

January 6, 1982

LB 435, 656-664

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence. Does anyone else wish to be recorded? Okay, record the vote, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has some items to read in before we continue.

CLERK: Mr. President, first of all, a reminder that there will be a chairmen's meeting tomorrow morning in Room 2102 at eight-thirty in the morning.

Mr. President, the Government Committee would like to meet in executive session underneath the North balcony upon adjournment today. That is the Government Committee.

Mr. President, I have a communication from the Speaker indicating that a priority designation for LB 435 has been withdrawn and, Mr. President, I have new bills.

Mr. President, new bills. LB 656 offered by Senator Labedz. (Read by title for the first time, LBs 656-664. See pages 111-113 of the Legislative Journal.)

SPEAKER MARVEL: Okay, we're ready to take up item #7.

CLERK: Mr. President, the proposed rule amendment #7 has to do with cloture. (See page 113 of the Legislative Journal.)

SENATOR WESELY: Mr. Speaker, members of the Legislature, the proposed rule change concerning cloture came from committee after being introduced by Senator Beutler. It deals with the problem of extended debate, basically a filibuster situation where those who can propose amendments, callous amendments or motions or what have you that would preclude the chance for a decision on a motion or a bill. The problem is, how do we deal with that problem? So what we came up with was a cloture rule that said five hours of debate on any stage of consideration, General File, Select File or Final Reading, you get five hours. After that amount of debate if someone makes a motion to cease debate, can vote on the motion at hand and the issue at hand, it is in order to stop all the amendments and all the other motions and go to the question at hand and vote on it. It is an attempt to try and allow extended debate. Five hours on each stage is a long time to debate any issue

January 29, 1982

LR 210
LB 239, 212, 585, 657, 662,
669, 729, 758, 448

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

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. Next amendment please.

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

February 11, 1982

LB 662

SENATOR CLARK: The bill is returned. We will take up nothing further on the bill until at least tomorrow. We will now go to #5. Do you have anything to read in, Mr. Clerk?

CLERK: Mr. President, the Speaker gives notice of Special Order items for next Wednesday. That is the only item I have.

SENATOR CLARK: We will now take up 662.

CLERK: Mr. President, LB 662 offered by Senator Chambers. (Read title.) The bill was read on January 6th of this year, referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Chambers, you can go ahead and explain the bill and then we have an amendment after that.

SENATOR CHAMBERS: Oh, let me....may I let Senator Nichol deal with that amendment first?

SENATOR CLARK: All right.

CLERK: Mr. President, Senator Nichol would move to amend and the amendment is on page 594 of the Journal.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, since I come from an area in Nebraska that is not smiled on by this group, and since I learned this morning that it is not smiled on by Wyoming either, with fear and trepidation I sincerely respect and hopefully you will grant me the privilege of withdrawing this amendment so that we can get along. I move for the withdrawal of the amendment.

SENATOR CLARK: The amendment is withdrawn. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this bill is my delivery on a promise that I made when we were dealing with the sheriffs' salary increase bill. This is my mea culpa. I have sinned. It is a soul cleansing bill for me. When we were dealing with that sheriffs' bill, I persuaded you to raise the jailer's fee from \$3 to \$10 even though I am totally opposed to that, and I think fees ought not be used to supplement an individual's salary. But since we did not

raise the salary, this was to be a stopgap measure to go only until 1983, January of 1983. So this bill is designed to complete that agreement and end the fee as of January 1st, 1983. A number of counties have raised the sheriffs' salaries in the meantime, others have balked. But I think Senator Nichol, offering the amendment that he did, has called attention to the seriousness with which the Legislature views the obligation of counties to pay a fair salary to the sheriffs. So with the momentum that seems to be developing and the fact that a number of counties, a substantial number have acted in good faith as far as dealing not only with the sheriffs but with the salaries of other county officers, I am asking that you advance this bill and the only thing it will do is to say that that \$10 jailer fee which a sheriff gets as long as prisoners are in jail will be abolished as of January 1st, 1983. Thank you.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I rise to support Senator Chambers. I had one of my county officials call me and say that there is a possibility of their sheriff refusing to be the jailer. He is going to keep his high salary and he is going to refuse to be the jailer and force them to hire somebody else. And I have it indicated to me that some of them are not going along with this, they have taken their increase but they still want the other. So I feel that the bill is very necessary and I would like to support Senator Chambers in his efforts on LB 662.

SENATOR CLARK: Senator Rumery.

SENATOR RUMERY: Mr. President and members of the Legislature, I would like to ask Senator Chambers a question if I might. Senator Chambers, you are asking to remove this \$10 a day fee. What do you suggest in its place? How will the sheriff be paid for feeding the prisoners?

SENATOR CHAMBERS: Senator Rumery, this has nothing to do with the feeding of the prisoners. This is a separate fee which says that when he has somebody in jail, then simply for being there as the jailer he gets \$10. If nobody is in jail, he doesn't get it. The portion that deals with the boarding of prisoners is in a different section of statute and this does not touch that at all, only the jailer fee.

February 11, 1982

LB 662, 729

SENATOR RUMERY: Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, I think this has been an issue that has been before us for a number of years and the county officials have worked hard at it. The sheriffs have worked with it. The sheriffs are not all exactly happy with the situation that they have, but we think they're closer together than they have ever been. I have often or always agreed with Senator Chambers, I didn't think the jailer fee should be considered in their salary, which it has been, in many cases this was taken out of the salary. I think this is a good idea and I hope it is a step forward in settling a problem that we have had before us for probably a good many years but especially in the last few years because many sheriffs considered that jailer fee part of their salary, and this would eliminate that part of it. If the county board wants to negotiate with the sheriff for taking care of the jail, why that is fine, that is the way it is going to be, but it is not considered part of their salary anymore. Thank you.

SENATOR CLARK: Is there any further discussion on the bill? Senator Chambers, do you wish to close? The question before the House is the advancement of 662? All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The Chair declares the bill advanced. We will go to LB 729.

CLERK: Mr. President, LB 729 offered by Senator Chronister. (Read title.) The bill was read on January 8th of this year, referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Chronister.

SENATOR CHRONISTER: Yes, sir. Mr. Chairman and members, currently the statutes provide that a sheriff's deputy serve a maximum of a six months' probationary period. Practice has shown that this is not a realistic time period. LB 729 merely extends the existing probationary period for deputy sheriffs from the existing six months

February 16, 1982

LB 69, 604, 604A, 662, 651,
669, 684, 729, 782

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Chris Brekke, Our Savior Lutheran Church, here in Lincoln.

REVEREND CHRIS BREKKE: (Prayer offered.)

PRESIDENT: Roll call. While we are waiting for all of you to register your presence this morning, the Chair takes pleasure in introducing some guests of Senator Goll from Burt and Washington Counties. They are up here in the South balcony, from the 16th Legislative District. Would you recognize about 30 of these guests of Senator Goll's, up here in the balcony. Welcome to your Legislature. 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?

CLERK: (Read corrections as found on page 681, Legislative Journal.)

PRESIDENT: The Journal will stand corrected. Any messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 662 and recommend that same be placed on Select File; 729 Select File; 669 Select File with amendments; 782 Select File with amendments; 604 Select File; and 604A Select File. All signed by Senator Kilgarin.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of a rehearing for Monday, February 22.

Your committee on Education whose Chairman is Senator Koch instructs me to report LB 651 advanced to General File.

Senator Marsh would like to print amendments to LB 69 in the Legislative Journal.

I have an Attorney General's opinion addressed to Senator Cullan regarding LB 684. (See page 683, Journal.)

Mr. President, I have received reports from the Department of Energy as well as the State Risk Management Program. Those will be on file in my office.

March 4, 1982

LR 240

LB 449, 568, 662, 678,
637

as guest of Mr. and Mrs. Richard Peterson. Where are you located? There you are. Okay. The Legislature is under Call. The Clerk is authorized to take call in votes.

CLERK: Senator Dworak voting yes. Senator Marsh voting no. Senator Fowler voting yes. Senator Schmit voting...continues to vote no. Senator Warner voting yes. Senator Lowell Johnson voting yes. Senator Cope voting yes. Senator Cullan, you still are. You are consistent, Senator. Senator Stoney voting...Senator... Senator Stoney, I'm sorry, no. Senator Newell voting no. Senator Sieck, you did vote, yes, Senator. Senator Chambers voting no. Roll call vote has been requested. All legislators please return to your seats so we may proceed with the roll call. Okay.

CLERK: (Read the roll call vote as found on page 992 of the Legislative Journal.) 24 ayes, 17 nays, Mr. President, on the motion to return the bill.

SPEAKER MARVEL: It needs 25, right. The motion lost. The Clerk has got a couple of items to read in.

CLERK: Mr. President, Senator Nichol would like to print some amendments to LB 568 in the Journal; Mr. President, Senator Hefner would like to print amendments to LB 678 in the Legislative Journal.

Mr. President, Business and Labor offers a report on gubernatorial confirmation hearing. That is signed by Senator Barrett as Chair.

Mr. President, I have a new resolution, LR 240 (read). (See pages 996 and 997, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, in addition to that, Senator DeCamp would like to print in the Journal a communication he received from Mr. Leuenberger.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: Mr. President, Senator Hefner would like to add his name as cosponsor to LB 637.

SPEAKER MARVEL: Hearing no objections, so ordered. Senator Kilgarin.

CLERK: Mr. President, I have no amendments on LB 662.

March 4, 1982

LB 662, 729, 669, 669A, 782

SPEAKER MARVEL: The motion is to advance LB 662. All those in favor of the advancement of the bill vote aye, opposed vote no...say aye, opposed no. Motion is carried. The bill is advanced. The next one is LB 729. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 729.

SPEAKER MARVEL: Favor of the motion say aye, opposed no. Motion is carried. The bill is advanced. Senator Kilgarin, LB 669.

SENATOR KILGARIN: I move the E & R amendments to LB 669.

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

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

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 669.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. Bill is advanced. 669A.

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: The motion is to advance. All in favor of advancing 669A say aye, opposed no. Motion is carried. Bill is advanced. 782, Senator Kilgarin.

CLERK: E & R, Senator.

SENATOR KILGARIN: I move the E & R amendment to LB 782.

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

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

SPEAKER MARVEL: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. President. This is essentially Senator Marvel's bill that I'm cosponsoring and the amendment would simply change the composition of the commission from one deputy sheriff who is elected by the deputy sheriffs to two deputy sheriffs. So we are just increasing it from one to two, and after that takes effect, we will also be deleting from that commission the

LB 577, 579, 601, 605, 642, 644, 651, 662,
677, 678, 696, 697, 718, 718, 719, 720,
728, 729, 739, 743, 764, 767, 767A, 775,
776, 778, 784, 792, 796, 807, 824, 825,
828, 839, 845, 869, 877, 890, 892, 931,
941, 951, 952, 961, 962

March 9, 1982

SPEAKER MARVEL PRESIDING

REV. MORRIS VENDEN: Prayer offered.

SPEAKER MARVEL: If I could have your attention for a moment before we proceed. The chairmen had a meeting today and it was agreed that we would attempt to control debate as we have not done too well in the last few months and that we would try, for instance, with 652 to have the debate and the vote on advancement after one hour and that we try to have the pros and the cons of these issues so it doesn't take forever to get the point across. This time we're in a position where we either try to limit debate or many of the other issues will simply go down the drain. So the Chair would appreciate, the chairmen would appreciate your cooperation in trying to give people an opportunity on both sides and not spend all day in the discussion. Record.

CLERK: There is a quorum present, Mr. President. Yes, sir, I do have some items to read in. Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 579 and find the same correctly engrossed; 662 correctly engrossed; 677 correctly engrossed; 718 correctly engrossed; 719 correctly engrossed; 728, 729 correctly engrossed; 764 correctly engrossed and 778 correctly engrossed. (See page 1060 of the Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 720 and recommend that same be placed on Select File with amendments; 767 Select File with amendments; 767A Select File; 807 Select File with amendments; 941 Select File; 877 Select File; 577 Select File; 792 Select File; 605 Select File; 931 Select File with amendments; 796 Select File; 845 Select File; 644 Select File; 739 Select File; 696 Select File; 828 Select File; 642 Select File; 678 Select File; 775 Select File; 776 Select File; 951 Select File; 961 Select File; 952 Select File; 784 Select File; 651 Select File; 716 Select File with amendments; 743 Select File; 601 Select File; 869 Select File with amendments; 697 Select File; 825 Select File; 892 Select File; 962 Select File with amendments; 839 Select File and 890 Select File with amendments. Those are all signed by Senator Kilgarin as Chair, Mr. President. (See pages 1057-1059 of the Legislative Journal.)

Mr. President, I have a motion from Senator Labeledz to place LB 824 on General File pursuant to Rule 3, Section 18(b). That will be laid over pursuant to our rules, Mr. President.

SPEAKER MARVEL: Okay, we go to item #4 and we're talking about LB 924 and I would caution you to do your best to get

March 17, 1982

LB 573, 633, 668, 708, 751,
875, 714, 790, 766, 890A,
579, 662, 677

SENATOR CLARK PRESIDING

SENATOR CLARK: The prayer will be given this morning by Monsignor Charles Keenan, Blessed Sacrament Church, from Lincoln.

MONSIGNOR KEENAN: Prayer.

SENATOR CLARK: Roll call.

RECORDER MALFUNCTION - (Inaudible)

The following information was taken from the Legislative Journal dated March 17, 1982.

LB 573 placed on Select File as amended. LB 633 placed on Select File as amended. LB 688 placed on Select File. LB 768 Placed on Select File as amended. LB 751 placed on Select File as amended. LB 875 placed on Select File as amended. LB 714 Placed on Select File as amended. LBs 790, 766, 890 All placed on Select File.

LB 579 was passed with the emergency clause. Vote appears on page 1211 of the Legislative Journal. 39 ayes, 0 nays, 3 present and not voting, 7 excused and not voting.

RECORDER NOW OPERATING

CLERK: Read LB 662.

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 nay.

CLERK: Senator Clark voting yes.

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

CLERK: 43 ayes, 1 nay, 5 excused and not voting. Vote appears on page 1212 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 677.

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