

March 29, 1982

LB 208, 408, 602A, 753,
760, 761, 953, 953A

SENATOR CLARK: No, not that I know of.

SENATOR HIGGINS: Thank you.

SENATOR CLARK: I think we will stop right here. I think Senator Wiitala...well, he already announced the vote though. He was excused. The Clerk has some things to read in.

CLERK: Mr. President, new A bill, 602A offered by Senator Cullan. (Read LB 602A title.) 953A by Senator Schmit. (Read 953A title.)

Senator Schmit would like to withdraw his name as co-introducer of an amendment to LB 760. That is Request 2842, Mr. President.

Mr. President, Senator Schmit would like to print amendments to LB 953; Senator Koch to 761; Senator Landis to 753. (See pages 1458 and 1459 of the Legislative Journal.)

Mr. President, there will be inserted in the Journal a communication to the Governor from the Clerk regarding the delivery of LB 208. (See pages 1457 and 1458 of the Journal.)

SENATOR CLARK: Senator Wiitala. Senator Wiitala. Senator Wiitala, would you like to adjourn us until tomorrow morning at nine o'clock.

SENATOR WIITALA: Yes, Mr. President. I move that we adjourn until nine o'clock, March 30th, with reluctance.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. We are adjourned. I had to check the date to be sure he hadn't set it up a day.

Edited by:

Marilyn Zank
Marilyn Zank

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gratulations to you for being recognized as the outstanding State Mother first of all, and the of course, Junior Mother of the Year, the Young Mother of the Year being such a fine attainment for recognition of all the mothers of Nebraska. Both of you are here present with your families, certainly are to be not only congratulated but you are justly proud and can be justly proud of your representing the mothers of Nebraska as I said. The strength of America lies in the stability of our families and the stability of our families depends on the kind of leadership and example shown by the mothers and fathers of America. So we here today, honor that kind of example, that kind of leadership, which makes Nebraska the good life that much better. So again, congratulations and best wishes in the year ahead. And now would the committees escort the mothers out of the Chamber. The Chair would also like to introduce under the South balcony, Charlotte Jackson, the 1981 Mother of the Year from Ralston. Where is Charlotte? Could she just step forward here...and hi there, and welcome to your Legislature, 1981 Mother of the Year. We also have, while we are introducing guests, we have in the North balcony some 13 students and teacher, Dr. Jan Vermeer, the American Government class from Nebraska Wesleyan University. Would they be recognized and welcome to your Unicameral Legislature. I believe, Mr. Clerk, that we proceed then with agenda item #6 and the first bill LB 602A, Senator Cullan... oh he is here. Senator Cullan is present so we will proceed then with LB 602A, Mr. Clerk.

CLERK: Mr. President, LB 602A is a bill introduced by Senator Cullan. (Read title.)

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the effective date of LB 602 is July of 1983 consistent with LB 522 or actually an alternative. There are two if that is necessary. The bill has a fiscal impact. At this time I believe it is two, point, some million dollars here. I'm not sure. Senator Warner had the fiscal note...the bill drafted and I believe it is \$2.3 million but I'm not sure. At any rate the bill would be effective in 1983 and it takes over the indigency care program for the State of Nebraska. I really have no further comments on it. LB 602 is on Final Reading now so with that I guess I would ask you to advance the bill.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I support advancing the bill but I guess I would comment,

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Senator Cullan, as the fiscal note shows a minimum of about \$2.3 to a maximum of \$8 plus million, I think the Department of Welfare is \$9 plus million and I think as you know the difference is the discussion of how many indigents would the state be required or could at least potentially be required to pick up under this bill or 522 for that matter that currently are not being paid for by counties but are being absorbed by the various hospitals and the medical services. But the bill as it sets is as Senator Cullan points out at \$2.3 million which does represent currently what counties are paying. At some point I would argue, barring changes in 602 or 522, what that real cost might be in the future as it is drafted though. But I would support advancing it at this time.

PRESIDENT: Any further discussion? Senator Cullan, do you wish to close on your motion to advance LB 602A? Hearing none, the motion before the House is the advance of LB 602A to E & R initial. All those in favor vote aye, opposed nay. Well, Senator Cullan, it looks like we better get the troops back in.

SENATOR CULLAN: Mr. President, could we have a Call of the House?

PRESIDENT: Yes, we just as well because it is going to be slow in coming if we don't. The motion is to have a Call of the House. All those in favor vote aye, opposed nay. We are going to have a Call of the House. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 12 ayes, 0 nays, to go under Call, Mr. President.

PRESIDENT: All right, the House is under Call. The Sergeant at Arms will see that all members return to their desks. All other persons will leave the floor. The House is under Call. Record your presence, each and every member, please record your presence. Would everyone please record your presence so we know who is here. Do you want to authorize call ins, Senator Cullan.

SENATOR CULLAN: That would take...I think it would be quicker to just have a machine vote when we get a few more people here because there are only ten...

PRESIDENT: All right, we can do that. Would you all record your presence so we know how many are here though. There are some that have not recorded yet. All right, let's...Senator Cullan, why don't we just go to the board again. The motion before the House is the advance of LB 602A.

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LB 602A, 522A, 953, 970

Senator Cullan, the Clerk tells me we do have a mechanical problem here because we have recorded the votes. Either take call ins or have a roll call vote.

SENATOR CULLAN: Okay, go ahead and take call ins.

PRESIDENT: All right, take callins, Mr. Clerk.

CLERK: (Began reading call in votes.) He says call the roll.

PRESIDENT: All right, it is getting to be rather confusing to do the total number so, Senator Cullan, we will have a roll call vote then. Let's proceed with it. Would everyone please....let's wait until everybody returns to their desk. We will wait until everybody is at their desks because the House is under Call. While we are waiting for everyone to get back to your desks the Chair would like to introduce guests of Senator Rumery, Diane Miller from North Platte, son, Myron, of North Platte and granddaughter, Kristen. Where are these folks from North Platte? Right over here. Welcome to Myron, Kristen and Diane Miller. Okay, Mr. Clerk, let's proceed. The motion is the advance of LB 602A to E & R initial. Proceed with the roll call vote.

CLERK: (Read roll call vote as found on page 1523 of the Legislative Journal.) 26 ayes, 12 nays, Mr. President, on the motion to advance the bill.

PRESIDENT: The motion carries and LB 602A is advanced to E & R initial. We are ready then for the next bill on General File, Special Order, LB 953.

CLERK: Mr. President, right before that if I may, I have three Attorney General's opinions addressed...

PRESIDENT: Yes, you may read into the record.

CLERK: ...the first to Senator Wesely regarding LB 970; the second to Senator Warner regarding LB 970 and the third to Senator Vard Johnson regarding LB 522A. (See pages 1523-1529 of the Legislative Journal.)

PRESIDENT: All right, Senator Beyer, yes, the Call is raised.

CLERK: Mr. President, LB 953 was a bill introduced by the Ag and Environment Committee and signed by its members. (Title read.) The bill was read on January 19, referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Ag and Environment Committee.

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LB 408, 602A, 611, 761, 952

CLERK: Yes, very quickly, Mr. President, I have a motion from Senator Newell regarding LB 952 to be printed in the Journal, Mr. President.

Your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 408 and recommend that same be placed on Select File; 611 Select File and 602A Select File.

Mr. President, a new A bill, 768A, offered by Senators Higgins, Labedz, DeCamp and Rumery. (Read. See page 1570 of the Journal.)

Mr. President, the next motion I have on LB 761 is a motion by Senator Koch and Nichol but I understand you want to withdraw that. Alright, Mr. President, the next motion is the one by Senator Richard Peterson and that is on page 1505 of the Legislative Journal.

SENATOR NICHOL: Senator Richard Peterson.

SENATOR R. PETERSON: Mr. Speaker and colleagues, I guess why I am offering these three amendments is because of the last month when I went home, I have discussed many issues and some of them have been these agencies and the figures, how they have grown over the last number of years. And the story I get, about 100%, is, "My God, eliminate them or cut them down." So out of some of the agencies I am going to ask your consideration of the first amendment which I have to cut the Mexican-American Commission. All three of these amendments are directed to the economic situation in the State of Nebraska in 1982. There is no doubt in anyone's mind that there is a slumping economy in Nebraska which for agriculture may be comparable to the 1930s. We are looking at a shortfall for the state of fifty, who knows, maybe sixty million dollars. We are faced with a sharply reduced state budget. This is reality and none of us can live in a dream world at budget time. There was a public demand in the last election for less spending and less taxes and our economic situation in Nebraska reinforces that public demand. My amendments do not take money from the poor, the suffering, the senior citizens. They do not reduce the level of essential government services. My amendments are a part of a reappraisal of the need for some of our state's commissions and boards and their increasing budget requests. These amendments take into consideration the record unemployment in Nebraska and the real hardships faced by many, many Nebraska citizens and taxpayers. If we are going to have to raise the state individual income tax rate, the corporate tax, the cigarette tax in an effort to meet the state economic crisis then some of these other functions will have to be reduced.

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LB 127, 127A, 408, 602A,
605, 753, 755, 756, 816

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Eddy Hallock, Southview Baptist Church here in Lincoln.

REVEREND HALLOCK: Prayer offered.

PRESIDENT: Roll call. Senator Goodrich, would you push the button and then we can get going. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: I have an Attorney General's Opinion addressed to Senator DeCamp. (See pages 1755 and 1756 regarding LB 816 in the Legislative Journal.) Senator Labedz would like to print amendments to 602A; Senator Beyer to 408. (See pages 1757 through 1760 of the Journal.)

Mr. President, the bills that were read on Final Reading yesterday are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 127, 127A, 605, 755, and 756. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, motions, commencing with LB 942.

CLERK: Mr. President, I don't have any motions on LB 942 this morning.

PRESIDENT: Senator Warner....no motions, all right, so 942 is out. What about 753?

CLERK: Mr. President, Senator Warner would move to return LB 753 to Select File for a specific amendment. That amendment is found on page 1727 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Warner.

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LB 602A

CLERK: Mr. President, the first order of business on 602A is a motion from Senator Johnson to suspend Rule 5, Section 2(b), Rule 7, Sections (f) and (g), Rule 6, Section 3(h) and Rule 7, Section 3(d) so as to allow adoption of Request #1807 to the bill.

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I am going to ask a favor of you, and it is to suspend the rules regarding germaneness because Senator Labeledz and I are dealing with an emergency situation that needs to be corrected and we are taking 602A which as Senator Cullan indicated is no longer a necessary Appropriation bill and we are going to take that bill and we are going to insert in that bill the contents of LB 808 which has been heard by the Miscellaneous Subjects Committee, advanced to the floor, set down as a priority bill and deals with a subject that I know everyone here will think somehow is trivial and yet is very significant. It deals with Bingo. I got a response from Senator Haberman. Earlier today we heard on priority hearing LB 903. LB 903, as you may recall, dealt with special fuels and the reason that bill got a priority setting is because the State of Nebraska is losing revenues hand over fist for want of an adequate special fuels law. Well, the City of Omaha and the County of Douglas and the City of Lincoln and the County of Lancaster are likewise losing revenues hand over fist because there are a number of professional Bingo operations going on in our communities that are now engaged in a variant...in a variant of the Bingo game known as English Bingo. I am going to have a Page pass out a descriptor of English Bingo which was given to me, incidentally by one of the professional operations about a year ago. Our current Bingo statutes regulate what you and I know and love as Bingo, and they also tax Bingo. Five percent of the gross proceeds of Bingo go to the cities and five percent of the gross proceeds of Bingo go to the counties, but this variation on Bingo known as English Bingo...known as English Bingo, is not subject to the Bingo regulation because it doesn't quite come under the definition. It is basically a look-alike game and it is not taxed. Now earlier today I passed out a newspaper clipping showing the City of Omaha coming down and testifying that its revenues from Bingo alone this year are off 18 percent and they attribute that to the use of the variant game. Also in the article is testimony from one of the sponsors of the variant game which is known as lottery, you have to call it lottery, saying, hey, we are getting away with murder...we are getting away with murder because we are not being taxed. So this is a very critical issue in terms

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of revenue losses and the amount of revenue losses is highly significant. The City of Omaha generates nearly a million dollars a year on Bingo because Bingo is big-time gambling activity played by a lot of older people in our community, and the same is true for Lincoln. And by the loss of the revenues, the loss of the revenues has a true effect on our budget. In addition...in addition, the operation of this unregulated kind of game has an adverse effect on our traditional Bingos being conducted by the churches, the Legion Posts, the Veterans of Foreign War, the social clubs and the like because the professional operations since they are operating in a nonregulated area can in effect pay huge jackpots, huge prizes, draw large crowds and eventually dry up the smaller operations. LB 808 is a very simple measure. It simply brings within the definition of Bingo the kind of Bingo now going on in Omaha and in Lincoln which is totally untaxed and certainly not regulated as a Bingo. And I would ask this...I would ask this body to suspend the germaneness rules so that we could consider the amendment to LB 602A to deal with the untaxed, unregulated variant Bingo.

SENATOR LAMB: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, I think we are embarking on a procedure here that is reckless and dangerous. We end up with a patchwork approach to legislation that isn't well thought out, hasn't had a public hearing, hasn't been debated, and it just isn't good policy. I would really prefer, and as I understand it and I would yield some of my time to Senator Hefner...Senator Hefner, are you listening? It appears to me that the Revenue Committee has heard several...or your committee has heard several Bingo bills this year and you decided to conduct an interim study. Is that correct?

SENATOR HEFNER: Senator Dworak, the Miscellaneous Subjects Committee did hear two Bingo bills this year and we did advance LB 808 to the floor. I forget now what the vote was but I think we had five or six votes to advance to the floor and it was the Speaker's priority bill.

SENATOR DWORAK: Okay, I am sorry, Senator Hefner, I was misinformed. I....

SENATOR HEFNER: Senator Dworak, just let me clarify one thing. We do have a study resolution before the body and this was because we didn't know for sure if these bills would get up this year.

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SENATOR DWORAK: Senator Hefner, do you feel then that this is that critical or that much of an emergency situation that we need to gamble with germaneness and violate rules that we have been living with for nigh onto 56 days?

SENATOR HEFNER: I think that LB 808 is a critical bill, yes, because....

SENATOR DWORAK: Thank you.

SENATOR LAMB: Senator Labedz.

SENATOR LABEDZ: Thank you very much, Mr. President. I am glad that Senator Hefner did straighten Senator Dworak out because if you look in your bill book there was several people that appeared at the public hearing in favor of this bill anywhere from the VFWs, the American Legion, churches, schools, any fraternal organization, Eagles, there was many people there. In fact, there are 60 organizations that have endorsed this bill. I was the sponsor of LB 808, a bill which would expand the definition of Bingo, and the Legislature passed the current Bingo laws in 1978 and '79. One of the provisions which passed in the 1979 limits the Bingo to play two nights per week in the same location. However, at the present time the professional Bingo operators are circumventing the law and let me tell you they are playing it seven nights a week and they have Bingo maybe till ten o'clock at night and then they start the lotteries and they go on till two...three o'clock in the morning. It may not be happening in your county now, but eventually it will spread through the State of Nebraska. The look-alike Bingo games are being played like I said every night of the week and these look-alike games are not currently subject to the restrictions contained in the Bingo statutes. And I want you to listen carefully because right now there is nothing to prevent a lottery operator from gaining a temporary liquor license. Right now in a Bingo hall you cannot serve liquor. No statute prohibits lottery playing for periods longer than six hours at a time. They can start playing lottery in the morning and go until the next morning and there is no law to protect it. There is nothing which would prevent small children from playing or being present and playing at lottery games, and they are doing that. No statute currently prohibits the unlimited advertising of lottery games. We do have laws governing the Bingo games and advertising. Nothing prohibits the lottery operator from being paid on a gross percentage of the receipts. In fact, there is not even a requirement that the person or the organization operating these look-alike

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Bingo games, they don't even have to be licensed by the state or the city. Worse, the cities or villages and the counties are not able to levy any tax on the gross receipts as Senator Johnson mentioned. This revenue is needed to enforce the Bingo laws. This amendment does not make any other change in the Bingo laws that we have now. All the amendment does is to expand the definition of Bingo so...I mean definition of Bingo to cover the look-alike Bingo so those games will come under the same statutes as the Bingo. In other words, we are playing lottery now, next year it might be another game and you will have them playing 24 hours a day with no rules and regulations, not prohibiting liquor being sold, children being able to play at the games. We are merely trying to close a loophole in the statute, a loophole which we feel makes the statute less effective than it should be at this time. I urge the members of this body to give us the 30 votes necessary to put the rules and regulations on look-alike Bingo games that are being played now in the City of Omaha and Lincoln and eventually will spread through the State of Nebraska because it is profitable and later on I will give you some figures where one organization has two licenses and their gross receipts on Bingo was over \$1,333,000, that does not include lottery because they don't pay tax on lottery. They don't have to report it.

SENATOR LAMB: You have one minute, Senator.

SENATOR LABEDZ: And it does not include the pickles that are being sold. So I urge you for the benefit of those people that are operating Bingo games legally and right, that this amendment be adopted, but we need 30 votes to put it in this bill. LB 808 was a priority bill but it definitely will not be heard if we cannot stick it on LB 602. Thank you.

SENATOR LAMB: Senator Wiitala.

SENATOR WIITALA: Mr. Speaker, I would call for the question.

SENATOR LAMB: The question has been called for, do I see five seconds? I do. State your point.

SENATOR HABERMAN: You have not had any debate against the motion.

SENATOR LAMB: Yes, we did. We had Senator Dworak argue against it. You didn't debate it? Okay, in that case I will recognize Senator Wiitala to....

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SENATOR WIITALA: Mr. Speaker, I would take this opportunity to recess until seven o'clock p.m. this evening.

SENATOR LAMB: The motion is to recess until seven o'clock this evening. Those in support say aye. Those opposed no. We are recessed.

Edited by

Lavera M. Benischek
Lavera M. Benischek

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SENATOR LAMB: Senator Haberman on the Johnson amendment to LB 602A. That's right, it is to suspend the rules. Senator Haberman. The next speaker is Senator VonMinden.

SENATOR VON MINDEN: Mr. Chairman and members of the body, I look at number four up there and I should be happy until you start pulling this stuff on me today and it makes me kind of unhappy. Senator Johnson said it isn't germane, which we all know it isn't, and my conscience tells me in the way back it is constitutional, I don't know if it is even that. But I know it is not fair to be doing what you are trying to do here. All week long I have been dealing with tying bills to bills and I've been sitting here letting you do it, and now you take a bill that is not germane and you are tacking a major bill onto another bill and there is four days left. Now it takes 30 votes to get this. I am asking you, don't even give the guy 3 votes to get it. There is four days left and I have a bill here and so do several other people. That is about it.

SENATOR LAMB: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the body, before we broke for the lunch, chicken dinner, I heard one of the most compassionate, heartwarming, pleas, p-l-e-a-s to help Senator Johnson and Omaha save a million dollars. He said that their receipts were down 18 percent and would this body please help Omaha save this million dollars. It is critical, he said, that they get this money and he has to have these 30 votes to save this. So I say to you, Senator Johnson, I am going to use the same plea and the same heartwarming compassion in asking you, my district loses a \$1,800,000 under LB 816 and will you please have the same compassion in your heart if we help you who lose so much when it comes to LB 816. Thank you, Mr. President.

SENATOR LAMB: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I would like to rise in favor of Senator Labeledz and Senator Johnson's attempt to permit us to deal with this important issue this session. You know, we are all staying late tonight. We did last night, the night before. We are all working long hours and we are down here for one purpose. We are down here for one purpose and that purpose is to try and spend our time doing what we think is best for the State of Nebraska and I don't think there is any harm in moving some of these issues up. This is a bill that came out with the approval of a substantial majority in Miscellaneous Subjects Committee. It is a bill that is needed badly in Omaha and

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other areas around the state for revenue reasons. The Bingo bill we passed three years ago is being evaded by these look-alike games around the state. We are losing a lot of revenue from local government as a result that is falling back on the property tax base. This bill has come out. It is a priority bill. We are clearly not going to get to it unless we use some extraordinary means. I think we are justified in this case in doing that because this is the kind of situation we ought to make an exception for. It is an important situation. It is close to an emergency situation. Why don't we do it? Why don't we bring this bill up? Let's gut 602 and let's get it passed. I don't think there is much argument at all that it is not good public policy, and let's make the exception we are asked to make here. Thank you.

SENATOR LAMB: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I have got a question of Senator Labeledz if she would.

SENATOR LAMB: Senator Labeledz.

SENATOR LABEDZ: Senator Wagner, yes.

SENATOR WAGNER: Bernice, how would you describe the situation if we do something like this? Why should we be doing it?

SENATOR LABEDZ: This, Senator Wagner, to me is a very sincere emergency for the cities and counties throughout the State of Nebraska. I would compare it to Atokad, and I wish Senator VonMinden was here because on the Atokad bill we lost \$200,000 in state revenue by lowering the tax limit for Atokad. In the situation here and not just Omaha, I am talking about the entire state, it is an emergency because we are playing lotteries with no rules and regulations, no taxation, 24 hours a day they can play lottery. They can have liquor licenses, children can play. All the organizations that are involved in Bingo are one hundred percent in favor of this Legislature doing something this year, otherwise we will go one entire year with no rules and regulations on lottery. The next thing that will come up will be gazoo. Believe me, it is true.

SENATOR WAGNER: Okay, then what you are saying is it is an emergency situation and very unusual. Would you say this, Senator Labeledz? It is an emergency situation....

SENATOR LABEDZ: It's an emergency, yes, and....

SENATOR WAGNER:and very unusual.

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SENATOR LABEDZ: It is similar to I think 953 that we brought in where it was a nonpriority bill. We brought it up on special order because it was an emergency and it is revenue producing and so is this bill, it is revenue producing and without it we won't have anything for another year.

SENATOR WAGNER: Okay, my purpose is here to kind of like state this so that this is an unusual situation, emergency situation, so we just don't do this with every bill. Thank you.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Mr. President, I call the question.

SENATOR LAMB: The question has been called. Are there five hands? Yes, I see five hands. Those in favor of ceasing debate vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record.

CLERK: 27 ayes, 2 nays, Mr. President, to cease debate.

SENATOR LAMB: Debate has ceased. Senator Johnson to close on suspension of the rules.

SENATOR V. JOHNSON: As you know, fellow colleagues and members, Senator Labedz and I need 30 votes to be able to suspend the rules so that we can put the contents of LB 808 in 602A. When Senator Labedz says that we are dealing with a critical situation, an emergency situation, she truly is right because in Omaha in the last half year and in Lincoln in the last half year there has been a tremendous growth in an untaxed, unregulated area of Bingo that this Legislature has more than carefully regulated but it doesn't regulate this area simply because of some definitional matters. Senator VonMinden is perturbed with us because we are taking time in gutting a bill so that we can do this situation. Frankly, we are probably not taking any more time on this situation than would have been taken on 602 and 602A had the issues not been worked out in advance by Senator Cullan and myself, the County Officials Association and the Governor's office. So you can be relieved to know that we are actually saving time with this particular move. But as Senator Labedz rightfully points out, this body has reacted warmly and well when individual Senators come in with some stories that deal with true hardships to institutions in their

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district, and we certainly responded with warmth, I think, to Senator VonMinden's Atokad bill. We recognized the need and we took care of it. And I tell you from the bottom of my heart there is truly a need in Omaha and in Lincoln to deal with this situation, a need to the city to at least be able to preserve the tax base and a need to the small churches, the small social clubs, the small Legion Posts to be able to continue with the game that is frankly being driven out of business by the unregulated, untaxed activities of persons who come down here and testify and testify, we are getting away with murder. And we can't allow that to happen. So at this time Senator Labedz and I would ask you to vote to suspend the rules regarding germaneness so that we may place LB 808 in LB 602A. Thank you.

SENATOR LAMB: The motion is to suspend the rules. Those in support vote yes. Those opposed vote no. It takes 30 votes.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Record.

CLERK: 32 ayes. 3 nays, Mr. President, on motion to suspend the rules.

SENATOR LAMB: Senator Labedz.

SENATOR LABEDZ: I hate to take up more time now. Now we need 25 votes to adopt the amendment. If I have to I will go through all the information that I gave you before, but in the interest of time and I don't want to lose any of the votes, Senator Clark just mentioned that, so I urge you to vote for the amendment and take Omaha and Lincoln that now has the lottery playing out of the emergency because some day it may happen to your county. Thank you very much.

SENATOR LAMB: Senator Newell, did you wish to speak? Senator Kahle.

SENATOR KAHLE: Mr. President and members, very quickly I want you to know that in my six years down here I have never received a letter from my district concerning Bingo, and I do represent the State of Nebraska as a State Senator and I want you to realize that there is a whole lot of state out there when some of the other bills come up. Thank you.

SENATOR LAMB: Senator Labedz, did you wish to close?

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SENATOR LABEDZ: No closing, I don't want to lose what I have got.

SENATOR LAMB: The motion is to adopt the Labeledz-Johnson amendment to LB 602A. Those in support vote yes, those opposed vote no. Have you all voted? Record.

CLERK: 36 ayes, 0 nays, Mr. President.

SENATOR LAMB: Read the amendment.

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

SENATOR LAMB: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Speaker. Colleagues, I move to amend LB 602 as amended by Senator Johnson and Senator Labeledz's amendment regarding Bingo lottery, or lottery Bingo. My amendment is an emergency also. It is not only an emergency because this amendment formerly was LB 643 which received a public hearing, the same committee that 808 which is now 602A had a similar hearing. It is an emergency because it doesn't really involve Bingo politics, Bingo revenue or necessarily Bingo regulation in the interest of regulating the industry. It is an emergency because it represents the needs of a good majority of those people that enjoy this particular game, those that are elderly, those that are disabled, those that are too poor to travel long distances to big Bingo halls like in Omaha, those who don't like to be out late at night when the Bingo sessions close. Now Senator Kahle mentioned something rather interesting. He said as long as he had been down here he had never received a letter on Bingo. But when I introduced my bill I received something like...well, I received 18 letters all positive, not one negative letter against my bill, and the cosponsor of the same bill received 20 letters. In addition, when I presented this bill before the committee, some of the people that were interested in this presented a petition with 1,476 signatures asking for this, colleagues, asking for two days during the week, during the light hours, during the afternoon for a Bingo session, so they could go out into their neighborhood rather than traveling long distances, rather than paying for transportation, suffering the dangers of going to sessions in dark and returning home in darkness. My amendment though only asks for one Bingo session. It is fair and I offer it because there isn't too much of a chance that any Bingo hall that is limited to two sessions will ever take one of those sessions occurring during the

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week and have it during the day because it isn't cost effective. If they are going to support their halls, their Bingo parlors, they are going to hold those sessions during the night because that is when most of the money rolls in. Unfortunately, that is the period of time when most of the elderly and handicapped find it most difficult to attend. So I would ask you colleagues to take this bill in the same sense that we did the other one as an emergency for people that are somewhat akin to the trash haulers that were in here the other day. Thank you. I hope that you will adopt it.

SENATOR LAMB: Senator Vard Johnson on the Wiitala amendment.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I rise in opposition to Senator Wiitala's amendment. His amendment was in the form of a legislative bill. I believe it was LB 643. The bill was killed by the Miscellaneous Subjects Committee. It is not dealing with anything like the emergency situation that Senator Labeledz and I are dealing with. It does not need to be adopted. And what his amendment would do, frankly, it would expand...it would expand Bingo activities in Omaha and across the state. The Omaha City Council has had an opportunity to look at Bingo activities on several occasions to vote whether or not to expand Bingo activities because a local vote is allowed by current law, and at no time has it ever voted to expand. The same has been true for the City Council in Lincoln. At no time has it ever voted to expand. There is no need at this point to allow for an expansion of Bingo activities. One of Senator Wiitala's arguments is that his amendment permits the holding of afternoon Bingo games. That currently is allowed under law. One of the other arguments is that the afternoon games...there are not enough afternoon games in Omaha today. The truth of the matter is there are a number of licensees to conduct afternoon games. I don't think the measure is needed. I think it just opens up a field that is very carefully and closely regulated, and I think that we really ought to oppose the amendment. Thank you.

SENATOR LAMB: Senator Labeledz.

SENATOR LABEDZ: I, too, stand, members of the Legislature, to oppose Senator Wiitala's amendment to LB 602. It is not an emergency. It was included in LB 643. It was killed by the committee. I would like to also say in South Omaha alone I have the names here of the organizations that have afternoon Bingos and there is the Polish Home, Wooden Apple, Pine Street Bingo, Lady of Guadalupe,

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Paul the VI, Turner Hall, South Omaha Eagles, West Omaha Little League, Greater Omaha Historical Society. There is plenty of opportunity for those and I must also say that these organizations have afternoon Bingos from Monday through Sunday, so there is every day of the week in my district alone in South Omaha where there are afternoon Bingos. I told you that what I asked for in 602 was an emergency. I sincerely meant that. I don't think any other changes should be put on this bill. LB 643 can be re-introduced after the interim study and let the committee decide whether they want to take additional daytime Bingos. Thank you.

SENATOR LAMB: Senator Hefner, on the Wiitala amendment.

SENATOR HEFNER: Mr. Chairman and members of the body, I think it is proper for me to tell you the action that the Miscellaneous Subjects Committee took. In February we held a hearing on this particular bill and also on LB 808. In an answer to a question from Senator Dworak, I told him that the committee moved 808 to General File. We indefinitely postponed 643 which is the amendment that we are debating at the present time. And, of course, a little later the committee voted to have an interim study on the Bingo and lottery situation in Nebraska, and I am hoping that the Exec Board will approve this so that we can get on with the study this summer and report back to the Legislature next fall. I just thought it was important that the body knew what the action was of the Miscellaneous Subjects Committee.

SENATOR LAMB: Senator Kilgarin. Senator Wiitala, would you care to close on your amendment?

SENATOR WIITALA: Thank you, Mr. Speaker. Mr. Speaker and colleagues, I am standing here wondering who am I to speak with great eloquence to my distinguished colleagues, but nevertheless I am going to attempt to. I understand that my bill, LB 643, was killed in Miscellaneous Subjects Committee for a whole variety of reasons because to open up the whole topic of Bingo is to invite Bingo warfare, and really I didn't...I have never felt for a moment they did my bill dirty by killing it. It got a fair hearing and that was their feeling, and I respect it. I also feel dutybound to my legislation to bring it before the floor, and I certainly do in this case because it is different. It refers to, as I said, the elderly and the handicapped, the older people who can't get as much direct access as they have before. I want you to understand one thing as we fight the wars of Bingo and as we do in the future that there is a

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difference among people who have Bingo games. Now one of the reasons for having two sessions during a week is because it easily fits into the scheme of things as far as churches are concerned and I understand that, and I understand how important Bingo is for supporting private parochial education, but you see churches, they own their basement, there is no overhead cost and they can easily afford just to have two games. But there are people out there that own their own halls, that own their own paternal homes and are paying on it and they are paying much more than that in this day and age. They are paying for the heat on it that sometimes is beyond their payments, and they just can't operate very well on just two evenings a week and then think of catering to the elderly and Bingo, as you know, is located in one geographic area largely in Omaha, if you look at its concentration. A lot of Bingo halls have quit and they have had their licenses combined and they are operated by private management, and that means that people used to go to neighborhood Bingo halls, and a lot of them won't go to a church of a different faith necessarily or the basement of another church, they just can't travel that far any longer, and if they do, they feel that they put themselves in jeopardy. That is all I wanted to say about the subject. It is easy for the Eagles or some of the other organizations, the Vets Clubs and so forth that have their buildings paid for, but those that don't are really suffering, but most of all it is those who find it difficult to get around at night. There is no incentive for a hall that is limited to two evenings that is making its bread and butter during those evening sessions to grant any license to those that are older. Enough said. Thank you for listening.

SENATOR LAMB: The motion is the adoption of the Wiitala amendment. Those in support vote yes. Those opposed vote no. Have you all voted?

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Record.

CLERK: 8 ayes, 23 nays, Mr. President.

SENATOR LAMB: The motion failed. We are back on the bill. Who would want to close? Senator Labedz.

SENATOR LABEDZ: Again I say in the interest of time, no closing. I move for the advancement of the bill.

SENATOR LAMB: Senator Fenger, did you want to make a statement?

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LB 602A, 787

SENATOR FENGER: I want to speak very briefly on the bill, sir.

SENATOR LAMB: All right, go ahead.

SENATOR FENGER: I just want to advise the body that I intend to vote against the advancement of this bill. I am going to do so without regard to the merits of the bill. When we suspended the rules, we, in effect, took a Speaker's priority bill and we gave it a higher level of priority in the body than we did 16 Senator's priority bills. I think it's changing rules toward the end of session. I don't think it is good policy. My apologies to Senator Labeledz for voting against her bill. Thank you.

SENATOR LAMB: Now would you care to close, Senator Labeledz.

SENATOR LABEDZ: Again I say no closing and move for the advancement of LB 602A as amended.

SENATOR LAMB: The motion is the advancement of LB 602A. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record.

CLERK: Senator Kahle requests record vote. (Read the record vote.) 32 ayes, 3 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill advances. The next bill is LB 787.

CLERK: Mr. President, LB 787 does have E & R amendments pending, Senator.

SENATOR LAMB: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 787.

SENATOR LAMB: All those in favor of adopting the amendments signify by saying aye, those opposed no. The amendments are adopted.

CLERK: Mr. President, Senator Nichol would now amend the bill. His amendment is on page 1201 of the Journal.

SENATOR LAMB: Senator Nichol.

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LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. 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: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,

Senator Higgins and Senator Schmit. This is the one that put a...eliminated the dues and so forth for associations for nursing homes to be a part of their reimbursable cost for Medicaid and since the amendment was dropped when the bill was prepared for engrossment, it is nobody's fault in the Legislature, why I said I would offer it on here so it could be included. So it, in a sense, as I recall the amendment was somewhat controversial but it was adopted by the majority of the Legislature. So I would move the bill be returned and the amendment placed here so that it can be acted upon.

SENATOR CLARK: Senator Haberman, your light is on. Do you want to talk? All right. Is there any debate on returning the bill? All those in favor of returning the bill vote aye, opposed vote nay. Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The bill is returned. Now the amendment.

SENATOR WARNER: Mr. President, members of the Legislature, I move the amendment be adopted as I explained because it was inadvertently left out.

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

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Warner's amendment.

SENATOR CLARK: The amendment is adopted. Now the readvancement of the bill. All those in favor of readvancing 933 say aye, opposed. The bill is readvanced. Do you have any more on the bill? We go to 602.

CLERK: Mr. President, the motion I have is offered by Senator Rumery. Senator Rumery would move to return LB 602A to Select File for a specific amendment.

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Mr. President, members of the Legislature, I would like to offer this amendment. The amendment would amend the Section 28-1115. That section authorizes certain nonprofit organizations to conduct lotteries or raffles for charity or community betterment purposes. The law provides that not less than 65% of the gross proceeds from the lottery or the raffle must be used for the awarding of prizes. While

this limitation on the use of the proceeds serves to protect the public on the one hand, it also places a serious restriction on the activities of the many small, legitimate public spirited organizations. These groups often get part or all of their prizes donated from the local businesses so that most of the money that they raise for the worthy causes they are supporting rather than for the purchase of the prizes to be awarded. Since these groups are not using 65% of the gross proceeds their fund raisers for awarding the prizes, these activities are illegal under the present law. I introduced LB 841 to attempt to solve this problem. The amendment I am proposing to LB 602A would make an important change in the statute authorizing raffles and lotteries for nonprofit organizations and represents the form of LB 841 that was advanced to the floor by the Miscellaneous Subjects Committee. My amendment would simply exempt lotteries whose gross proceeds are less than \$2,000 from the requirement that 65% of the gross proceeds be used for awarding prizes. This would allow the small local lotteries to continue to accept donated prizes while maintaining more strict requirements on larger lotteries and raffles. This is an important change as there are a number of organizations across the state ranging from the Velvet Spurs Riding Club in North Platte to Optimists clubs and other service organizations which depends upon raffles and lotteries to fund their activities. I appreciate your support for this amendment to LB 602A.

SENATOR CLARK: Senator Nichol. I think Senator Haberman first.

SENATOR HABERMAN: Mr. Chairman, 602 is the public health priority, Public Health and Welfare to require the Department of Public Health and Welfare to furnish medical services. I'd like to ask the germaneness of this to 602.

SENATOR CLARK: This is 602A. This bill was gutted the other day by Bernice Labeledz. If you want to ask the germaneness of it though, that bill deals with bingo in chapter 9 while he is going to the criminal statute to 28 and I would rule it not germane. If he would like to challenge that, that is up to him. We will go to 924. Senator Landis.

SENATOR LANDIS: Mr. Speaker, I would move to recess until such time as the E & R amendments are prepared for their reading into the record at which time I would then follow with a motion to adjourn.

SENATOR CLARK: This is a nondebatable motion. The Speaker could address it if he would like.

LR 212, 266, 268, 269, 272, 274, 277,
278, 287, 292, 293, 295, 298, 304,
313, 316, 331, 359, 380, 388, 389
LB 278, 378, 378A, 480, 568, 602A,
604, 629, 629A, 669A, 688, 693, 708, 760,
835, 909, 967, 522, 212, 212A, 255, 255A

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RECESS

PRESIDENT LUEDTKI PRESIDING

PRESIDENT: Has everybody recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President. Mr. President, I have a reference report from the Executive Board referring a gubernatorial appointment. (Page 1971 of the Legislative Journal.)

Mr. President, new resolutions. LR 388 offered by Senators Cullan and Newell. (Read LR 388 as found on pages 1973 and 1974 of the Legislative Journal.) Mr. President, 389 offered by Senator Wesely. (Read LR 389 as found on page 1974 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Koch. That will be inserted in the Journal. (See pages 1974 through 1976 of the Legislative Journal regarding LB 602A.) That is on LB....Bingo, that is right, senator.

Mr. President, I have a message from the Governor addressed to the Legislature. (Read message. Pages 1976-77 of the Journal regarding LB 669A.)

Mr. President, two other communications from the Governor addressed to the Clerk. (Read communications regarding LBs 278, 378, 378A, 480, 568, 604, 629, 629A, 688, 693, 708, 760, 835, 909, 967. Page 1977 of the Journal.) A second letter to the Clerk, Mr. President. (Read letter regarding LBs 609, 609A, 669, 714, 714A, 854, 854A. Page 177 of the Journal.)

Mr. President, I have a gubernatorial appointment of Mr. Robert Borgmann to the Motor Vehicle Industry Licensing Board. (See page 1978 of the Journal.)

Mr. President, the bills that we have read on Final Reading this morning are now ready for your signature as well as the resolutions that were passed Wednesday of this week by the Legislature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LR 212, LR 266 and LR 268, 269, 272, 274, 277, 278, 287, 292, 293, 295, 298, 304, 313, 316, 331, 359, and 380. And the LBs are engrossed legislative bills 522, 212, 212A, 255, and 255A. Okay, as I understand it we

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LB 602, 602A

ASSISTANT CLERK: (Read LB 602 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? All those in favor vote yes, all those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on pages 1988 and 1989 of the Legislative Journal.) 32 ayes, 13 nays, 1 excused and not voting, 3 present and not voting, Mr. President.

SENATOR LAMB: LB 602 passes on Final Reading. LB 602A. Senator DeCamp, for what purpose do you arise?

SENATOR DeCAMP: Mr. President, just for a point of inquiry, information. It is my understanding you do have a letter from the Governor specifically explaining why this A bill unlike all the other A bills almost only requires 25 votes. Is that correct? Or otherwise if you didn't have that letter it would require 30?

SENATOR LAMB: Senator DeCamp, we do have a letter here signed by Larry Bare which indicates that LB 602A is one of the A bills which were included in the Governor's budget recommendation. Senator Labedz, for what purpose do you arise?

SENATOR LABEDZ: I just wanted to inform Senator DeCamp that LB 602 does not need an A bill because it is now a lottery bill and it is coming up next.

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LB 602A

SENATOR LAMB: Motion on the bill.

CLERK: Mr. President, Senator Chambers would move to return LB 602A to Select File for a specific amendment, that being to strike the enacting clause.

SENATOR LAMB: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this motion is offered in seriousness and I'd like to ask Senator Johnson a question or two because I had a brief conversation with him about this bill in the corridor before it took its final form and reached the location we find it today. Senator Johnson, you told me that voting for this bill would restrict the amount of bingo that could be played. Is that correct?

SENATOR V. JOHNSON: Yes, I did.

SENATOR CHAMBERS: Okay, now I've read and I don't remember whether it's in the newspaper or letters that I have received that what it, in fact, does, and this would not contradict what you said, is allow the churches to corner more of the bingo market by not having to compete with the centers who want to do it. Is that correct, or conduct theirs in the halls of sin? Is that more or less correct? Even if you'd use different words to describe it.

SENATOR V. JOHNSON: No, I don't think that is correct.

SENATOR CHAMBERS: Would it hinder these types of gambling activities, the number of them that could occur during a given period whereas it will not hinder what the churches are doing now? Is that correct?

SENATOR V. JOHNSON: It will continue to hinder gambling activities irrespective of where they are conducted, whether it be in churches or in centers. The current law, Senator Chambers, says that no facility, whether it be a church or a center or any other place, can conduct bingo more than twice a week.

SENATOR CHAMBERS: Is this bill sought by the churches or by the sinning groups?

SENATOR V. JOHNSON: This bill was initially sought by the City of Omaha.

SENATOR CHAMBERS: Worst sinners of all, but go ahead.

SENATOR V. JOHNSON: That's right, by the City of Omaha. The bill is supported by a number of churches as well as

a number of legion clubs, veterans posts and social organizations. This bill would be opposed by some centers.

SENATOR CHAMBERS: Okay, thank you. Members of the Legislature, my feeling about gambling is that it can be an evil. It has been recognized as an evil but the Constitution sanctifies gambling for Ak-Sar-Ben which is a quasi religious organization. It allows gambling in the churches which are ostensibly religious organizations but if some people who make no claim about religion sit in a back room where gambling ought to be conducted and they roll some dice or play some cards, they violate the law. How can that which is not a sin in church be a violation of the law in a back room? It is difficult for me to get the sense of it and that is why I gave you this little rhyme and it is based on something that Jesus did. This is the rhyme: "Chaplains out of the Legislature, doing that was simple, compared to trying to cast the bingo game out of the temple." If the churches exist for the purpose of advocating the principles of Jesus, then were Jesus to come into one of these churches today he would be run out of those churches. But in those old days when he dressed in a way that might be considered to be inappropriate today, he went in there with a whip or a scourge and drove the money changers out of the temple. He said, "My house is to be called of all nations a house of prayer and you made it a den of thieves." And he could have added gamblers and what-not. So either gambling should be available for everybody and it should be lawful for everybody or gambling should be illegal for everybody. But the state has made a compromise with certain powerful interests and said gambling will be all right for you but it is not going to be all right for these others. Now we're coming in with an additional compromise to benefit those who are supposed to be religious and who go for law and order and a virtual monopoly is what they desire. They cannot pass a bill that will allow only them to gamble. So what they want to do is put a crimp in the competition. Now you all know that in the rackets when one gangster comes into another gangster's territory there is bloodshed. The churches are like syndicates and we know that. On one side of the ocean the Pope reigns supreme. On this side of the ocean Billy Graham reigns supreme. So any time Billy Graham goes into the Pope's territory he does it on the Pope's terms. He might go to Russia or he might go to Italy and he does so by invitation and he does not step on anybody's toes. When he goes into somebody else's territory he will tell them, I'm preaching Jesus. This one is preaching Jesus and I want you to accept Jesus and go to any church where you can find Jesus, and by saying that he is not drawing people into his organization or making them followers of his so there is no religious bloodshed. If mobsters come into each others' territory and one says you're in dope

but I want to be in gambling and I promise you I won't get in dope and you stay out of gambling, they can operate and coexist in the same territory. But if one of those rascals comes into a dope king's territory and says, I'm going to peddle dope, then you have trouble. We can understand this in the world of the real rackets but when we come to that other world which exists on things that seem to be while denying the reality that have a form of godliness but deny the power thereof, then we have a different set of circumstances. So I am opposed to this bill because its aim is to take gambling away from those who ought to be allowed to conduct the gambling and create a lessening of competition for those who, in my opinion, ought not to gamble at all. And since I don't like gambling and I don't like church, I probably have the most objective point of view of anybody in the Legislature and at the same time probably the most objectionable. But I am not in a position to vote in favor of this bill and I would suggest that those who talk about espousing high ethical standards should help bring about consistency in the world of gambling. Let's take away all consideration of ethics and look at it as we would any other business although the main aim is to rook the suckers. Rooking suckers is legal in Nebraska. The Constitution makes it legal. Let us allow anybody who wants to rook the suckers to do it as his or her whim on his or her terms. As long as they do it within the confines of the law and the law should not establish confines that give an advantage to one group over the other. And from all that I have read and have been told that is what this bill would do in its present form. Now if I'm mistaken I know Senator Labeledz will make a valiant attempt to straighten me out and now that I have expressed my point of view, Senator Labeledz, I am going to listen, that seeing I may see and perceive and listening I may hear and understand.

SENATOR LAMB: Senator Newell. The question has been called for. Are there five hands? Yes, I see five hands. Those who support ceasing debate vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted on ceasing debate? Record.

CLERK: 27 ayes, 6 nays to cease debate, Mr. President.

SENATOR LAMB: Debate has ceased. All those in support of the Chambers motion vote yes, those opposed vote no. Have you all voted? Record. Senator Chambers.

SENATOR CHAMBERS: I want us to check in and I'd like a roll call vote.

SENATOR LAMB: Would all senators return to their desks and record their presence. We are on Final Reading. Senator Hefner, Senator Lowell Johnson, Senator Schmit, Senator Warner, Senator DeCamp, Senator Cope, Senator Wagner, Senator Haberman, Senator Kahle, Senator Wesely, Senator Pirsch, Senator Cullan. Senator DeCamp, please record your presence. Senator Dworak, please record your presence. Would the Sergeant at Arms please locate Senator Kahle. Could we have some quiet so the Clerk may call the roll. Senator Kahle, we can't hear over your voice.

CLERK: (Read roll call vote as found on page 1989 of the Legislative Journal.) 8 ayes, 37 nays, Mr. President.

SENATOR LAMB: The motion fails. Please read the bill.

CLERK: (Read LB 602A on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. Those in support vote yes, those opposed vote no. It takes 33 votes. Have you all voted? Have you all voted?

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record. Senator Chambers, for what purpose to you arise?

SENATOR CHAMBERS: Either you are for me or against me, somebody said. I want a roll call vote so that everybody will either say yea, nay or make a denial.

SENATOR LAMB: A roll call has been requested. Please begin the roll call.

CLERK: (Read roll call vote as found on pages 1990-1991 of the Legislative Journal.) 34 ayes, 10 nays, Mr. President, on passage of the bill.

SENATOR LAMB: LB 602A passes with the emergency clause attached. LB 759.

CLERK: (Read LB 759 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in favor vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

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LB 404, 404A, 488, 574,
816, 602, 602A, 759, 787,
799, 816A

SENATOR LAMB: LB 799A passes on Final Reading without the emergency clause. LB 816.

CLERK: Mr. President, the bills that have been read on Final Reading thus far are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs...engrossed LBs 404, 404A, 488, 574, 602, 602A, 759, 787 799. So let's proceed then, Mr. Clerk, with LB 816.

CLERK: (Read LB 816 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2000 and 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: The bill fails to receive the number of votes constitutionally required to pass the bill with the emergency clause, so the question now is, shall LB 816 pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Senator Carsten, do you want me to record the vote? Record the vote.

CLERK: (Read the record vote as found on page 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 816 passes without the emergency clause attached. We are now ready, Mr. Clerk, for LB 816A, if you will read.

CLERK: (Read LB 816A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2002 of the Legislative Journal.) The vote is 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

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404, 404A, 488, 547, 602,
602A, 868, 761, 787, 799,
816, 816A, 799A, 412, 933

PRESIDENT: Go ahead Mr. Clerk.

CLERK: Mr. President, I would like to read a couple of items in if I may.

PRESIDENT: All right, go ahead and read some matters in.

CLERK: Senator Hefner offers explanation of vote.
(Regarding LB 868, see page 2017 of the Legislative Journal).

I have two notices of bills having been presented to the Governor. (Regarding LB 761 and 787. See page 2017 of the Legislative Journal).

Mr. President, Senator Fowler would move that the Legislature would override the line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund.

PRESIDENT: Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, if I could have some attention I'll briefly explain with the issue is in the veto here.

PRESIDENT: (GAVEL)...either they are all out or they are all paying attention so go ahead.

SENATOR FOWLER: Among the vetoes was three and a half million dollars in highway funds. Now, if there is anything I think that has been a priority in the Legislature, it has been and something that many people from outstate Nebraska said is a growing need is money for roads. Now the level of appropriation that we established is based on the Department of Roads request for what they felt was necessary and I think they cut that back from what they really feel is needed to build a good highway system in Nebraska. Now the Governor for reasons that I can not quite understand vetoed three and a half million dollars in highway funds. The only rationale that I can determine is that it is to maintain the gas tax at the current level. Now three and a half million dollars is a 3.2% cut in the state funds for the road construction program. The reason it was does is that revenues in the highway fund as revenues in all other funds in the state are low. What I do not understand is when we have raised every other conceivable tax and fee to make up for a lack of revenue suddenly when we get to the roads program and the gas tax and the variable gas tax that