

January 6, 1982

LR 197 - 201
LB 646 - 655

and put it in the bill books. It is not that difficult an assignment. It could be spread around as the committee chairperson desires. It is optional. It is something that can be worked out very easily on each individual case as the committee chairperson feels is most appropriate. So as far as the chairpeople is concerned, I think they aren't legitimate and I think that the rule change is absolutely well written and could handle the situation that we have had a problem with. So I ask your support for the rule change and I think we will all benefit from it.

SPEAKER MARVEL: The motion is the adoption of amendment six. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Have you all voted? Okay, Clerk, record the vote.

CLERK: 17 ayes, 25 nays, Mr. President, on adoption of the proposed rule change.

SPEAKER MARVEL: The motion lost.

CLERK: Mr. President, if I may, new bills. LB 646 offered by Senator Goodrich. (Read title). LB 647 offered by Senator Hefner. (Read title). LB 648 offered by the committee on Agriculture and Environment. (Read title). LB 649 offered by the Administrative Rules and Regulations Committee. (Read title). LB 650 offered by the Education Committee. (Read title). LB 651 offered by the Education Committee. (Read title). LB 652 offered by the Education Committee. (Read title). LB 653 offered by the Education Committee. (Read title). LB 654 offered by the Education Committee. (Read title). LB 655 offered by Senator Beyer. (Read title). (See pages 102 through 105 of the Legislative Journal.)

Mr. President, I have received from the Reference Committee a reference report on gubernatorial appointments. That will be referred to them. (See pages 105 and 106 of the Legislative Journal.)

Mr. President, I have new resolutions. LR 197 offered by Senator Koch. (Read LR 197 as found on pages 106 and 107 of the Journal.) LR 198 offered by Senator Warner. (Read LR 198 as found on pages 107 and 108 of the Journal.) That will be referred to the Reference Committee, Mr. President, pursuant to our rules. Mr. President, LR 199 offered by Senators Fowler and Labeledz. (Read LR 199 as found on page 108 of the Journal.) Mr. President, LR 201 offered by Senator Wagner and the members. (Read LR 201 as found on pages 109 and 110 of the Journal.) That too, will be laid over, Mr. President. And finally, Mr. President, I have a notice of confirmation hearing by the Banking Committee for later this week.

January 25, 1982

LB 69, 560, 589, 598,
646, 654, 865

by Senator Kilgarin as Chair.

Mr. President, your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp to whom is referred LB 589 instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File, 598 to General File, 646 to General File and 654 to General File...I'm sorry, 646, and Education reports LB 654 to General File. Those are signed by their respective chairmen, Mr. President.

Mr. President, Judiciary gives notice of cancellation of hearing for Wednesday, February 3 and I have received two reports, one from the University of Nebraska pursuant to LB 560 passed last session, a report from the Upper Big Blue Natural Resources District regarding payment of attorneys fees and, Mr. President, Senator Marsh would like to print amendments to LB 69 in the Legislative Journal. (See pages 395-397 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator DeCamp asking that the Banking, Commerce and Insurance Committee hold their hearings in Room 1113 tomorrow and Judiciary Committee would hold their public hearings in Room 2230, just switching hearing rooms.

PRESIDENT: Any objection? Hearing none, so ordered. We are ready then for agenda item #4, Motions. The first motion on gubernatorial appointments from the Agriculture Committee. Senator Wagner, will you handle the motion. The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, the Agriculture Committee held their confirmation hearings on Friday, the 15th and the three people we confirmed were Homer Loutzenheiser for the Environmental Control Council, All Wood for the Environmental Control Council and Donald Larson for the Nebraska Gasohol Committee. The committee acted favorable on these nominations. It is our recommendation that the Legislature approve of them.

PRESIDENT: Any discussion as to the motion of the Agriculture Committee? Hearing none, the question is the approval of the gubernatorial appointments for the Agriculture and Environment Committee. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on approval of the report. (See vote on page 397 of the Legislative Journal.)

PRESIDENT: Motion carries. The report is approved. The next motion concerns LB 865, a motion to withdraw. Is Senator Goodrich here? Would someone make the motion for

February 4, 1982

LR 213
LB 654

having said everything I want to on this subject in the resolution, I move its adoption.

SPEAKER MARVEL: That is your opening and closing. All those in favor of the adoption of LR 213 as discussed vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of LR 213.

SPEAKER MARVEL: The motion is carried and the resolution is adopted. Do you have other items? Item #6, General File.

CLERK: Mr. President, first bill, LB 654, was a bill introduced by the Education Committee and signed by its members. (Read title). The bill was read on January 6th of this year, referred to the Education Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman and members of the body. LB 654 deals with the Commissioner of Education. And what the bill very simply does is it allows the State Board of Education to offer a three-year contract to the Commissioner. In the past there has been some discussion on the part of that board whether or not they can offer a contract longer than for an annual term. And I think it is important that we clarify this for the State Board in view of the fact that within probably a couple years they will be looking for a new commissioner and this would not be unusual to offer that person up to three years when they are looking and seeking for a new commissioner. So I ask for LB 654 to be adopted and moved to E & R Initial.

SENATOR CLARK: Is there any discussion on 654? Senator Johnson.

SENATOR V. JOHNSON: Yes. Mr. Speaker and members of the body, I would just like to ask Senator Koch for some explanation of 654. When I read the bill the other night and, of course, I can't find it quick-like to read it again, but I read it the other night. It seemed to me, Senator Koch, that it was saying that the State Board of Education if it decided to offer a contract, had to offer a contract

February 4, 1982

LB 654, 829

for a period of three years. Is that your interpretation?

SENATOR KOCH: No.

SENATOR V. JOHNSON: The reason I say that is because it says...the bill says, it shall then consider the appointment and contracting for a Commissioner of Education whose appointment may be for a period of three years. Now the "may" would indicate that it is permissive.

SENATOR KOCH: That's right.

SENATOR V. JOHNSON: But if they do a contract, then you are saying it can be for any period of time up to three years.

SENATOR KOCH: Up to three years.

SENATOR V. JOHNSON: All right.

SENATOR KOCH: It could be annual, biennial or three.

SENATOR V. JOHNSON: Okay, thank you very much.

SENATOR CLARK: Any further discussion? Is there any closing, Senator Koch? The question before the House is the advancement of 654 to E & R. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced? Is Senator Kremer here?

CLERK: No, he is excused.

SENATOR CLARK: We had better skip over the next bill then. We will take up 829.

CLERK: Mr. President, LB 829 is a bill introduced by the Public Health Committee. (Read title). The bill was read on January 14, referred to Public Health for hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 4, 1982

LB 240, 609, 623,
631, 654, 902

once and for all we would do two things this year, keep our state control which you have' d with legislation if you are going to do anything. You are not going to have it otherwise. It is going to be lost, number one, if you don't pass the bill. And, number two, get it simplified in this usury rates to where at least we can kind of understand it from year to year. That is about it. I urge you to reject the amendment and that is it.

SENATOR CLARK: There is no way we can finish this amendment. We have got four more lights on up here. Senator Marsh, would you like to adjourn us until nine o'clock tomorrow morning? After he....

SENATOR MARSH: After he reads in?

SENATOR CLARK: After he reads in.

CLERK: Mr. President, Banking, Commerce and Insurance will hold an Exec Session in Senator DeCamp's office today at noon.

Your committee on Retirement Systems whose Chairman is Senator Fowler reports 609 advanced to General File with committee amendments attached; 902 advanced to General File; and 240 advanced to General File with amendments. Those are signed by Senator Fowler. (See pages 560 and 570 of the Legislative Journal).

Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading yesterday, Mr. President.

Senator Fowler would like to print amendments to LB 631. (See page 561 of the Journal.)

Senator Lamb would like to print amendments to LB 654 in the Journal. (See page 561 of the Journal).

Mr. President, Senator Wesely asks unanimous consent to add his name to the Wiitala motion previously filed today. (See page 561 of the Journal).

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Mr. Chairman, I move we recess until 9:00 a.m. on February 5th.

SENATOR CLARK: We have to adjourn.

February 8, 1982

LB 635, 654, 824, 829

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer by the Reverend J. Dallas Gibson of the United Presbyterian Church. Reverend Gibson.

REVEREND GIBSON: (Prayer offered.)

SPEAKER MARVEL: Record your presence please. Okay, record.

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

SPEAKER MARVEL: The Clerk has some items to be read in.

CLERK: Mr. President, your committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp gives notice of confirmation hearing for Tuesday, February 9. Your committee on Judiciary gives notice of hearing for gubernatorial appointments for February 10. Committee on Banking gives notice of public hearing for Tuesday, February 16. That is offered by Senator DeCamp.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 654 and recommend that same be placed on Select File; 829 Select File with amendments, both signed by Senator Kilgarin.

Mr. President, Senator DeCamp asks unanimous consent to add his name to LB 824 as coinroducer.

SPEAKER MARVEL: No objection, so ordered. It is my privilege to introduce in the North balcony students from Omaha South High School with their teacher, Sally Fellows. Will you please hold up your hand so we can see where you are? The Senator is Karen Kilgarin. We are ready for item #4, motions.

CLERK: Mr. President, Senator Kahle pursuant to our rules moves to place LB 635 on General File notwithstanding the action of the Public Health and Welfare Committee. Senator Kahle's motion is found on page 486 of the Journal.

SPEAKER MARVEL: Senator Kahle, the Chair recognizes you.

SENATOR KAHLE: Mr. Speaker, members of this august body, we never know what is going to happen on Monday mornings and Friday afternoons so I am not sure that this is a good time to try this or not but I am attempting to bring LB 635 to the floor notwithstanding the action of the Public Health and Welfare Committee. This is the same bill that I introduced last year, last session, as LB 107 and the

March 4, 1982

LB 630, 654, 728, 829

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 630.

SENATOR CLARK: The motion is to adopt the E & R amendments on 630. All those in favor say aye. Opposed. The amendments are adopted.

ASSISTANT CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 630.

SENATOR CLARK: The move is to advance LB 630. All those in favor say aye. Opposed. The bill is advanced. LB 728.

ASSISTANT CLERK: Mr. President, I do have E & R amendments.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 728.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The amendments are adopted. Anything further?

ASSISTANT CLERK: I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 728.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 654.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I have nothing else on the bill.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 654.

SENATOR CLARK: The motion is to advance LB 654. All those in favor say aye. Opposed. The bill is advanced. LB 829.

ASSISTANT CLERK: There are E & R amendments, Mr. President.

SENATOR KILGARIN: I move the E & R amendments to LB 829.

March 10, 1982

LB 127, 127A, 421, 606, 630,
654, 692, 703, 801, 824, 829

PRESIDENT LUEDTKE PRESIDING

REV. JOHN MINERT: Prayer offered.

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

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 127 and find the same correctly engrossed; 127A, 606, 630, 654, 692, 703, 801 and 829 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 824 as indefinitely postponed. That is signed by Senator Kremer.

PRESIDENT: We'll start with the agenda then on agenda item... we're going to reverse the items #4 and #6 according to Speaker Marvel and we'll start with agenda #6, motions, LB 421, Mr. Clerk.

CLERK: Mr. President, Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. Senator DeCamp offered his motion on March 3. It can be found on page 941 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, people in this body are very concerned about health costs. Any time there is fraud or payment of a claim that is improper that costs everybody, whether it is for a drug abuse situation, whether it's for error through payment that shouldn't have been made, it costs everybody, not the insurance company, we all pay for it. This bill is designed to try to correct that particular problem in Nebraska. There were some reservations by some members, Senator Landis and some of the attorneys that there was some language that wasn't clear enough. Maybe that's the reason the bill failed, maybe the fact that several members were absent that day, whatever. I would

March 17, 1982

LB 606, 630, 654

ASSISTANT CLERK: Read LB 606.

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

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting. Vote appears on page 1218 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. I'd like to introduce eleven seniors from Lexington, St. Anne's School in Lexington, Nebraska, Senator Barrett's district. They are in the north balcony. The teacher is Roger Lucas. Will you stand and be recognized please. Welcome to the Unicameral. I'd like to explain to you we are on Final Reading at the present time. The Constitution requires that we read every bill in their entirety. It is very boring to you, I'm sure, but if you stick around, later you will get more action. The Clerk will now read 630 with the emergency clause.

ASSISTANT CLERK: Read LB 630.

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

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: 43 ayes, 1 nay, 4 excused and not voting, 1 present and not voting. Vote appears on pages 1218-19 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached on Final Reading. The Clerk will now read 654.

ASSISTANT CLERK: Mr. President, I have a motion on the desk from Senator Lamb, but I understand he wishes to withdraw that.

SENATOR CLARK: All right, it is withdrawn.

ASSISTANT CLERK: Read LB 654.

March 17, 1982

LB 654, 692, 703, 801

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1220 of the Legislative Journal.

SENATOR CLARK: Bill is declared passed on Final Reading. The Clerk will read 692.

ASSISTANT CLERK: Read LB 692.

SENATOR LAMB PRESIDING

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in support vote aye, those opposed vote no. Have you all voted?

ASSISTANT CLERK: Senator Lamb voting aye.

SENATOR LAMB: Record.

ASSISTANT CLERK: 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting. Vote appears on pages 1220-21 of the Legislative Journal.

SENATOR LAMB: LB 692 passes on Final Reading. Clerk will read LB 703.

ASSISTANT CLERK: Read LB 703.

SENATOR CLARK PRESIDING

SENATOR CLARK: 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 favor vote aye, those opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1221 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached on Final Reading. The Clerk will now read LB 801.

ASSISTANT CLERK: Read LB 801.

8998

March 18, 1982

LR 243
LB 202, 267, 449, 579, 606, 628, 630,
654, 662, 692, 702-703, 717-719,
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections this morning, Mr. President.

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

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

LB 69, 267, 359, 435, 449, 579, 606, 628,
630, 654, 662, 692, 702, 703, 717, 718,
719, 722, 728, 729, 778, 782, 801, 829

March 22, 1982

PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30.

Edited by:

Marilyn Zank
Marilyn Zank