

January 7, 1982

LB 679 - 686

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of amended proposal number 16.

PRESIDENT: The motion carries and amended proposed Rule 16 is adopted. There are a few more rule changes but we will read some matters in, Mr. Clerk. Go ahead.

CLERK: Mr. President, I have some new bills. LB 679 introduced by Senators DeCamp, Kilgarin, Wesely, Labedz, Higgins, Haberman, Barrett, Rumery, Nichol, Stoney, Remmers, Kahle, Howard Peterson, Chronister, Hefner and Lowell Johnson. (Read title as found on page 137 of the Journal). LB 680 offered by Senator Cope. (Read title). LB 681 offered by the Government, Military and Veterans Affairs Committee. (Read title). LB 682 offered by the Government, Military and Veterans Affairs Committee. (Read title). LB 683 offered by Senator Beutler. (Read title). LB 684 offered by Senators VonMinden, Hefner, Pirsch and Stoney. (Read title). LB 685 offered by the Miscellaneous Subjects Committee. (Read title). LB 686 offered by the Miscellaneous Subjects Committee. (Read title). (See pages 137 through 138 of the Legislative Journal).

Mr. President, I have a report from the Committee on Committees. That will be inserted in the Legislative Journal. (See pages 138 and 139 of the Journal). That is all that I have now, Mr. President.

PRESIDENT: We are back on rules. I understand there are some more rules that have been proposed...rules that have been submitted. Do you want to read the next one?

CLERK: Mr. President, the next proposed rules change is offered by Senator DeCamp. Senator DeCamp would move to amend Rule 7, Section 7(c)(1) by striking "three-fifths" and inserting "majority of the elected members." That is offered by Senator DeCamp.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Well, Mr. President, it is a simple rule, just keeps conformity with our other reconsideration motions. At the present time if a bill fails on Final, it requires 30 votes to reconsider it. We have had occasion after occasion in here that I can recall and everybody in here has had a bill or two that is has happened to, I would guess, where because it was a tight issue and you had 25, 27, 29 votes, whatever, 4 or 5 people were excused that day. For one reason or another somebody had to go on a trip or somebody

February 25, 1982

LR 215, 230
LB 304, 139, 139A, 456, 685,
686, 710, 786, 830, 834, 835,
884, 906, 936, 962

(Read record vote found on pages 853 and 854, Legislative Journal.) 28 ayes, 15 nays on the adoption of the resolution, Mr. President.

SPEAKER MARVEL: Motion is carried. The resolution is adopted. The Clerk has a couple of items to read into the record and then we will proceed with LB 304 on the agenda.

CLERK: Mr. President, your Committee on Education whose Chairman is Senator Koch instructs me to report LB 710 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 854 of the Legislative Journal.) Your Committee on Ag and Environment reports LB 786 advanced to General File, and 962 advanced to General File, both signed by Senator Schmit as Chair. Senator Schmit would like to print amendments to LB 686 in the Journal; Senator DeCamp to print amendments to LB 936. (See pages 854 through 861.)

Mr. President, I have a report of Registered Lobbyists for the week of February 19 through February 24.

Your Committee on Public Health reports LB 456 advanced to General File with committee amendments attached; 835 to General File with committee amendments attached; 830 indefinitely postponed; 884 indefinitely postponed; 906 indefinitely postponed. (See pages 861 through 866 of the Legislative Journal.)

New resolution, LR 230 by Senator Wesely. (Read LR 230 as found on page 867 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 685, 834, 139 and 139A are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 685, engrossed LB 834, re-engrossed LB 139, engrossed LB 139A. Now we are going to read the motion on LB 304.

CLERK: Mr. President, I have a motion from Senators Carsten and Warner to return LB 304 to Select File for a specific amendment. The amendment would read as follows: (Read the Carsten-Warner amendment.)

SPEAKER MARVEL: I failed to do one thing and I will do that and then we will come back to this. Senator Nichol asked for a short Exec Session of the Judiciary Committee

March 3, 1982

LB 849, 839, 686

Your committee on Public Works reports LB 849 advanced to General File. That is signed by Senator Beutler as Vice-Chair.

Your committee on Miscellaneous Subjects reports LB 839 advanced to General File and LB 686 to General File with committee amendments attached, both signed by Senator Hefner as Chair.

March 5, 1982

LB 126, 375, 525, 686, 809, 869

SPEAKER MARVEL: Underneath the south balcony as guests of Senator Richard Peterson from Pierce, Nebraska, Mr. and Mrs. Bill Stanacek and daughter, Shannon, and Sue Wickman and Elisa Sorano who is an exchange student from Mexico. If you are in the room, will you please hold up your hands so we can see where you are. Yes.

CLERK: Mr. President, the Government Committee would like to hold an Executive Session underneath the north balcony upon adjournment today. That is the Government Committee. Senator Beyer would like to print amendments to LB 686 in the Legislative Journal. (See pages 1024 and 1025 of the Legislative Journal.) Mr. President, Senator DeCamp offers explanation of vote. And your Enrolling Clerk has presented to the Governor for his approval LBs 375, 525 and 126.

SPEAKER MARVEL: The next item is 869.

CLERK: Mr. President, LB 869 offered by Senator Stoney. (Read title.) The bill was read on January 18, referred to Miscellaneous Subjects, advanced to General File. I have no amendments on the bill, Mr. President.

SENATOR STONEY: Mr. President and members of the Legislature, I can spare you my speech if Senator Chambers would agree to spare you his, and maybe we could do something with this bill. He says, oh, no. Well, that doesn't surprise me. Ladies and gentlemen, what LB 869 attempts to do where LB 809 attempted to deal with the youth that would use altered identification in purchasing alcoholic beverages, in the case of LB 869 it addresses that person that provides through manufacture or production of this identification this illegitimate identification to youth. Now it is my understanding even here at the Nebraska State Fair there are youth who can through paying a certain fee purchase an identification that would verify that they are of legal age. What this bill would do as the other one would is to establish a minimum. There is no minimum at the present time. It is a Class III misdemeanor as it was in the instance referred to in LB 809. This would establish for a first offense a person that would be charged and convicted of this offense a 24 hours in jail, a \$100 fine. A subsequent offense and conviction would result in 48 hours or a \$500 fine. Ladies and gentlemen, this...well, I will leave it at that. I move that the bill be advanced.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,

March 10, 1987

LB 686, 720, 959, 970

former State Legislators. The President of the Association is John Savage, and, John, will you stand? John Savage. Now what we have done in the past is to introduce the former legislators along with the present legislators by districts. And so those of you who are former legislators.....The Clerk has several items to read in. We will proceed with that.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 959 in the Journal.

Mr. President, I have a Reference Report referring LB 970 to the Appropriations Committee. I have notice of hearing by the Appropriations Committee. That is offered by Senator Warner. Senator Hoagland would like to print amendments to LB 720 in the Journal. Mr. President, Senator Newell would like to print amendments to LB 686 in the Journal. (See pages 1108 and 1109 of the Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Robert Clark.

SENATOR CLARK: Mr. Speaker, I move we adjourn until tomorrow morning at nine o'clock. I would like to have a machine vote.

SPEAKER MARVEL: All those in favor of adjourning...(gavel)
All those in favor of adjourning vote aye, opposed vote no.

SENATOR CLARK: Mr. Speaker, it looks like we are going to have to have a Call of the House just to adjourn.

SPEAKER MARVEL: Go ahead.

SENATOR CLARK: All right, record the vote.

SPEAKER MARVEL: Record.

CLERK: 18 ayes, 4 nays, to adjourn, Mr. President.

SPEAKER MARVEL: We are adjourned until nine o'clock tomorrow morning.

Edited by L. M. Benischek
L. M. Benischek

March 15, 1982

LB 890A, 686, 714, 765,
971

SENATOR CLARK: The bill is advanced. Now we will go back and take 765. Yes, read it in.

CLERK: Mr. President, very quickly, Senator Fenger would like to print amendments to LB 686 in the Journal; Senator Warner to print amendments to LB 971 in the Journal; Senator Fenger to print amendments to LB 714 in the Journal.

Mr. Presiden , LB 765 was a bill introduced by the Business and Labor Committee and signed by its members. (Read title.) The bill was read on January 11 of this year. It was referred to the Business and Labor Committee for hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending.

SENATOR CLARK: Senator Warner, for what purpose do you rise?

SENATOR WARNER: Mr. President, I just wanted to indicate I filed on behalf of the Appropriations Committee a couple of amendments to LB 970 and 971 and they will be part of a public hearing on Wednesday and Thursday. It is my only way to give some previous notice that those amendments would be offered to those bills and I just wanted to indicate that to the members.

SENATOR CLARK: Thank you. Senator Barrett, on the bill, 765.

SENATOR BARRETT: Mr. President and members, I believe the committee amendment should be taken up first, a very small technical amendment. On page 2, line 18 of LB 765, an error or one penny, the \$400.01 should have been \$400.00, an error of one penny. I would move the adoption of the committee amendment.

SENATOR CLARK: We have an amendment to the committee amendments.

CLERK: Mr. President, Senator Vard Johnson would move to amend the committee amendment to LB 765 by adding a new Section 2 which would read as follows: Strike Section 4 of LB 765 and delete 48-628 found in Section 7.

SENATOR CLARK: Senator Johnson.

SENATOR V. JOHNSON: Yes, Mr. Speaker. Mr. President, members of the body, I will ask one question. Do the same rules obtain this afternoon to this bill as obtained this morning, that is there is only fifteen minutes time allowed?

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LB 602, 686

is the advancement of the bill. All those in favor vote aye, opposed nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: I would like to introduce to you 35 fifth, sixth and seventh graders from Elgin, Nebraska, Mrs. Dwaine Uttecht is the teacher up there. They are in the North balcony. Would you stand and be recognized, please. Welcome to the Unicameral. Have you all voted? Once more, have you all voted on the advancement of the bill? Record the vote.

SENATOR CULLAN: Mr. President, could we have a Call of the House and a roll call vote?

SENATOR CLARK: All right, a Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote nay. Record the vote.

CLERK: 14 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. If all senators will take their seats, register in please. Mr. Sergeant at Arms, will you see that all senators are in their seats, please and everyone has checked in? Senator Fenger, Senator Goll, Senator Burrows, Senator Wiitala, Senator Koch, would you all check in, please. Senator Schmit, Senator Warner, Senator Kilgarin. We have seven people excused. All right, we have everyone here now. We are going to call the roll and please keep it quiet so the Clerk can hear the response. We are voting on the advancement of the bill, 686. Pardon me, 602. Call the roll.

CLERK: (Read roll call vote as found on page 1198 of the Legislative Journal.) 25 ayes, 18 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. #686.

CLERK: Mr. President, LB 686 was a bill introduced by the Miscellaneous Subjects Committee and signed by its members. (Title read.) The bill was read on January 7th. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File, Mr. President. There are committee amendments pending.

SENATOR CLARK: Senator Hefner, on the committee amendments.

SENATOR HEFNER: Mr. President, members of the body, I'll try and explain the committee amendments to you at this time.

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The first part of the committee amendment allows the commission to adjust liquor wholesale excise tax liability bonds according to the estimated tax liability no matter how large the amount is. At the present time it goes up to \$300,000. The second part of the amendment is that it requires that alcoholic beverages not be visible to the public and be made inaccessible to the public by removing them from that portion of the premises open to the public or securing them in locked storage or display containers for Class B, D, and E licenses which are open during the days and hours when alcoholic liquors cannot be sold and then the rest of the amendment just contains some technical changes. I move for the adoption of the committee amendments.

SENATOR CLARK: We have an amendment to the committee amendments.

CLERK: Mr. President, Senator Fenger would move to amend the committee amendment and Senator Fenger's amendment is found on page 1173 of the Journal.

SENATOR CLARK: Senator Fenger.

SENATOR FENGER: Thank you, Mr. Chairman, fellow members, the portion of the committee amendment requested to be changed was inserted at Senator Duda's and my request. It now appears that the wording used is possibly a case of overkill. As amended this will still say that any retail store open during hours that alcoholic beverages cannot be sold will have those products not visible to the public. The change simply erases more stringent restrictions and it allows some latitude to the State Liquor Commission as to how this law would be implemented. I would urge adoption of this amendment to the committee amendment. Thank you.

SENATOR CLARK: Senator Wiitala. Senator Hefner, did you want to talk on the amendment to the committee amendments?

SENATOR HEFNER: Just a question of Senator Fenger.

SENATOR CLARK: Senator Fenger, will you yield to a question?

SENATOR HEFNER: Senator Fenger, if I understand your amendment right, correctly, this would mean all liquor holders like in restaurants and lounges? Is this correct?

SENATOR FENGER: That is correct.

SENATOR HEFNER: Okay, thank you.

SENATOR CLARK: Any further discussion on the Fenger amendment to the amendment? If not, all those in favor vote aye, opposed vote nay. Have you all voted? It takes a simple majority. Record the vote.

CLERK: 21 ayes, 0 nays, Mr. President, on adoption of Senator Fenger's amendment to the committee amendments.

SENATOR CLARK: The amendment to the amendment is adopted. Now back to the committee amendments. Do you have any further amendments on the bill?

CLERK: No, not to the committee amendments, Mr. President.

SENATOR CLARK: All right. Senator Hefner, on committee amendments as amended.

SENATOR HEFNER: Mr. President and members of the body, I move the adoption of the committee amendments.

SENATOR CLARK: Senator Wesely, did you want to talk on the committee amendments?

SENATOR WESELY: Mr. President, I guess I'm in a quandry right now as to what exactly we adopted and I think it would be helpful if Senator Fenger could talk to us a little bit about what exactly his amendment just did. Senator Fenger, if you'd yield I'd appreciate that.

SENATOR CLARK: Senator Fenger.

SENATOR WESELY: What I'm looking for, Senator Fenger, is a briefer explanation of exactly what we just adopted before we move ahead with this amendment. Would you please explain it once again?

SENATOR FENGER: Senator Wesely, page 939 of the Journal, the committee amendments have been published. If you will look at the new language on line 5, you'll see it says, during such days and hours alcoholic beverages shall not be visible to the public. My amendment to the committee amendment put the period there and it strikes the remaining language on line 6 through 10. Does that answer your question, Senator Wesely?

SENATOR WESELY: And what is the effect of that change and what is the purpose of that change again. Could you please explain that once more?

SENATOR FENGER: Well it simply allows the State Liquor Commission some latitude. If you'll look at the stricken language you'll see that we are a little adamant about how

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those products will not be visible to the public and in view of the fact that we have so many different stores that are going to be affected by this, it seemed fair to give those stores and give the Liquor Commission some latitude in the enforcement of this statute.

SENATOR CLARK: Senator Barrett.

SENATOR BARRETT: Mr. President, a question of Senator Fenger if he'd yield.

SENATOR CLARK: Senator Fenger.

SENATOR FENGER: Certainly.

SENATOR BARRETT: Senator Fenger, the net effect of the change on line 11, 12 and 13 of your amendment...on page 23, line 23.

SENATOR FENGER: Oh, you're addressing the bill. I'm still on the...

SENATOR BARRETT: I'm on the amendment as published on page 939.

SENATOR FENGER: 939?

SENATOR BARRETT: Yes.

SENATOR FENGER: Go ahead.

SENATOR BARRETT: Lines 11, 12 and 13...

SENATOR FENGER: Lines 11, 12 and 13, sir, are not affected.

SENATOR BARRETT: Number two, on page 23, line 23 strike "by". Are you with me?

SENATOR FENGER: Yes, that is not affected by my amendment to the committee amendments.

SENATOR BARRETT: Okay, thank you.

SENATOR CLARK: Senator Wesely again.

SENATOR WESELY: Okay, thank you. I guess Senator Duda has now explained a little better what the problem is and as I understand it from Senator Duda, what we're talking about is a grocery store perhaps that is a 24 hour grocery store that obviously they can't sell liquor after one o'clock for instance, would have to cover up that liquor so that people

would not realize that it is available and would protect the public which is a good point to raise since there may be another amendment to this bill dealing with the idea of expanding what grocery stores can sell in terms of liquor and this is yet another reason why we should adopt that amendment.

SENATOR CLARK: Senator Hefner, did you have any closing? The question is the adoption of the committee amendment as amended. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Now, Senator Hefner, on the bill itself. We've got three amendments after that.

SENATOR HEFNER: Mr. President, members of the body...

SENATOR CLARK: You've got about five minutes left on the whole bill.

SENATOR HEFNER: Okay, I'll be brief. How many amendments do we have?

SENATOR CLARK: Three.

SENATOR HEFNER: Three. This bill is a result of an interim study last summer and what we're trying to do, we're trying to clarify the collection of liquor license fees. We're also trying to harmonize provisions with the Uniform Criminal Code and changes the percent of stock a person not otherwise allowed to hold a liquor license could hold in a corporation with a liquor license. It also changes the provisions regarding property leases of liquor license premises. It changes the provisions relating to addition and deletions of a liquor license premises, changes receiving and mailing dates, changes the amount of time by which the commission must hold a hearing on a liquor license application after receiving a recommendation from the local governing body and it allows the local governing bodies to cancel liquor licenses and changes provisions relating to hearing notices and renewals of retail and bottle club licenses and then it also clarifies a bottle club provisions and, last, it includes the spouse of a law enforcement officer under a liquor license stipulation. This way a liquor license would not be issued to the spouse of a law enforcement officer. I move for the advancement of the bill.

SENATOR CLARK: First amendment.

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CLERK: Mr. President, Senator Schmit would move to amend the bill and the Schmit amendment is on page 854 of the Journal.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President, the amendment is very simple. It does these three things: it provides that where there is an objection to the automatic renewal of a liquor license the protestors should file a written protest explaining why they protest; it provides that they provide a \$50 bond and it says that if the Liquor Commission decides that there should be a hearing they may hold one and that they can also require the applicant who would ordinarily have an automatic renewal of his license to submit an application for renewal. I would answer any questions. I do not want to take a lot of time. The bill was included in another bill. It subsequently is not going to make it. I don't want to slow this bill down for Senator Hefner. The bill was advanced to General File.

SENATOR CLARK: Senator Hefner, do you want to talk on the amendment?

SENATOR HEFNER: Yes, Mr. Chairman and members of the body, I support the Schmit amendment. Like he said, we had a bill before the committee. We held a public hearing and I think it is a fair amendment to this bill. I would urge the adoption of this amendment.

SENATOR CLARK: The question is the adoption of the Schmit amendment. All those in favor vote aye, opposed nay. Have you all voted?

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 0 nays on the adoption of Senator Schmit's amendment.

SENATOR CLARK: The Schmit amendment is adopted. The next amendment.

CLERK: Mr. President, Senator Beyer would move to amend the bill and the Beyer amendment is on page 1024 of the Journal.

SENATOR CLARK: Senator Beyer.

SENATOR BEYER: Mr. Speaker and colleagues, the purpose of this amendment is to prevent the issuance of new licenses to sell alcoholic beverages at the same location where motor vehicle fuels are sold. It is not in the interest of the health, safety and welfare of the public, particularly the traveling public, to make liquor or beer readily available to travelers at locations where they might otherwise stop for gasoline only. In other words, if alcohol is too easily available while traveling it makes the temptation to drink and drive easier to follow through on. The hundred and fifty foot standard that is in there is the proximity that has been chosen as a matter of precedence. It is used for churches, schools, hospitals and homes for the aged, indigent or veterans. It has been acceptable since 1935. It is a standard that can easily be enforced by the Liquor Commission. It is not vague. I urge your adoption of this amendment.

SENATOR CLARK: Senator Wiitala.

SENATOR WIITALA: Thank you, Mr. Speaker. Senator Beyer, would you yield to a question? Senator Beyer, would this in any way affect resort areas that have a license to sell alcoholic beverages and yet pump gas for boats and for vehicles? Would it impact on them at all?

SENATOR BEYER: This would be grandfathered in so those that have got it would not be affected but it is on new applications.

SENATOR WIITALA: Okay, thank you very much. Thank you, Mr. Speaker.

SENATOR CLARK: Any further discussion on the Beyer amendment? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted, one more time? Record the vote.

CLERK: 18 ayes, 10 nays, Mr. President, on adoption of the amendment.

SENATOR CLARK: The motion failed. The time has expired on this bill. We will now go to the next bill, 787.

CLERK: Mr. President, LB 787 was a bill introduced by the Judiciary Committee and signed by its members. (Read title.) The bill was read on January 12th of this year, referred to