

January 9, 1981

PRESIDENT: Will there be further discussion on LR 1. Senator Landis, you may close. No close, all right. The question before the House is the adoption of LR 1 found on page 82 of the Journal. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote, Mr. Clerk.

CLERK: 30 ayes, 1 nay on adoption of the resolution, Mr. President.

PRESIDENT: The motion carries. The resolution, LR 1, is adopted. Anything further, Mr. Clerk, before we ...?

CLERK: Mr. President, yes, sir, I have a new resolution offered by Senators Goll and DeCamp. (Read LR 2 as found on pages 96-97 of the Legislative Journal.) Mr. President, pursuant to our rules, that resolution will be laid over.

PRESIDENT: We are ready then for the introduction of new bills. I would hope that all of you who have bills ready for introduction will get them up to the Clerk's desk so that we can expedite the reading in and introduction of new bills. Proceed, Mr. Clerk, with the reading of the new bills.

CLERK: Read LB 52-60 by title for the first time as found on pages 97-98.

Mr. President, if I could interrupt for just a moment, Senator Landis would like to have a meeting of the Urban Affairs Committee underneath the North balcony now for purposes of organizing, Urban Affairs Committee under the North balcony right now, Mr. President.

Read LB 61-65 by title for the first time as found on page 99 of the Legislative Journal.

Mr. President, Senator Lamb would like to have the Reference Committee of the Executive Board meet underneath the North balcony right now, that is Executive Board underneath the North balcony.

Read LB 66-67 as found on pages 99-100 of the Legislative Journal.

Mr. President, the Reference Committee would like to meet in the area where Senator Lamb is standing for purposes of referencing bills, Reference Committee over in the area where Senator Lamb is.

Read LB 68 by title for the first time as found on page 100 of the Legislative Journal.

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LB 9, 34, 59, 69, 206,  
206A, 308, 331

(Recorder malfunctioned. Following are the proceedings taken from the Journal.)

SPEAKER MARVEL PRESIDING

G. BRUCE CURRIER: Prayer offered.

ROLL CALL

CORRECTIONS FOR THE JOURNAL

MESSAGES, REPORTS, ANNOUNCEMENTS: LB 331 placed on General File as amended. (See pages 746-747 of the Journal.)

Message from the Governor. (See page 747.)

Executive Board report. (See pages 747-748.)

Attorney General's opinions re LB 59, LB 308, LB 69 as found on pages 748-752.

Speaker Marvel signed LE 206 and LB 206A.

FINAL READING: LB 9 read and passed on Final Reading. Final vote 33 ayes, 12 nays as found on pages 752-753 of the Journal.

Senator DeCamp moved to return LB 34 to Select File for a specific amendment.

Senator DeCamp asked unanimous consent to withdraw his motion.

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LB 12, 59, 74, 168, 177,  
284, 352, 392, 501

use of the parks and actually result in a net gain but whether it did that or not, I think the parks should be accessible to everybody and this would ensure that that would occur. So the amendment would strike the new language in the bill which raises this temporary fee from \$1.50 to \$3.00 and have the effect of reducing the current amount from \$1.50 to \$.50 and if you take this amendment, I will support the bill for sure.

SENATOR CLARK: I think we are going to stop right here. Senator Remmers, would you like to adjourn us until tomorrow morning at nine o'clock? We have something to read in first.

CLERK: Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports that LB 501 is reported to General File and LB 392 to General File with amendments, (Signed) Senator Landis. (See page 761 of the Legislative Journal.)

Mr. President, your committee on Revenue whose chairman is Senator Carsten reports LB 12 to General File; LB 352 to General File; LB 59 to General File with amendments; LB 168 to General File with amendments; LB 284 to General File with amendments; LB 177 indefinitely postponed. (Signed) Senator Carsten as Chair. (See pages 762-766 of the Legislative Journal.)

Mr. President, your committee on Miscellaneous Subjects give notice of hearing for gubernatorial appointments.

Mr. President, Senator DeCamp would like to have a meeting of the Banking Committee in Executive Session at 1:00 p.m. today in his office, 1:00 p.m.

SENATOR CLARK: Senator Remmers.

SENATOR REMMERS: Mr. Chairman, I move the body adjourn until March 6, Friday morning at nine o'clock.

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

Edited by Arleen McCrory  
Arleen McCrory

March 26, 1981

LB 59, 61, 88, 256,  
284, 438.

CLERK: Mr. President, if I may, your Committee on Revenue reports LB 61 indefinitely postponed, 88 indefinitely postponed, 256 indefinitely postponed, 438 indefinitely postponed. (Signed) Senator Carsten, Chair.

Mr. President, Senator DeCamp would like to print amendments to LB 284 in the Journal. (See pages 1152 through 1154 of the Journal.)

SPEAKER MARVEL: We go back to General File, priority bills. The first one is LB 59.

CLERK: Mr. President, LB 59 was introduced by Senator Carsten. (Read title.) The bill was read on January 9 and referred to the Revenue Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Revenue Committee, Mr. President.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendments. The three committee amendments that we did add, number one provides for an appeal to the County Board of Equalization. The second one provides that rules and regulation authority be given to the Department of Revenue, and the third was to add the emergency clause. These are really just amendments that follow the normal procedure on the assessment and taxation procedures as we have them in other areas. I move for the adoption of these amendments.

SPEAKER MARVEL: Senator Haberman, do you wish to speak to the amendments? Senator Higgins, do you wish to speak to the amendments? The motion is the adoption of the committee amendments as explained by Senator Carsten. All those in favor vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Senator Carsten, do you wish to explain the bill?

SENATOR CARSTEN: Mr. President and members of the Legislature, LB 59 has been a...is the result of some concerns and discussion that has taken place over a period

of several years now and it developed basically when land changed hands and the mineral rights were withheld from the sale of that land, and that is what this bill deals with is at the time of severance the mineral rights from the ground. The bill is really necessary because of a court decision that was finally made, Svoboda versus Weiler, and the decision was on March 25, 1980. As a result there has been an enormous amount of time and money spent to clarify and define and declare the owners under the circumstances that were involved. Hopefully and believably this will help to alleviate those problems that are arising when the sale of land does occur. Now, what happens with this bill is that either the owner of the surface estate or the owner of the mineral rights may file a request with the County Assessor that the mineral interest be separately listed. And in that case then they are listed separately and are assessed separately. Now this bill is adapted after a bill that has been in operation in Colorado. It is not word for word but with some additions and subtractions from that bill in Colorado, we believe that it is workable in Nebraska. I believe that generally explains the bill. It is one that is really needed and particularly out in the areas of Western Nebraska even though it does affect some areas even in the eastern part of the state. You will note from the committee's statement, and I want to point this out to you, there was one opponent to the bill when we held the hearing, a lady by the name of Marilyn Roach. She appeared in opposition to the bill. She did not fully understand the bill and after she had left and visited with some other people, she wrote us a letter and said that she would like for us to know that she now understood the bill and was not in opposition to it. So in reality there was no opposition to the bill and it was supported by Senator Haberman from whose area much of these problems exist, Mr. Jack Mills from the Association of County Officials, Norm Weiler, the Keith County Assessor, who has had these problems out in his county, Vince Brown from the Petroleum Council, Dave Pierson, from the Nebraska Real Estate Association, and Richard Goodding from the Nebraska Farm Bureau Federation. Now it was a mutual or a combined effort of the county officials, the Department of Revenue and our own Revenue Committee staff that put this bill together that is really needed to help iron out some of these problems that have existed and will continue to exist. I move, Mr. President, that LB 59 as amended be advanced.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature,

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LB 59

I rise to support the advancement of this bill. As I can testify from personal knowledge that it will cost one county, and you guessed right, the county is in my district, hundreds and hundreds of thousands of dollars if we do not pass this bill. And the bill is noncontroversial. The legislation is permissive. Kansas has the same type of a bill, as Senator Carsten said, so does Colorado. So I would ask that you do support this and we move the bill on as quickly as possible. Thank you, Mr. President.

SPEAKER MARVEL: Senator Vickers, do you wish to speak to the motion?

SENATOR VICKERS: Mr. Speaker and members, I would like... I wonder if Senator Carsten would respond to a question, please.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: I will try to, Senator Vickers.

SENATOR VICKERS: Senator Carsten, in order for me to more clearly understand the intent of LB 59, would it be fair to say that part of the reason for LB 59 is to shift somewhat the burden onto the landowner or the owner of the mineral rights that have been severed from the land to keep track of the amounts as opposed to the county assessor? Would that be fair to say? At the present time the county assessor is the one that is supposed to determine where those dollars...where those amounts have gone.

SENATOR CARSTEN: Yes, and it is the intent that it would be on a cooperative basis. It would be the mineral right or the landowner in cooperation, yes, with the assessor, right.

SENATOR VICKERS: So that right now, if I understand it correctly, right now the burden is on the county assessor to determine how much has been severed and where and so forth. Is that right?

SENATOR CARSTEN: Yes, that is correct.

SENATOR VICKERS: Okay, thank you. I rise to also support LB 59 since part of my district is in the area of the State of Nebraska that has a considerable amount of oil in it, unfortunately not in the immediate area where I live, however. But I think this is an important piece of

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LB 168, 59

legislation and commend Senator Carsten for bringing it to us, and urge the body's adoption of LB 59.

SPEAKER MARVEL: Senator Clark, do you wish to be recognized?

SENATOR CLARK: Thank you, Mr. Chairman. I would also support this bill. This is probably the only way you are going to clean up some of that mess that you have out there on titles. The titles are now clouded by the fact that they can't find these people. It will be a way that they can clear these taxes off of there and the landowner can get those minerals back and finally have a clear title to go ahead and drill. Most of these oil companies will not drill unless they have a clear title. They could go ahead and drill and they could put the money into escrow, that part that they can't find. But that is a mess to have to do that. So I think this bill is a good bill and it ought to go across. Thank you.

SPEAKER MARVEL: Senator Carsten, do you want to close? Okay, the motion is to advance the bill as amended to E & R. All those in favor vote aye, opposed vote no. LB 59. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. What is the next one, Patrick?

CLERK: Mr. President, the next bill is LB 168, and it is introduced by the Revenue Committee and signed by its members. (Read title.) The bill was read on January 14 of this year. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Revenue Committee.

SENATOR CARSTEN: Mr. President and members of the Legislature, LB 168 is another bill that has been brought to us because of a court decision, Gates versus Howell, in the taxation of mobile homes, and the original procedure was declared unconstitutional. Thus we have this bill before us which was brought to us by the Department of Revenue. And I move for the adoption of the committee amendments, Mr. President. Basically, the amendments are quite extensive but they are technical for the very reason that there are several areas in the statutes that relate to this that had to be corrected. It does not...

March 30, 1981

LB 59, 168, 168A,  
258, 292, 384

Wittala, Senator Warner, Senator Cope, Senator Wesely, Senator Schmit, Senator Beutler, Senator Vard Johnson, Senator Sieck, Senator Lowell Johnson, Senator Peterson, Senator Dworak, Senator Chronister, Senator Chambers. Senator Wesely, Senator Chambers. Will all legislators please take your seats so we can proceed? Senator Cullan, shall we proceed? Do you want a roll call vote?

CLERK: (Roll call vote taken. See page 1194, Legislative Journal.) 24 ayes, 21 nays on the motion to indefinitely postpone, Mr. President.

SPEAKER MARVEL: Okay, the bill is deceased. The Call is raised.

CLERK: Mr. President, while we are waiting, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 384 and recommend that same be placed on Select File; LB 59, Select File, 168, Select File and LB 168A, Select File. (Signed) Senator Kilgarin, Chair. (See pages 1195 and 1196 of the Legislative Journal.)

SPEAKER MARVEL: The next order of business is LB 292.

CLERK: Mr. President, LB 292 was a bill introduced by Senators Maresh, DeCamp and Kilgarin. (Read title.) The bill was first read on January 19. It was referred to the Government Committee. The bill was advanced to General File and I do have committee amendments pending by the Government Committee, Mr. President.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. President and members, the committee amendments are basically the bill now, and, of course, the bill was heard before the Government, Military and Veterans Affairs Committee on February the 12th. If you look in your bill book, you will see the procedure that was taken. This is a forms management bill and, of course, in order to explain the amendment I almost have to explain the bill, and I am sure that those that introduced it will be a little bit more informed than myself. But it seems that we have a great number of forms in the procedure of state government. And I think you have all heard complaints over the years that, my gosh, how many forms do we have and how many do we have to fill out to get something done? In our education system, in our... anything that you do in the State of Nebraska or perhaps anywhere else for that matter, you have an enormous amount

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LB 59, 168

CLERK: LB 59 and there are E & R amendments to the bill.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 59.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendments to LB 59 are adopted.

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move LB 59 be advanced to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. Before we proceed, it is my privilege to introduce from Senator DeCamp's district 9 students, 8th graders and three adults from St. Michaels, Albion, Nebraska, and Mrs. Eileen Redler is the teacher. Will you hold up your hands so we can see where you are? Welcome you. 168, right?

CLERK: Mr. President, yes, 168, there are E & R amendments, Senator.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 168.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted.

CLERK: Mr. President, I have a motion from Senator Carsten. The amendment is found on page 1186 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of these amendments. The amendments are this and I will read them as they are in the book. (Read amendment as found on page 1186 of the Legislative Journal.) Now an explanation of these amendments, and we talked about these the other day, and Senator Higgins raised a question and a legitimate one and one that we felt that we needed to address and so we did prepare these amendments. The first one of course is a requirement that owners of mobile home parks report to the county assessor

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LB 436, 59

with that institution for a long time. I can't believe we are going to do this because if we do then we should make it applicable in every other case where people are in the practice of hiring for some position. I oppose the bill.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, very briefly, there was another point that I think needs to be made on this that I failed to make earlier. I think the members of this body need to be aware as to what, exactly what they are doing and among that, among what we are doing with this is this would be the first state, in my information that I have, no other state has state origin as part of their hiring discrimination practice. So if we want to be the first state and the only state to include that, then I guess you go ahead and vote for LB 436 but I don't think that is a good practice and I, again, bring it to this body's attention that what we are doing is a very serious, a very serious matter. I oppose the advancement of LB 436.

SPEAKER MARVEL: Senator Rumery, do you wish to close? Do you wish to close, Senator Rumery?

SENATOR RUMERY: Mr. President and members of the Legislature, I simply again point out that this adds another phrase to the discriminatory provisions in law already and I would like to answer the problem of inbreeding, and this particular department that I happen to know about, they haven't added a Nebraska graduate since 1973. I fail to see how there would be any inbreeding with that few people on the staff. Mr. President, I move the advancement of the bill.

SPEAKER MARVEL: Okay, Senator Rumery was closing. The motion is the advancement of LB 436. All those in favor vote aye, opposed vote no.

SENATOR KAHLE PRESIDING

SENATOR KAHLE: Please vote. Please vote. Senator Rumery, what do you want to do with it? Record.

CLERK: 6 ayes, 20 nays on the motion to advance the bill, Mr. President.

SENATOR KAHLE: The bill lost. The next bill is LB 241.

CLERK: Mr. President, if I may, right before that, your committee on Enrollment and Review respectfully reports they have carefully examined LB 59 and find the same correctly

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LB 59, 167, 168, 168A,  
329, 333, 483, 241

engrossed; 167, 168 and 168A, 329, 333 and 483 all correctly engrossed. (Signed) Senator Kilgarrin, Chair.

Mr. President, LB 241 was introduced by Senator Don Wesely and Senator Haberman. (Read title). The bill was first read on January 16. It was referred to Urban Affairs for public hearing. The bill was advanced to General File. There are committee amendments pending by the Urban Affairs Committee, Mr. President.

SENATOR KAHLE: Senator Landis, will you give us the committee amendments?

SENATOR LANDIS: Mr. Speaker, members of the Legislature, LB 241 is the sign bill. It is the death struggle between the City of Lincoln and various members of the outdoor advertising industry. It is the Roy Mehmken Memorial Scholarship Fund bill and this bill came through the Urban Affairs Committee. The committee heard the bill and took proponents and opponents which you will find listed in the committee statement. At the conclusion of the hearing, the committee made some alterations, struck some language from the bill, striking lines 10 through 12 on page 2 and indicated a formula to describe what full economic value was and that language appears in the committee amendment, in the first ten lines of the committee amendment. The addition of the words "a legally erected" sign was for the purpose of clarification and, lastly, there is with the striking of some language that appears on page 3 and on page 4, by striking some of the new language the committee intends to create in effect a grandfathering mechanism so that signs which are now unconflicting uses may continue to be unconflicting uses or at the city's discretion, if they wish to force the taking down of a nonconforming sign that is presently legally erected that they will pay either relocation costs or the value of the formula that appears in the committee amendments. So those are the three things that the committee amendment does. It indicates clearly the formula of repayment. It adds the qualifier "a legally erected" sign, and, thirdly, by striking some of the language in the bill, it creates in effect the option of the city to keep these signs which they declare to be nonconforming uses as nonconforming uses until such time, well, in the normal course of events they would fall down or need repair, and as all of those of you who are familiar with zoning, that means that at that time you may not replace a nonconforming use but, in fact, you will have to take the sign down. That is what the committee amendments do and I would urge the adoption by the body. Let me say this, I understand there is some controversy on

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LB 17, 59

matter of equity. It will provide this body, if we act favorably on this amendment to show the public that we are concerned with the actions that we take. That we are persons of our word, that if given an opportunity to vote on an issue we feel that that right is very important and would not deprive them of that right. I ask that you support me in returning the bill to Select File to add the specific amendment.

SENATOR CLARK: The question is the return of LB 17 to Select File for the specific amendment to strike the enacting clause. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

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

SENATOR CLARK: Motion failed. Thirty-six students from Loveland Elementary School in Omaha, Nebraska; Mrs. Perry is their teacher. They are in the north balcony. Will you hold your hands up so we can see where you are. Welcome to the Legislature.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Clerk will read LB 17E.

CLERK: Read LB 17 on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 34 ayes, 12 nays, 2 excused and not voting, 1 present and not voting. Vote appears on page 1370 of the Legislative Journal.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. Clerk will read the next bill on Final Reading, LB 59E.

CLERK: Read LB 59E on Final Reading.

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. This has the emergency clause. Have you all voted? Record the vote.

CLERK: 47 ayes, 0 nays, 2 excused and not voting. Vote appears on page 1371 of the Legislative Journal.

SPEAKER MARVEL: Motion is carried with the emergency clause attached. Clerk will read on Final Reading LB 167.

CLERK: Mr. President, I have a motion on the desk. Senator Newell moves to return LB 167 for a specific amendment.

SPEAKER MARVEL: Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, is this a motion to bring it back to strike the enacting clause? I want to lay that over and try to run the amendment first. Could you read the amendment.

CLERK: Mr. President the amendment is: (Read Newell amendment as it appears on page 1371 of the Journal).

SENATOR NEWELL: Mr. President, members of the body, I... after the Hoagland amendment was adopted last week, I went back to the City of Omaha and I said what is the cost, what is the fiscal impact of this going to be and we basically looked at the bill and the City of Omaha estimated that there was going to be a significant cost and that cost would be generally covered or put into bonds and delay the...which would delay the annexation and/or the city would have to take over that annexation when it did annex SID's. The issue here is really one of the tax base and the tax base that we talked about numerous times, relationship to LB 40 and others, Omaha is losing its tax base because basically the SID mechanism and because of the fact that we can not annex these SID's until for quite awhile until their debt is paid down or nearly paid off. So basically what this amendment does is simply this. The Hoagland amendment actually, actually turns the bill around and makes and makes it in fact a tremendous benefit that the SID's not heretofore had. Basically the 12% delinquent interest rate, not 16% Senator Burrows but the 12% delinquent interest rate that the SID's pay was negotiated last year by the SID or the home builders and myself. The bill that this was that was used to raise to 16% was this bill but we held the SID's to 12% for delinquent

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LB 17, 59, 167,  
241, 249, 257

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Senator Peterson.

SENATOR H. PETERSON: Prayer offered.

PRESIDENT: Thank you, Senator. Roll call.

CLERK: Mr. President, Senator Higgins would like to be excused until she arrives, Senator Fitzgerald all day, Senator Pirsch for the day, Senators Haberman, Hoagland, Newell, VonMinden and Warner until they arrive.

PRESIDENT: Would everybody register your presence so we can get started on Final Reading. Has everyone registered your presence so we can get started with Final Reading and the Speaker would like to have a productive day so we had better get going. Senator Nichol is ready to go so why don't we all join him? Senator Labeledz, will you press your button so we can get going here. Thank you. 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: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 257 and recommend that same be placed on Select File with amendments; 249 Select File with amendments, (Signed) Senator Kilgarin.

Mr. President, LB 17, 59 and 167 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 17, LB 59 and LB 167.

CLERK: Mr. President, Senator Barrett offers explanation of vote. I have a report of registered lobbyists for the week of April 2 through April 9. (See page 1392 of the Journal.)

Senator Sieck would like to print amendments to LB 241 in the Journal and, Mr. President, new resolution, LR 55 offered by Senator DeCamp. (Read. See pages 1392-1394 of the Journal.) That will be laid over, Mr. President.

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LB 243, 17, 22A, 59, 158A,  
167, 271, 317A, 326, 483

SENATOR GOLL: Mr. Chairman, members of the Legislature, the hour is late. I have no prepared minutes but I just want to say as one who has been involved with an NRD development very closely, very personally, that I would stand in opposition to Senator Sieck's motion. I know people that are on the NRD boards, know them personally. They are fine people. They are elected by us. They do a job. They do it to the best of their ability, and though it is no time to become dramatical, when you say "eminent domain" to me, it is like running in front of that big red bull out in the pasture and no fence within a good three wood shot, and as far as I am concerned, Senator Schmit, the ratio should have been fifty percent instead of seventy-five, and I think we have got to look at this question with a lot of sincerity and purpose in our views. I am for the bill. I am against the proposed kill amendment. Eminent domain is bad. Thank you, Mr. Chairman. It is 11:58 a.m.

SENATOR CLARK: I think we are going to stop right here and we are going to continue this afternoon with priority bills on General File so we will continue with this bill, after the Clerk reads some things in, at one-thirty.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 483; Senator Kremer to LB 326.

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor LB 17, 59 and 167.

Your committee on Enrollment and Review reports LB 22A correctly engrossed; 158A correctly engrossed; 317A correctly engrossed; and 271 correctly engrossed. (Signed) Senator Kilgarin.

SENATOR CLARK: Senator Cope, would you like to recess us until one-thirty this afternoon?

SENATOR COPE: Mr. President, members, I move we recess until one-thirty.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed nay. We are recessed until one-thirty at which time we will take up General File priority bills.

Edited by Arleen McCrory  
Arleen McCrory

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April 13, 1981

LB 11, 17, 59, 132, 167,  
LB 205, 253, 253A, 284,  
LB 284A, 329, 333, 366,  
LB 483

first one now and then see how we get along.

CLERK: Mr. President, if I may, right before we go to that, your committee on Enrollment and Review respectfully reports LB 132 correctly engrossed; 253, 253A, 284, 284A, and LB 483 all correctly engrossed.

A letter from the Governor addressed to the Clerk. (Read. Re: LB 59, 167, 17 and 205. See page 1446, Legislative Journal.)

Senator Wagner would like to print amendments to LB 11.

And your Enrolling Clerk has presented to the Governor LB 329 and 333.

Mr. President, LB 366 (Read title). The bill was first read on January 19, referred to Retirement for public hearing. The bill was advanced to General File. There are committee amendments by the Retirement Committee.

SPEAKER MARVEL: Senator Fowler, do you wish to explain the committee amendments?

SENATOR FOWLER: I do. I move adoption of the committee amendments. LB 366 is a bill that deals only with police and fire in the City of Lincoln or that is cities of the primary class. The committee amendments are a compromise, a negotiated compromise, between the police, the fire and the city administration. It is acceptable to all sides and acceptable with an amendment that Senator Landis offers. The basic thrust and the reason for the agreement is that civilian employees if you want to use that term, the nonpublic safety employees, are currently being matched \$2 for every \$1 that they contribute. The city matches \$2 for every \$1 that is contributed. The city working with its actuary developed a proposal to improve the Lincoln Police and Fire system to the point that the same matching ratio would be used and that the 7% of employees salary contributed by the police and fire would be matched with a 14% of payroll contribution by the police. So these are amendments. 366, there is a companion bill, 367. That bill was killed. This integrates the proposals. It may be less than the public safety organizations initially wanted but it is something that provides equity and comparability between the systems. I would move for the adoption of the amendments.

SPEAKER MARVEL: The motion is the committee amendments to LB 366. Okay, the motion is to adopt the committee amendments. Senator Schmit, do you wish to speak to the committee amendments?