needed to do those sort of things first and that buildings could wait. However with the amendments which have been attached I think it is quite clear that maybe the other members of this body haven't adhered to this philosophy as closely as perhaps I wish they would have. So it seems to me that considering the fact that we were quite willing to pass by the opportunity for capital construction in Lincoln at this time it seems others were not quite so willing to sacrifice and I think perhaps considering the fact that this amendment was included in the Governor's Budget, just as the Chadron project was, the governor had recommended not only \$500,000 which is what Senator Koch recommended, but over a million dollars was recommended in the Governor's Budget, 1.2 million dollars over two years for this project. I think what Senator Koch was asking for was merely a half a million dollars to do at least part of the project. So it seems to me that we are not asking for the full loaf, we are asking for half a loaf and I think that it seems only fair that we consider the merits of that proposal because it is quite clear that the philosophy in which many of us voted against it was not particularly shared by the majority of this body so perhaps we ought to abandon it at this time and consider the different proposals on their merit. I move to reconsider the Koch amendment.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, the statement has been repeatedly made here today that by virtue of the fact that the legislature as a whole may vote to support some particular proposal or other whether it be a ten million or twenty million on state aid or ADC or whatever, dams, whatever, that somehow we are breaking the budget, increasing taxes, so on and so forth. I want to state that any ones I have voted for, that is not the case at all. What I am doing is a legislators prerogative, the floor's prerogative of prioritization. In other words, we get what we think are the most important things, we emphasize those if we want to make a change and I think that is an indication that we are simply, as I say, as a family would in their budget, they are saying we need a little more money in the gas fund because gas prices are going up. We may need a little less in the entertainment fund, but the ultimate goal may be well not to increase taxes and to remain well within the budget once we have determined what our priorities are. We make our final adjustment then on numbers. I would submit to any members of the legislature that are concerned because we voted for one amendment or another that we are declaring an intent to increase taxes or declaring an intent to break the budget. But, quite the contrary is true. We are simply utilizing an opportunity to look at the entire picture, put emphasis where we, as a whole body determine we should, and that ultimately we can easily make our final adjustment one way or another to come up with whatever numbers we know we have available for dollars and that is the policy and stance I'm taking and I want to indicate that at this time contrary to what Senator Wesely and some others are saying about we've broken the budget or busted the dam or anything else. We are simply prioritizing.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the reconsideration for the same reasons I guess that I opposed the initial bill. I can appreciate in the aftermath of what occurs there is always a thought that if one thing goes, one or two other things ought to have gone also, and there may be some logic to that, but I also believe that probably before we get all done there will be some other things that will be taken out or reduced. There isn't any doubt in my mind that when the Legislature adjourns the level of appropriation will be

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within available receipts as they now stand and available rates and I don't think that it is any point in adding more appropriations to the bill at this point because I doubt that they would stay anyway. So I think we probably have....I think the Legislature as a whole has probably done all the improvements you ought to on this...on these bills. I would hope that we do not further improve them.

SPEAKER MARVEL: The Clerk will read the motion.

CLERK: Mr. President, the motion is to reconsider the body's action in failure to adopt the Koch amendment to LB 562.

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

CLERK: 9 ayes, 14 nays on the motion to reconsider Mr. President.

SPEAKER MARVEL: Motion lost. What is the next item?

CLERK: Mr. President, the next motion I have is from Senator Newell. Read Newell amendment.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, the proposal that I offer is a very legitimate one that has been long discussed, University of Nebraska-Omaha and the purpose is to begin the process of land acquisition on the southwest side of the campus. Frankly the land that is being acquired is in the long range projected growth area and frankly the money, the request for this money has been before the appropriations committee on numerous occasions. This year the appropriations process was very tight and restrictive in terms of capital construction. There was no moneys allowed for Chadron or vet schools or any of those kinds of things that have now been put in the bill. Of this \$6000,000 is revenues for the acquisition of this land which will come some time every year there is an increase, every year there is a natural inflationary additional cost to this ground. Now I sensed earlier that this amendment was obviously going to fly since everything else had. That is why I put it up for this body's consideration. It is a capital cost that we will eventually have to come up with and I thought it was a legitimate cost

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and frankly we spend a lot of other money today and my area of the state didn't get any. But the problem that I see right this very minute is that Senator Wesely's proposal to reconsider the last meritorious program sort of broke the trend. I don't know what happened. This body may have come back to the realization that there aint that much money or something. So I'm getting nervous about this amendment, I'm not sure that I got the votes since the. . . .you know its just not rolling like it was earlier. So out of fear and desire to not be embarassed I'm going to ask unanimous consent to withdraw this but I think that it is totally unfair that we didn't get our measely \$600,000 when everybody else got so very much. There are those days however and I recognize them. I would ask unanimous consent to withdraw this amendment.

SEPAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, the next amendment that I have is offered by Senator Warner.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I offer the amendment on my own. What the amendment does is the previous Kahle amendment is so worded that in the event the capital construction money, a million three in LB 245A should that portion not become law that then the million three would be restored to the LB 309 money the deferred maintenance money and would remain in tact. Now I don't think that this in any way jeopardizes those who are interested in supporting 245A. But what it will do is permit the state to utilize the fund, the million three fully in the event that 245A does not....is not enacted and it means a million three less pressure on the General Fund otherwise. That is the purpose of the amendment. It doesn't change Senator Kahle's motion to 245A if enacted will be funded from the cigarette tax and it would only come into effect should that portion of the A bill not be funded. Nothing else. That is all that it does. It is not meant to create any problems for anybody on 245A. My concern is solely one that we do not place the General Fund in the position of picking up a million three in the event that that is not necessary. Senator Kahle, I don't think that this creates any problem for you.

SPEAKER MARVEL: The motion is the adoption of the Warner

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LB 562, 360

amendment. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 33 ayes, 1 nay Mr. President to adopt the Warner amendment.

SPEAKER MARVEL: Motion is carried, amendment is adopted.

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

SPEAKER MARVEL: Senator Warner, do you wish to advance the bill?

SENATOR WARNER: Sure.

SPEAKER MARVEL: Motion is to advance 562 to E & R for review. A machine vote has been requested. All those in favor vote aye, opposed vote no. Have you all voted? Clerk will record the vote.

CLERK: 30 ayes, 6 nays Mr. President on the motion to advance the bill.

SPEAKER MARVEL: Okay, the motion is carried, the bill is advanced.

CLERK: Mr. President, I have an explanation of vote from Senator Marvel and Senator Schmit would like to print amendments to LB 360 in the Journal. That is all that I have.

SPEAKER MARVEL: Senator Landis, do you want to recess us until tomorrow at 9:00 a.m.

SENATOR LANDIS: I move we recess until tomorrow at 9:00 a.m.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried we are recessed...we are adjourned. The Legislature is adjourned until Tuesday, May 5, 1981 at 9:00 in the morning.

EDITED BY:

  
Mary A. (Turner)

May 5, 1981

LB 209, 557-562

CLERK: 14 ayes, 17 nays, Mr. President, on adoption of the Hoagland amendment.

SENATOR CLARK: The amendment failed. Senator Haberman, would you like to recess us until one-thirty right after the Clerk reads something in.

CLERK: Senator, excuse me, if I may. Mr. President, I have amendments from Senator DeCamp to LB 557, 558, 559, 560, 561 and 562 to be printed in the Journal. (See pages 1756-1757 of the Legislative Journal.)

Urban Affairs Committee will have an executive session at 11:00 a.m. underneath the North balcony on Thursday, Mr. President.

Mr. President, the Miscellaneous Subjects Committee will meet in executive session in Room 2102 at noon today. Public Works Committee will meet underneath the North balcony right after recess at noon. That is signed by Senator Kremer. That is all that I have, Mr. President.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, I move to recess until one-thirty this afternoon.

SENATOR CLARK: You have all heard the motion. All those in favor say aye, opposed no. We are recessed until one-thirty.

Edited by Arleen McCrory.  
Arleen McCrory

May 5, 1981

LB 70, 163, 172, 184, 242, 250,  
285, 302, 310, 324, 369, 375, 494,  
497, 527, 557, 558, 559, 560, 561, 562.

aye, opposed vote no. Have you all voted? Senator Burrows.

SENATOR BURROWS: I would like a Call of the House and a roll call vote.

SPEAKER MARVEL: The first motion is, shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 16 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The Legislature is under Call. Please return to your seats. Record your presence. Senator Burrows, do you want to record....Senator Kahle, Senator Hefner, Senator Goodrich, Senator Wagner, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch, Senator Labedz, Senator Higgins. While we are waiting, under the north balcony Mr. Jack Fletcher and his son, Monte, Jack is a former resident of Lincoln County, Nebraska, and now lives in Upland, California, and they are guests and friends of Myron Rumery. And from Senator Remmers' District, 14 students from Tablerock, Nebraska, Mrs. Griffith, teacher. Should be in the north balcony. Are they?

CLERK: Mr. President, while we are waiting, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 163 and find the same correctly engrossed, 557, 558, 559 and 560, 561, 562, all correctly engrossed. (Signed) Senator Kilgarin. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 242 and recommend that same be placed on Select File, 494 Select File with amendments, 369 Select File, 310 Select File with amendments, 497 Select File with amendments, 250 Select File, 302 Select File with amendments, 70 Select File with amendments, 285 Select File with amendments, 324 Select File with amendments. (See pages 1771 through 1773 of the Legislative Journal.) Mr. President, Senator Schmit, Kremer, Chronister and VonMinden move to place LB 375 and 377 on General File pursuant to Rule 3, Section 18(b). Senator Carsten would like to print amendments to LB 172, and Senator Lamb to LB 285. (See pages 1769 through 1771 of the Legislative Journal.)

SPEAKER MARVEL: Senator Labedz, Senator Higgins, Senator Chambers, Senator Goodrich. Senator Burrows, do you want to start the roll call? We have four that still are unaccounted for.

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LB 389, 561, 562

Harms, teacher. Would they wave to us here in the balcony. Welcome to the Nebraska Unicameral Legislature. The next bill on Final Reading then, Mr. Clerk, is LB 561.

CLERK: (Read LB 561 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 561 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1821 and 1822 of the Legislative Journal.) 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 561 passes with the emergency clause attached. Before we go to the last bill on Final Reading this morning, the Chair takes great pleasure in introducing a guest of Senator Von Minden, Pia Sibbern Sarsen, a guest from Denmark. They are under the south balcony I think. Senator Von Minden, would you have your guest step out and be recognized? Welcome to the Nebraska Legislature. The last bill on Final Reading this morning is LB 562, Mr. Clerk.

CLERK: (Read LB 562 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 562 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1822 and 1823 of the Legislative Journal.) 44 ayes, 2 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 562 passes with the emergency clause attached. And that will conclude Final Reading today. The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I want to thank the Legislature for their cooperation in moving over another hurdle and I hope we can continue this way. But you have done a fine job and I wanted to tell you so.

PRESIDENT: All right, Mr. Clerk, I suppose you have some things you would like to...you don't have anything. All right, we will go on then with the agenda item #5, Select File, commencing with LB 389.

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LR 117, 118  
LB 160, 161, 163, 232, 557,  
LB 389, 558, 559, 560, 561,  
562

be reviewed before anybody would receive any assistance under this program to ensure that some existing program can't take care of their needs. So all it is is an amendment to add educational programs to that other list to make sure that we don't provide assistance that can't otherwise be provided.

SPEAKER MARVEL: All those in favor of the adoption of the Wesely amendment, or the...yes, it's the Wesely amendment, isn't it....Wesely-Schmit amendment vote aye, opposed vote no. While we are waiting for your vote, from Senator Lowell Johnson's area it is my privilege to recognize thirty-five 7th and 8th Graders from Trinity Lutheran School, Fremont, Nebraska, four teachers and Harold Bergt, in the north balcony. Will you hold up your hands so we can see where you are and welcome you to the Unicameral. From Senator Fenger's District ninety-seven 4th Graders, Belleaire School, Bellevue, Nebraska, Myrtle Bailey, Marge Mosier, Connie Franklin and Ray Nesbitt teachers, in the north balcony. Where are you located, please? Welcome to the Unicameral. And from Senator Beyer's District four Sophomores from Papillion High School, Corey Swanson, Laurie Thompson, Kathy Gothier and Michelle Buchard, all from Papillion, and they are a part of the American Political Behavior Class. Are you still up there? Okay. The record will indicate they were here. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Wesely-Schmit amendment.

Mr. President, if I may before we proceed to the next amendments, Senator Dworak would like to offer explanation of votes. I have study resolutions from Senator Vickers, LR 117. The purpose of this study is to examine irrigation development in the Sandhills region of Nebraska. (See page 1824 of the Legislative Journal.) LR 118, by Senator Hoagland. The purpose of the resolution is to study the adequacy of existing laws in Nebraska regulating the sale and possession on handguns. (See page 1825 of the Legislative Journal.) That will be...both referred to the Executive Board, Mr. President.

Mr. President, budget bills are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 160, 161, 163, 232, 557, 558, 559, 560, 561 and 562.

CLERK: Mr. President, the next amendment I have to LB 389 is offered by Senator Maresh. (Read the Maresh amendment

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LB 412, 160, 161, 163, 232,  
557, 558, 559, 560, 562

are related and as the interest rate goes up, unless you are going to drive up the price of land even higher, the interest rate goes up then the period of time which is set necessarily must be reduced. For that reason I move the three year provision.

SENATOR CLARK: Being that I was told to close at four o'clock, it is now eight minutes after four, we still have to read the Governor's message, we are going to break off right here and read the Governor's message. Then we will adjourn for the day.

CLERK: Mr. President, I have a series of things. The first obviously is the Message from the Governor addressed to Dear Mr. President and Senators: (Read letter as it appears on pages 2006-2008 of the Legislative Journal).

Mr. President, in conjunction with that I have a letter addressed to the Clerk, from the Governor, Engrossed Legislative Bills 160, 161, 163, 232, 557, 558, 559, 560 and 562 were received in my office on May 7th. These bills were signed by me on May 13th and delivered to the Secretary of State. Sincerely, (signed) Charles Thone, Governor.

Mr. President, Senator Wagner would like to print amendments to LB 302 in the Legislative Journal.

Your Enrolling Clerk has presented for the Governor his approval of bills that were read on Final Reading today, Mr. President.

SENATOR CLARK: Senator Remmers, would you like to adjourn us until 9:00 a.m., tomorrow morning.

SENATOR REMMERS: Mr. Speaker, I move we adjourn until 9:00 a.m. Thursday morning.

SENATOR CLARK: You heard the motion. All in favor say aye, opposed, we are adjourned until 9:00 a.m., tomorrow morning.

Edited by L. M. Benischek  
L. M. Benischek