

February 11, 1982

LB 25, 590, 590A, 604,  
669A, 767A, 875, 887

New A bills, LB 669A offered by Senator Kremer. (Read title.)

New A bill from Senator Schmit, LB 767A. (Read title.)

I have announcements from the Speaker. (See page 677 regarding LB 590 and LB 590A in the Journal.)

I have priority bill designations. (See page 677 of the Legislative Journal regarding LBs 633, 708 and 835.)

Your Committee on Urban Affairs whose Chairman is Senator Landis reports 887 advanced to General File; 875 advanced to General File with amendments. Signed by Senator Landis. (See page 678 of the Journal.)

Your Committee on Revenue whose Chairman is Senator Carsten reports LB 25 indefinitely postponed.

Mr. President, LB 604 introduced by Senators Cope, Rumery and Fowler. (Read title.) The bill was read on January 6, referred to Appropriations. The bill was advanced to General File. Mr. President, I have no amendments.

SENATOR CLARK: I would hope enough people would stay on the floor to complete this bill. Senator Cope.

SENATOR COPE: Yes, I hope so too. LB 604 provides, as the Clerk said, for the continuation of the Building Renewal Act. Now that may not mean a lot to you but when I say, 309, then your ears should come right out like, I know what you are talking about, and that is what it is. We are asking in this bill to continue the 309 bill that was passed 5 years ago and has done probably more for the State of Nebraska than most any bill that we have passed. There were no negative votes by the Appropriations Committee who heard the bill. And believe me it has been unanimously accepted by all the agencies that have taken advantage of 309 money. I sent a questionnaire out in the fall asking what they thought about it, should it be continued? And the answers were magnificent, believe me. At the hearing, I heard, we heard, the people who testified said that the buildings in the State of Nebraska are in better shape than they have been in the last 30 years that they had served in the various agencies. It has done a tremendous job. I won't reiterate a lot of the things that were done but one I think that you should listen to and listen to good. There have been 800 roofs that either have been replaced or done a substantial repair on. That, in itself, is something. There are many,

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LB 827, 669A

intent of the Legislature in this thing and, granted, the intent had a firm foundation when it was established in 1980, but in this specific instance, and this is why this bill is so restrictive, it is specific for one problem in one area. I do feel that statewide if other areas come into this problem, they should bring it here and this should be the forum in which it is presented. I do hope that this has enough support, that you will make this exception. So I close with that and move the passage of the bill.

SENATOR KAHLE: The issue before us is the passage or movement of LB 827 as amended. Those in favor vote aye, those opposed vote no.

CLERK: Senator Kahle voting yes.

SENATOR KAHLE: Have you all voted? The Clerk will record the vote.

CLERK: 32 ayes, 3 nays, Mr. President, on the motion to advance the bill.

SENATOR KAHLE: The bill passes. We are going to attempt to move the next bill, 669A. Senator Kremer.

CLERK: Mr. President, 669A is a bill offered by Senator Kremer. (Read title.)

SENATOR KREMER: Mr. Chairman and members, last week we discussed LB 669 which completely revamped the Boundary Commission. At that time we were not ready for an A bill. This bill this morning is an A bill to 669 which appropriates \$2500 for the operation of the newly organized commission. It does not permit anything for per diem or for salary, only for expenses only. The second year in operation the appropriation goes to \$4000 rather than \$2500 because there should be more activity by that time. I move the advancement of the bill.

SENATOR KAHLE: Having no other lights on, is that your closing also, Senator Kremer? The issue before us then is the A bill for LB 669. Those in favor vote aye. Those opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR KAHLE: The bill passes. The Clerk has some items to read in.

CLERK: Mr. President, I have priority bill designation from the Speaker.

LR 211, 224  
LB 131, 192, 198, 211, 224, 231,  
239, 263, 270, 274, 274A, 287,  
314, 402, 440, 448, 450, 454,  
465, 511, 547, 589, 592, 634,  
646, 649, 669A, 672, 827

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SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page

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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

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LB 628, 631, 669, 669A,  
722, 782, 827, 870

SENATOR CLARK PRESIDING

SENATOR CLARK: You will check in, please. Record the presence, please.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: Senator Stoney. We have another motion on the bill right now.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 628 and find the same correctly engrossed; 631, 669, 669A, 722, 782 and 827 all correctly engrossed.

Mr. President, on LB 870, Senator Chambers would move to indefinitely postpone the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I feel that this is a motion that can bring the whole subject of this particular bill to a head. Now one of my major concerns, it should be clear, is the provision about mandatory sentencing, mandatory jail time. I am sending another handout around to you to show you in documentation in the newspapers about the type of overcrowding that is occurring not just around the country but in Nebraska. We have, on the second page the headline says: "Penal complex is sorely overcrowded." This is a statement from the people who run the Penitentiary here. Another statement from Judge Krivosha that there is no evidence that putting people in jail for longer periods of time prevents others from committing crimes. Jail alone is not a way to handle problems. Then for those from Lancaster County and surrounding areas, dangerous overcrowding is jail's worst. Their head of their Department of Corrections has pointed out that they are facing the worst overcrowding in the history of their twelve-year jail. Then the following page talks about a judge in Albuquerque, New Mexico who was faced with the law requiring mandatory sentences. Rather than sentence a young man in accord with the law, this judge stunned everybody in the court room by resigning on the spot from his judgeship, and he had a philosophy of sentencing, a philosophy of justice both of which were violated by the provisions of the mandatory sentencing law, so he resigned on the spot. It shows that people do have convictions, that they will follow them to what some people might consider unreasonable extremes. The next page will tell about a judge in Philadelphia who ordered the release of over a hundred prisoners because of

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LB 609A, 669, 669A, 714

SENATOR CLARK: That is right. I am merely following the rules of the Legislature and the Chairman of the Appropriations Committee brings me up the information which takes 25 and which takes 30. That is all up there.

SENATOR V. JOHNSON: I understand.

SENATOR CLARK: The Clerk will now read LB 669 with the emergency clause.

ASSISTANT CLERK: (Read LB 669 on Final Reading.)

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: Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 1927, Legislative Journal.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 669A.

ASSISTANT CLERK: (Read LB 669A on Final Reading.)

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: Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 1928, Legislative Journal.) The vote is 45 ayes, 0 nays, 3 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 714.

ASSISTANT CLERK: (Read LB 714 on Final Reading.)

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I mean a roll call vote.

SENATOR CLARK: (Interruption) a record vote and a roll call vote.

SENATOR NEWELL: You know, I have changed my mind. I would like to have people vote for this resolution. The more I think about it, Senator Chambers has a good point.

SENATOR CLARK: Well, we are talking about a roll call vote. The Clerk will call the roll if he don't want anyone else in here.

CLERK: (Roll call vote taken. See page 1937, Legislative Journal.)

SENATOR CLARK: We can't hear anything up here at all, gentlemen, please. I just say gentlemen because the ladies are not talking. When you quiet down, then we will go ahead and call the roll. (Gavel) That helped some. Go ahead and call the roll.

CLERK: (Roll call vote continued.) 16 ayes, 12 nays, Mr. President.

SENATOR CLARK: The motion lost.

CLERK: Mr. President, the bills read on Final Reading this morning are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 89, 714, 714A, 669, 669A, 609, 609A, 604, 604A, 278, 629, 629A, 480, 568, 909, 854, 854A, 835, 757, 753, 708, 688, and 966.

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

April 16, 1982

RECESS

PRESIDENT LUEDTKI PRESIDING

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

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

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

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

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

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

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

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

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