

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

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LB 593, 611, 619, 660,
675, 685, 697, 773, 794,
834, 840, 861, 873, 897

first motion. The motion is, shall we go under Call?
All those in favor of that motion vote aye, opposed
vote no. Record.

CLERK: 16 ayes, 10 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. Senator Burrows, do you want to record your presence? Senator Cope, will you please record your presence? Senator Kremer, will you please record your presence? Senator Newell, will you please record your presence? Senator Dworak, will you please record your presence? Senator Chambers. Senator Vickers, will you please record your presence? How many have we got? Senator Newell, everybody is here? Shall we proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on page 814 of the Legislative Journal.) 19 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 685 and find the same correctly engrossed, and LB 834 correctly engrossed.

Your Committee on Public Works reports LB 611 advanced to General File, 660 advanced to General File, 794 advanced to General File, all signed by Senator Kremer. (See pages 811 and 812 of the Legislative Journal.)

Your Committee on Ag and Environment reports LB 593 advanced to General File, 619 General File, 697 General File, 861 General File, 897 General File, 675 General File with amendments, 873 General File with amendments, and 840 indefinitely postponed, all signed by Senator Schmit as Chair. (See page 812 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler to introduce a new bill.

CLERK: Mr. President, Senator Fowler would move to suspend Rule 5, Section 5(d) so as to permit the introduction of Request #1665.

SENATOR FOWLER: Yes, I think this is a joint of Senator

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LB 611, 765

SENATOR CLARK: Senator Vard Johnson, you have three minutes and the bill will be done.

SENATOR V. JOHNSON: I will try to make my presentation in two minutes so the bill does have an opportunity for a vote. I do agree with Senator Landis that the Section 4 of the bill makes this a bad measure, notwithstanding the fact that this bill would call for an increase in the state unemployment compensation rate. What Section 4 does is it says to any worker, any worker who has voluntarily left his job without good cause or who has been fired from his job, he cannot get any unemployment compensation benefits until he gets another job and he at least works another job for enough time to build up a certain amount of money. In an economy like we are having where there are 20,600 in Omaha alone, almost the size of a legislative district, unemployed, it is too hard to requalify. This is a bad time for this provision, and for that reason, this bill ought not be advanced.

SENATOR CLARK: We have one minute left on the bill. Senator Vickers. At that time, we will pass over the bill. We have four more speakers.

SENATOR VICKERS: Mr. Speaker, will you tell me when I have thirty seconds left. I want to make one point and the point is simply this, the previous speakers have talked about the fact that we are causing people who voluntarily quit a job to have to be requalified but at the same time nobody has made the comment and nobody has mentioned that we are making it apply only to the most recent employer, and right now we are applying that concept to anybody in the base period, so we are also making it so that there won't be nearly as many people disqualified as there have been right now.

SENATOR CLARK: You have thirty seconds left.

SENATOR VICKERS: Thank you, Mr. President. I would like to give the remaining thirty seconds of my time to Senator Barrett if I may for closing.

SENATOR CLARK: There is no closing because we have got four more speakers. The bill will just have to be passed over. We will pass over and go to the next bill, #611.

CLERK: Mr. President, LB 611 is a bill introduced by Senator Kahle. (Read title.) The bill was read on January 6 of this year, referred to the Public Works Committee. The bill was advanced to General File. Mr. President, there are Public Works Committee amendments pending.

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LB 611

SENATOR CLARK: Senator Kremer. Senator Beutler. Is Senator Kremer around or Senator Beutler to take the amendments? Committee amendments. Here is Senator Kremer now. Senator Kremer, we are looking at the committee amendments on 611.

SENATOR KREMER: Mr. Chairman, 611, I will make one statement on it. It provides for another classification of roads which would provide for minimum maintenance. The committee amendments eliminate some of the redundant and potentially confusing provisions of the bill. They are technical in nature and that is all they do. So I do move for the committee amendments.

SENATOR CLARK: Senator Hefner, do you want to talk on the committee amendments? Senator Vickers, did you want to talk on the committee amendments? The motion before the House is the adoption of the committee amendments on LB 611. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 25 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Kahle, on the bill.

SENATOR KAHLE: Okay, Mr. President and members, LB 611 was introduced by me for the county officials and the purpose of LB 611 is to create an 8th classification of roads called "minimum maintenance", and the need for a minimum maintenance classification arises from the changing population pattern of a farmstead every section in the 1920s to a farmstead every perhaps fourth or fifth section today. The classification will help the counties better serve today's rural population by shifting more of the maintenance and construction funds to those roads that are considered the farm to market routes, school bus routes, mail routes, and the route to each rural residency and industry. Presently when a road is seldom used by the public, the county is required by law to maintain the road at the same level as a much used farm to market road. The classification will permit the counties to avoid abandonment by requiring the counties to maintain the roads but at a lower level. This classification is aimed at protecting the integrity of Nebraska's present road system. There are checks and

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balances existing that ensure that a road will not be reclassified to the detriment of the public. In order for a road to be reclassified, the county board must submit its recommendation to the Department of Roads and request a reclassification. The Department of Roads may either approve or deny the request. If the county is not satisfied, they may appeal to the State Board of Classifications and Standards who can hold a public hearing on the reclassification and the State Board will then make the final decision. The standards for a minimum maintenance classification will be established by the Board of Public Roads Classifications and Standards after holding public hearings on the matter. The bill does include some specific criteria for standards as follows: The county may remove defective bridges and culverts to protect public safety and replace it with some structure to ensure public safety. The county must install signs to warn the public they are entering a road that has a lower level of maintenance. The counties will continue to maintain these roads to the level established by the Board of Roads Classification and Standards. This continued maintenance will ensure that these roads will continue to serve the few people who presently use the road and also ensure the existence of the road when the public needs a change again and a demand for a higher classification of that road. The liability: The counties remain liable for injuries to persons or property due to the county's negligence in maintaining the roads to the standards set by the Board of Roads Classifications and Standards. The Attorney General in an opinion #43 made in 1969 stated as long as the counties were required to maintain the road the county remains liable for damages caused by the county's failure to maintain it to the level required. LB 611 does not change the county's responsibility to post weight limit signs on bridges or to install stop signs or any other traffic control device. The counties will still be liable to the public for damages caused by negligent defects in the roads such as failure to have a bridge weight limit sign or a stop sign and now LB 611 will make the counties liable if warning signs are not installed as required. You've talked a great deal about this. As you all know, times have changed especially in our rural areas. The only other alternative the counties have would be to close the road in a legal manner, and in the counties that I worked with, we decided not to do this because once you close a road, the land goes back to the landowner, each half of it, each 33 feet, and if you would have to put a road in there later, you would have to buy the land back. So I think it is to the advantage of all of us that those roads be left on a county system, and you also know that with a seven percent lid it is impossible for the county to keep up all the roads to the standards that they should be kept up. And this, of course, would not

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affect a road to anyone's home or any business. It would only be those roads that are field roads generally classified as field roads. It would not affect mail route, bus route or anything like that. It cannot be done without the approval from the state, the Highway Department, and if that didn't work, from the Department of Standards, so I think it is a very necessary thing due to our economy that we approve this. It is foolish to spend money on those roads that are only used by farmers to go to the fields and we have a number of them now in my area where they blade them down in the fall for harvest and perhaps in the spring after the thaw and they are pretty well used for field roads after that. Some of the bridges, of course, will have to be taken out because they are not safe and some of those draws and sloughs and creeks can probably be forded at some time during the year if rock is put down in the bottom of them. It would be much safer than that old rickety bridge. So I move for the passage or movement of 611 to E & R Initial.

SENATOR CLARK: Senator Wesely, you have four minutes left.

SENATOR WESELY: Okay. Mr. President, members of the Legislature, hearing this bill there was a lot of discussion about, questions about the signs and protecting the public when we reduce roads to minimum maintenance. I think the intent is proper and I think it will serve a purpose. There are some concerns still about safety of individuals and the liability involved and I think that there is an amendment being proposed I think you ought to be aware of...I don't know if Senator Kahle is going to offer it or not...which will clarify the liability question so I won't oppose the bill at this time and would ask you to please keep that in mind as one concern. When the bill was introduced and heard there was some questions about the fact that if a bridge went out or was left by lack of maintenance so it would be basically just a small sign or something telling you not to go over that bridge, and I thought we had to do a little more. I think the amendments from the committee make it clear that that will be barricaded and protected so the bill with the committee amendments is a much better bill and I think will serve a good purpose. I would just ask the liability question be addressed by Senator Kahle and I think it will be good legislation at that point.

SENATOR CLARK: Time is up on the bill. We have two more speakers, Senator Vickers and Senator Kremer. Did you both want to speak? If you do, we will just have to pass over the bill? All right, we will pass over the bill. Senator Stoney, would you like to recess after we read some things in or adjourn us until tomorrow morning.

March 18, 1982

LB 358, 611, 714A, 760, 816

Senator Landis and DeCamp would like to print amendments to LB 358. (See page 1263 of the Legislative Journal.)

New A bill, Mr. President, LB 714A offered by Senator DeCamp. (Read. See page 1264 of the Legislative Journal.)

Mr. President, Senator Hefner would like to have a meeting of the Miscellaneous Subjects Committee underneath the North balcony upon adjournment, Miscellaneous Subjects, North balcony upon adjournment.

Senator Kahle would like to print amendments to LB 611; Senator Schmit to print amendments to LB 760, Mr. President. (See page 1264 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: The next bill is LB 816.

CLERK: Mr. President, LB 816 was a bill that was introduced by the Revenue Committee and signed by its members. (Read.) The bill was read on January 13 of this year. It was referred to the Revenue Committee for public hearing, Mr. President. The bill was advanced to General File. There are Revenue Committee amendments pending.

SENATOR CLARK: Senator Carsten, on the amendment.

SENATOR CARSTEN: Mr. President and members of the Legislature, I move for the adoption of the committee amendment. At this point, Mr. President and members, I feel a little washed out and I say that in jest but it has been a long day with water bills and I think we're moving now into an area that we, everyone of us, have a deep concern and that is this distribution of the \$70 million governmental subdivision fund with which we have had so much problems. The committee amendments to the bill and I'm going to take them first and explain them. As amended it revises the distribution of the \$70 million state aid to local government fund. In addition to that \$70 million, \$12.6 million governmental subdivision fund is revised in light of the opinion, #182 of the Attorney General, January 25, 1982. The basic concept of the bill is to place the approximate amount of funds received by the counties, schools, cities and technical colleges into existing state aid funds received by those types of local government...

SENATOR CLARK: (Gavel.) Could we reduce the noise level, please so he can talk.

SENATOR CARSTEN: ...with the following exceptions. 1. Funds

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

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Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.

calls for a study of Nebraska's present methods for selecting judges. That will be referred to the Executive Board for reference, Mr. President. (See page 1507 of the Legislative Journal.)

Mr. President, the next legislative bill, 611, was a bill introduced by Senator Kahle. (Read.) The bill was read on January 6 of this year. It was referred to Public Works. The bill was advanced to General File, Mr. President. The committee amendments were adopted by the membership on March 15. I now have an amendment from Senator Kahle. It is on page 1264 of the Journal, Mr. President.

SENATOR LAMB: Senator Kahle, on the amendment.

SENATOR KAHLE: Mr. Speaker and members, I certainly hope we can move this bill a little bit faster than we've been going. As you know this was discussed, we had a time period on it the last time it came up. I did explain the bill. It is a means of establishing a minimum maintenance for certain county highways. The amendment that you see in your book, if you have your book open, will change part of their language that was objectionable the other day. This amendment removes some language from the committee amendment which caused problems. The language talks about the sign which would be posted along minimum maintenance roads. The committee amendment proposes that the sign indicate that the county has no liability on the road. If the sign did say that it would be wrong. Now get this, if the sign did say that it would be wrong. The county does have legal responsibility for these roads. That responsibility is set out in amended Section 6 of the bill. My amendment corrects this problem. With my amendment the sign would have to adequately warn the public that the road has a lower level of maintenance than other public roads but the sign would not disclaim all liability. Again, this amendment does not change county liability. It is spelled out elsewhere in the bill. This has been discussed with the legal counsel of the Public Works Committee and those committee members most involved in that portion of the committee amendment. I think they realize the problem arising from the language of the committee amendment and I'm not opposed to this amendment. We've had a couple of members of the Legislature ask for Attorney General's opinions on part of this legislation and the ones that I have read, I found nothing basically wrong with what we are doing. So I move for the adoption of this amendment.

SENATOR LAMB: Senator Cullan, on the Kahle amendment.

SENATOR CULLAN: Mr. President, members of the Legislature, I just couldn't resist the temptation to point out that we

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are now talking about a minimum maintenance road after we spent a long time talking about how much damage the big trucks do. Maybe if we made them pay a little bit more of their fair share and didn't subsidize the trucking industry so heavily we wouldn't have to have minimally maintained roads and maybe we'll see some amendments later on that deal with that important issue.

SENATOR LAMB: Senator Kremer.

SENATOR KREMER: On the bill, not the amendment, thank you.

SENATOR LAMB: Senator Nichol, on the amendment.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I wonder why you need to say anything at all, Senator Kahle. If you are going to have a road that is not kept up very well is the purpose of it to draw people's attention to the fact that the road is not in very good shape and they should proceed cautiously? And my purpose in asking this, Senator Kahle, is that we already have a set number of signs that are approved across the country as I recall which would warn people if there is a rough spot or if they should proceed cautiously without providing a law which would demand extra signing and say various things that are not now in the law. Is this correct and wouldn't this be expensive and why do we really need it?

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: The best I can answer that would be that this sets up another classification of highway, a minimum maintenance highway and of course with the event that we have a 7% lid, it is impossible for the county to keep up all the roads to the standards that they would like to keep them up. So they are creating another standard of road which has to go through the State Highway Department and through the Bureau of Standards, whatever that is called, to set up this classification. The sign would only state that it was a minimum maintenance road or that it was under that classification. We're not stating in the bill what the sign is supposed to say. That will be done by the Bureau of Standards and Classification.

SENATOR NICHOL: Okay, one other question, Senator Kahle, who pays for the sign?

SENATOR KAHLE: I'm sure the county will have to pay for them.

SENATOR NICHOL: Have the counties been consulted about this and are they agreeable to pay for this signing?

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SENATOR KAHLE: They certainly have been consulted. The bill came from them. I'm carrying it for the county officials. They met as early as a year and a half ago to talk about this and this is their bill that they came up with.

SENATOR NICHOL: Okay, thank you.

SENATOR LAMB: Senator Beutler, on the Kahle amendment. Senator Kahle, do you wish to close on your amendment?

SENATOR KAHLE: I move the amendment.

SENATOR LAMB: The motion is the adoption of the Kahle amendment. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 29 ayes, 0 nays on adoption of Senator Kahle's amendment.

SENATOR LAMB: The amendment is adopted. Senator Kremer, on the bill.

SENATOR KREMER: Maybe I should wait and let Senator Kahle explain the bill if he wants to provide any further information. I was going to speak in support of the bill.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: Mr. President, we did spend some time explaining it the other day and I'm not sure everyone was here but it would set up a new classification of roads with minimum maintenance. It would not affect anyone's home or any driveway that would go to where people live. It is strictly to take care of what most of us would call a farm road or a field road. Rather than take those roads and close them as we did many times in the years past in county government, we think it would be better to put a minimum classification on them, perhaps maintain them a few times during the year. It might have a faulty bridge that will not carry any traffic at all. This would be torn out and perhaps a rock pass made at the bottom of the creek or the draw, things like that but it would not affect where people live or school buses drive, with mail routes. What it should do by having the minimum maintenance, it should allow the county to maintain those roads that are used at a higher level. And that basically is what we are trying to do. As I said before, there is perhaps, not the same liability but liability that will go along with that classification of roads. And then I had the happy

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thought that maybe these guys with four wheel drive vehicles would have some place to try them out. Thank you.

SENATOR LAMB: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, I think it might be well if I would point out the strong support to this bill when it was heard in committee. There was no opposition and I call your attention to those that were in support and I support the bill. It was supported by the Association of County Officials, the highway superintendents of a number of the counties, the Association of County Officials, the Board of Classification...two spoke on it, representing the Association of County Officials, so it was well represented by those that had to do with roads like this and those that testified indicated how much we need this because of the shortage of funds. Senator Kahle has already brought that out and these roads of course would be kept up to a minimum standard but still would provide safety to those that knew they were traveling on that road. I thought that you should know about the support that this bill received at the time of the hearing. Thank you.

SENATOR LAMB: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I did ask for an Attorney General's opinion on this legislation. It was received by me this morning. It is going to be in the Journal for today. I think it ought to be pointed out I will support the bill but there were some questions I had about liability. I think the Attorney General's opinion makes it clear that this does not change, I think, to the degree that some may think it does, the liability question for counties to maintain the roads. In the Attorney General's opinion you'll see this. It will say if a county keeps a road open it must keep it reasonably safe for travelers and by that they mean the court has held that a county is not an insurer of the safety of travelers on its roads but must use reasonable and ordinary care of the construction and maintenance and repair of its highways and bridges so that they will be reasonably safe for travel or using them while he is in the exercise of reasonable and ordinary caution and prudence. And it goes on to talk about the different liability and upkeep. What the opinion, I think says, is that you can talk about minimum maintenance roads but if there is a problem, if for instance you keep the minimum maintenance, meet the standards and you have the road there, somebody comes along and it is wet and they go off the road because of that, hit a tree, there is still a liability present for the county if they haven't been

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reasonable in terms of their upkeep and evidently the standards that are proposed in this legislation do conflict with past case law and judicial interpretation and so the evidence from the Attorney General's opinion is that previous case law and judicial interpretation in conflict will take precedence over this new standard. So you may talk about minimum maintenance roads but the liability question which is at the heart of the problem still would be there and I think we want to protect people. If a road is not kept up and it is open to the public and as a result somebody is injured from the use of that road, there would still be a liability by the county. I wanted to point that out to you. I know that you want to move on with other things but there is an Attorney General's opinion you may want to look at in regard to this legislation.

SENATOR LAMB: Senator Kahle, to close on the bill.

SENATOR KAHLE: No closing, go ahead.

SENATOR LAMB: The motion is to advance the bill. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 35 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR LAMB: LB 611 is advanced. Do you have something to read in, Mr. Clerk?

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 787 and Senator Fenger amendments to LB 761. (See page 1508 of the Legislative Journal.)

SENATOR LAMB: Thank you for staying this late. Would... Senator Pirsch, would you care to adjourn us until nine o'clock in the morning and this worked so well that we will plan to stay until five o'clock tomorrow night.

SENATOR PIRSCH: Thank you, Senator Lamb. I move to adjourn us until nine o'clock, March 31.

SENATOR LAMB: All those in favor say aye, those opposed no. We are adjourned.

Edited by Arleen McCrory
Arleen McCrory

April 1, 1982

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 693, 611

Section 2 of Section 1 will be held within 60 days of the deadline required by subsection (c) of subsection 2 of Section 1.

SENATOR LAMB: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I believe I will withdraw that amendment. I don't think this is my day.

SENATOR LAMB: The amendment is withdrawn.

CLERK: Mr. President, the next amendment I have is from Senator Fowler. It is on page 1544.

SENATOR LAMB: Senator Fowler.

SENATOR FOWLER: I would like to withdraw that and the other amendment. These ideas still aren't catching on so we will try another day.

SENATOR LAMB: Thank you, Senator Fowler. The next amendment, please.

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

SENATOR LAMB: Is there any discussion on the bill?
Senator Kilgarin, on the bill.

SENATOR KILGARIN: I move we advance LB 693.

SENATOR LAMB: Those in support of advancing the bill will signify by saying aye, those opposed no. The bill is advanced. Mr. Clerk.

CLERK: Mr. President, very quickly, a study resolution by the Government, Military and Veterans Affairs Committee... I'm sorry, by Senator Kahle. First, LR 299 calls for a study of the investigation and elimination of fiscal fraud, waste and mismanagement within state agencies. LR 300 by Senator Kahle calls for a study on the property tax system as a means of financing governmental subdivisions. LR 301 by Senator Kahle calls for a study of LB 624 introduced this session regarding the access, use and disclosure of information within the control of state government. LR 302 by Senator Kahle calls for a study vehicle to deter drunk driving. LR 303 by Senator Kahle calls for a study of the methods of financing political campaigns in the State of Nebraska. All those will be referred to the board, Mr. President. (See pages 1627-1629 of the Legislative Journal.) Senator Kahle would like to print amendments to LB 611 in the Journal. (See page 1630 of the Legislative Journal.) Senator Schmit