

January 9, 1981

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

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

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

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

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

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

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

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

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

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

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

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

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LB 39A, 45, 64, 65, 92, 165,
170, 185, 187, 199, 238, 244.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: (Microphone not on)....will be given by Dean L. Hubbard who is the President of Union College.

PRAYER: Offered by Dean L. Hubbard, Ph.D., President of Union College, Lincoln, Nebraska.

SPEAKER MARVEL: Roll call. Please record your presence. Have you all recorded your presence?

CLERK: Mr. President, Senators Warner and Carsten would like to be excused all day.

SPEAKER MARVEL: Okay, record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read in some reports first.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 165 and recommend that same be placed on Select File; LB 185, Select File; LB 187, Select File; LB 238, Select File with amendments; LB 244, Select File; LB 92, Select File with amendments; LB 199, Select File with amendments, LB 170, Select File with amendments. (Signed) Senator Kilgarin, Chairman. (See pages 413 and 414 of the Legislative Journal.)

Mr. President, your Committee on Public Works whose Chairman is Senator Kremer to whom was referred LB 64 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 65, General File with amendments. (Signed) Senator Kremer, Chairman. (See pages 414 through 416 of the Legislative Journal.)

Mr. President, new bill, LB 39A, offered by Senator Kahle. (Read title to LB 39A as found on page 416 of the Legislative Journal.)

Mr. President, Senators Vard Johnson and Chambers would like to print amendments to LB 45 in the Legislative Journal. (See page 417 of the Journal.)

Your committee on Banking, Commerce and Insurance gives notice of public hearing in Room 2230 for Tuesday, March 3. (Signed) Senator DeCamp, Chairman. (See page 417 of the Journal.)

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LB 51, 64

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 51. All those in favor vote aye, opposed vote no. Record.

CLERK: 28 ayes, 0 nays on adoption of the committee amendments, Mr. President.

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

SENATOR RUMERY: Mr. President, I move the bill be advanced to E & R Initial.

SPEAKER MARVEL: The motion is the advancement of the bill as amended to E & R Initial. All those in favor vote aye, opposed no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. Next bill, LB 64.

CLERK: Mr. President, LB 64 was offered by Senator Nichol. (Read title). The bill was read on January 9. It was referred to the Public Works Committee. It was advanced to General File. There are committee amendments pending, Mr. President, by the Public Works Committee.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, we refer to this bill affectionately in the Public Works Committee as the "flasher bill". It's ironic that it is introduced by a conservative fellow like Senator Nichol. It has to do with flashing red lights on vehicles. Now Senator Nichol, his constituents, a couple of his constituents felt that privately owned wreckers when engaged in emergency service at the scene of an accident should have the right to use flashing red lights, and basically, the committee agreed with Senator Nichol. We did strike the entire bill but that was done only for drafting purposes. The substance of Senator Nichol's bill has been retained with some amendments. Okay, the committee amendments then do this. They require that a permit be obtained in order to use the flashing red lights. Secondly, it made a little more specific the circumstance in which a flashing red light could be used, that

is, it said it had to be outside of city limits of a metropolitan class city or primary class city. They are not to be used inside of Lincoln and Omaha. The committee felt that it might add too much confusion. Secondly, they can be used only at the scene of an accident or at the scene of a disabled vehicle. In other words, they are to be used only while the wrecker is in the process of clearing an accident or aiding a disabled vehicle. The third amendment allows the crossing over of a median for the purpose of assisting a stranded vehicle, and that would apply not only to wreckers but to any vehicle assisting a stranded vehicle. Those then are the committee amendments. Thank you.

SPEAKER MARVEL: Senator Kahle, did you want to be recognized?

SENATOR KAHLE: Mr. Speaker and members, I would like to ask some questions either of Senator Nichol, I guess.

SPEAKER MARVEL: Do you yield, Senator Nichol?

SENATOR KAHLE: Some states, in many states I understand and I've witnessed have not allowed even the cruiser cars to have the red flashing lights. That is reserved for the fire department, and many states have blue lights on their cruiser cars and I wondered if that had widespread support in those states and why or whether perhaps we have too many vehicles now with red lights on, I guess is my question.

SENATOR NICHOL: That was brought up in the hearing, Senator Kahle, and you have justification in questioning that. What has been attempted to have across the country has been a consistency across the country so that everybody doesn't have...every state have a different combination of lights and so forth to warn the people. May I say this generally with the states and we wrote to all the states and heard from most of them back as to what they do. Caution lights usually mean something is dangerous ahead but it does not mean stop. Red lights mean stop. Red flashing lights mean stop. Now not all states, as I understand it, have exactly that meaning, but Nebraska does. Now this particular bill, this would allow them permissively to use red lights. I am talking about wreckers at the scene of the accident, not going to the scene or leaving from the scene, or when they are towing a vehicle down the road. Does that answer your question somewhat?

SENATOR KAHLE: In other words, they would have two sets of lights, the amber lights they now have...I guess they are amber, as they travel with the vehicle and when they were stopped to hook onto it they would be allowed to have the flashing red lights.

SENATOR NICHOL: That is correct. They do...they are allowed now to have the orange lights, but this bill would allow them to have red flashing lights at the scene only. It specifically says they cannot use it going to and from an accident.

SENATOR KAHLE: That certainly helps my problem. Thank you.

SPEAKER MARVEL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I have got a question of Senator Nichol.

SPEAKER MARVEL: Senator Nichol.

SENATOR WAGNER: Senator Nichol, as I understand this bill now, there will be a permit and this will be issued by the sheriff?

SENATOR NICHOL: That is correct.

SENATOR WAGNER: Okay, my question is, what if the sheriff does not want to issue this permit?

SENATOR NICHOL: Then he is not doing his duty and can be forced to issue the permit. Now may I say in addition to that, if a wrecker operator is illegally operating his red lights, for example, operating on the way to an accident scene, he has a right to revoke that permit but he does not have the right to not issue the permit originally when it is requested.

SENATOR WAGNER: Okay, now to kind of continue on a little bit, I have sometimes wondered because in my area we have had some trouble with like the sheriff and so forth issuing the permit. I kind of wonder... has anybody else maybe or have you had a problem like this? Would it better instead of the sheriff to maybe go to the state patrol to issue that permit?

SENATOR NICHOL: Well, I think it would be a little more cumbersome to do it that way. Now, actually the gentleman who wanted this bill to start with did have

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LB 64

a little problem with the sheriff's department in my area, but they have not, of course, had a chance to have a problem in this regard as yet since they have not been allowed to have the red lights and they have not been allowed to ask for the permit. So as far as being under the patrol or the county sheriff, I have no preference except I think it would be a little easier under the sheriff's department.

SENATOR WAGNER: Okay. But he did have a problem there for....?

SENATOR NICHOL: Well, he had a little problem otherwise, so he was afraid that perhaps he might have a problem in getting a permit, but at the hearing it was brought out that the sheriff would be required to give him the permit to start with.

SENATOR WAGNER: Okay, maybe as time goes on if there is a problem we might look to amend that.

SENATOR NICHOL: I would certainly be amenable to changing it if there is a problem.

SENATOR WAGNER: All right, thank you.

SPEAKER MARVEL: Senator Nichol, do you want to close?

SENATOR NICHOL: No, no, I want...we are still on the amendments, are we not, Mr. Chairman?

SPEAKER MARVEL: Okay.

SENATOR NICHOL: I wanted to ask Senator Beutler a question and I think he is able to answer....the intent of the amendment, one of them is that when operated within a metropolitan or primary class cities a private wrecker cannot operate the flashing red light, it doesn't have to be removed from the wrecker, is that correct? In other words, in Omaha and Lincoln a wrecker could have these lights on their vehicle but could not use them within the city limits of Lincoln and Omaha but they may use them outside the city. That is correct, isn't it?

SENATOR BEUTLER: That's the committee intent, Senator Nichol.

SENATOR NICHOL: Then when a wrecker operator gets the permit from the county sheriff, the permit is good

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LB 64

throughout the state, that is a regular operator doesn't have to get a permit from every county, just once from his own county and that would be good all through the state.

SENATOR BEUTLER: That also is the committee intent.

SENATOR NICHOL: Yes. I approve of the committee amendments.

SPEAKER MARVEL: The motion before the House is the adoption of the committee amendments to LB 64. All those in favor vote aye, opposed no. Record the vote.

CLERK: 29 ayes, 1 nay, on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now, Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, I move for the advancement of LB 64. This bill merely provides that a wrecker operator may have flashing red lights on his wrecker, which may be used at the scene of an accident and not on the way to the scene of an accident, not on the way back from an accident, nor while towing a disabled vehicle down the road. The reason for this is so that many times in rural areas especially the wrecker is the only one at the scene of an accident with flashing red lights. Some time patrolmen have to leave the scene of an accident because it may take several hours to remove a vehicle from the scene of an accident and these wrecker drivers feel that they need the safety of a flashing red light at the scene of an accident both for themselves, for other cars coming down the highway and for the people who are involved in the accident. I move for the advancement of LB 64.

SPEAKER MARVEL: Senator Remmers, do you have a comment? Go ahead.

SENATOR REMMERS: Mr. President and members of the Chamber....(interruption).

SPEAKER MARVEL: I think Senator Nichol actually was closing but I didn't state it....

SENATOR REMMERS: I am sorry.

SPEAKER MARVEL: No, go ahead. Go ahead, I didn't state it.

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LB 64, 65

SENATOR REMMERS: I just want to say that there is a need for this, that several constituents in my district had asked that I introduce the same bill, or a similar bill, and when I found out that Senator Nichol had the bill in, I felt that I should support it because in the rural areas when there is a, as Senator Nichol said, there are times when the wrecker is out there alone, no sheriff or state patrol, and it is a very hazardous situation, and I think that they need the right to use the red lights to warn the people of what is going on on the road.

SPEAKER MARVEL: The motion is the adoption of LB 64 as amended, to advance the bill. All those in favor vote aye, opposed no. Record.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried and the bill is advanced as amended. The next bill, LB 65.

CLERK: Mr. President, LB 65, offered by Senator Nichol. (Read title). The bill was read on January 9. It was referred to the Public Works Committee. It was advanced to General File. There are committee amendments by the Public Works Committee.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this bill was brought to us by Senator Nichol. It has to deal with railroad transportation districts. It won't go into the number of the adjustments and suggestions that Senator Nichol made, but will leave that to him. He made a whole number of suggestions which all of which the committee liked with the exception of one that we did change a bit. The suggestion that was changed, the one amendment has to do with the power of eminent domain. Presently under the law railroad transportation districts do have the right to exercise the power of eminent domain but only upon a vote of 5/6, 5/6 of the directors of a district. Under the bill that would have been changed to 2/3 of the directors of the district. The committee struck the language and retained the present provision in the law that requires the more difficult 5/6 approval in order to exercise the power of eminent domain. That is the sum and substance of the committee amendments.

February 10, 1981

LB 14, 18, 20, 24, 41,
51, 64, 65, 121, 165A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT LUEDTKE: Prayer by Senator Rumery.

SENATOR RUMERY: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Chambers would like to be excused all day; Senator Burrows until he arrives; Senator Carsten and Dworak all day.

PRESIDENT: Has everyone registered your presence? Has everyone registered your presence? Record the attendance, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as printed. Proceed with any messages, reports or announcements.

CLERK: Your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 41 and recommend that same be placed on Select File; LB 18 Select File; LB 121 Select File; LB 14 Select File; LB 51 Select File with amendments; LB 64 Select File with amendments; LB 65 Select File; and LB 24 Select File. (Signed) Senator Kilgarin, Chairperson.

PRESIDENT: We are ready then for Select File. Senator Nichol, will you handle E & R? We only have E & R amendments on 178 so we will just go right down through the list beginning with LB 20.

SENATOR NICHOL: Okay, are you ready to start. Mr. President, I move that LB 20 be advanced to E & R engrossing.

PRESIDENT: Motion to advance LB 20 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 20 is advanced to E & R for engrossment. LB 165.

SENATOR NICHOL: Mr. President, I move...

PRESIDENT: LB 165A. Just hold up a minute. All right, we will

February 11, 1981

LB 14, 51, 64, 121

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 121 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced.

CLERK: No E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 14 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The bill is advanced. LB 51.

CLERK: There are E & R amendments, Senator.

SENATOR NICHOL: Mr. Chairman, I move LB 51....

CLERK: E & R amendments be adopted, Senator.

SPEAKER MARVEL: The E & R amendments.

SENATOR NICHOL: The E & R amendments be adopted first, yes.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

SENATOR NICHOL: Mr. Chairman, I move LB 51 be advanced to E & R for Engrossment.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion carried. LB 51 as amended is advanced.

CLERK: There are E & R, Senator.

SENATOR NICHOL: Mr. Chairman, I move the E & R amendments on LB 64 be approved.

SPEAKER MARVEL: All those in favor of that motion say aye. Opposed no. The motion carried. The bill is advanced. No it isn't. All right, the E & R amendments are adopted.

SENATOR NICHOL: Okay. Now, Mr. Chairman, I move LB 64 be advanced to E & R for Engrossment.

February 12, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Monsignor Charles J. Keenan of the Blessed Sacrament Parish, Lincoln, Nebraska.

MONSIGNOR KEENAN: Prayer offered.

SPEAKER MARVEL: Roll call. Will you please record your presence. Have you all recorded your presence? Record the vote.

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

SPEAKER MARVEL: Do you have some items to read into the record?

CLERK: Yes, sir, I do. Mr. President, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 336 and recommend that same be placed on Select File with amendments; 336A Select File; 33 Select File; 96 Select File; 31 Select File, 214 Select File, 120 Select File and 85 Select File with amendments, (Signed) Senator Kilgarin, Chair. (See pages 512-513 of the Legislative Journal.)

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom is referred LB 195 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; 272 General File with amendments; 273 General File with amendments and 355 General File with amendments, (Signed) Senator DeCamp, Chair. (See pages 512-514 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 14 and find the same correctly engrossed; 18, 41, 51, 64, 65 and 121 all correctly engrossed.

And finally, Mr. President, I have a lobby registration report covering the week of February 6 through February 11, 1981. (See page 515 of the Journal.)

SPEAKER MARVEL: Okay, we will go to item #4, introduction of new bills.

CLERK: Mr. President, Senator Nichol moves to suspend Rule 5, Section 5 so as to permit the introduction of Request 889 by himself.

SPEAKER MARVEL: Senator Nichol.

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LB 64, 65

trouble like that any more. Thank you, Senator Dworak, for bringing that matter to our attention and I think we all understand the point that was made. Proceed then with the... the next one is LB 51, and, Mr. Speaker, I believe you want that one passed over. So LB 51 will be passed over. We will go on to LB 64 on Final Reading.

CLERK: Mr. President, LB 64 (Read on Final Reading).

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 64 pass? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 601, Legislative Journal.) 42 ayes, 6 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 64 passes. The next bill on Final Reading is LB 65, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Senator Nichol moves to return LB 65 to Select File for specific amendment. (Read Nichol amendment found on page 602, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President, they made a mistake in printing. I have to bring it back for correction. I move we bring it back to E & R for reengrossing or whatever you call it, for correction.

PRESIDENT: For the amendment for correction, is there any discussion on the Nichol amendment to bring LB 65 back for the corrective amendment? Senator Nichol, would you respond to that question.

SENATOR NICHOL: They have two words "of", o-f, in there and also "five-sixths" twice instead of once and it doesn't make sense the way it is.

PRESIDENT: Any further discussion? If that concludes your remarks, Senator Nichol, then we will proceed. The question then is the returning to Select File for the purpose of the amendment of LB 65. All those in favor vote aye, opposed nay. Record the vote.

LB 14, 18, 20, 27, 28, 29, 30
37, 41, 42, 43, 45, 46, 81
110, 121, 125, 130, 140,
143, 155, 164, 188, 188A,
207, 207A, 214, 234, 82, 64
234A

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SENATOR DWORAK: I wish to close, Mr. President. I just reiterate that LB 125 be advanced to E & R initial.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no. Okay, record.

CLERK: 33 ayes, 9 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The Clerk has some items on the desk before we adjourn.

CLERK: Mr. President, before we leave Senator Kremer would like to remind the Public Works Committee that they have a hearing at noon today in Room 1517 on Gubernatorial appointments for the public roads classification for motor vehicle licensing board. That is in Room 1517.

Mr. President, I have legislative bills ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and I do sign LB 121, LB 64, LB 41, LB 18, LB 14 and engrossed LB 140, engrossed LB 130 and engrossed LB 82, engrossed LB 81, engrossed LB 46 and engrossed LB 45. Okay, Mr. Clerk.

CLERK: Mr. President, I have an Attorney General's opinion addressed to Senator Goodrich. It will be inserted in the Journal. (See pages 608-610.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 110 and find the same correctly engrossed; 188, 188A, 207, 207A, 214, 234 and 234A, all correctly engrossed.

Mr. President, your Enrolling Clerk respectfully reports she has at 10:37 a.m. presented to the Governor for his approval the following bills: 28, 42, 156, 20, 27, 29, 30, 37 and 43.

Mr. President, Senator Chambers moves to reconsider the action in voting to indefinitely postpone LB 143. That will be laid over.

I have explanation of votes from Senator Haberman and Senator Sieck. (See page 611 of the Journal.)

I have a report of registered lobbyists for February 12

February 24, 1981

LB 14, 24, 31, 33, 41,
45, 46, 64, 81, 82,
85, 96, 120, 121,
130, 14, 158, 213

SPEAKER MARVEL PRESIDING

REV. JOSEPH A. MROCZKOWSKI: Prayer offered.

SPEAKER MARVEL: Will you please record your presence?
Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Underneath the North balcony, it is my privilege to present visitors to Nebraska sponsored by Partners of the Americas and the sponsors are Mrs. Ben Schulze and Gilbert Erickson and the visitors are coordinated with Dr. Fortes and his wife Maranna and the technical title is the Coordinator of Congressional Affairs for the Ministry of Education and Cultural Affairs from Brazil. Would you folks please stand so we can welcome you to the Unicameral. Okay, there is some items on the Clerk's desk and we will start with those.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk regarding signing of LBs 14, 18, 41, 45, 46, 64, 81, 82, 121, 130 and 140. (See page 639 of the Legislative Journal.)

Your Enrolling Clerk respectfully reports that she has on February 23 at 2:37 p.m. presented to the Governor the following bills: 31, 33, 85, 96 and 120.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 24 and find the same correctly engrossed.

Your committee on Appropriations whose chairman is Senator Warner to whom is referred LB 158 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendment, (Signed) Senator Warner, Chair.

Mr. President, I have a report from the State Employment and Training Council. It will be on file in my office.

Mr. President, Senator Cullan asks unanimous consent to add his name to LB 213 as cointroducer.

SPEAKER MARVEL: Do you have any other items?

CLERK: No, sir.

SPEAKER MARVEL: Okay, item #4, resolutions.