

January 7, 1982

LB 215, 472A, 694-697

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

CLERK: Mr. President, new bills. LB 694 (Read title). LB 695 (Read title). LB 696 (Read title). LB 697 (Read title).

Mr. President, Senator Fenger would like to print amendments to LB 472A in the Legislative Journal.

Mr. President, Business and Labor Committee chaired by Senator Barrett announces that Senator Wiltala is selected as Vice Chairman of that committee.

Mr. President, your committee on Public Works gives notice of hearing in Room 1517 ofr next Friday.

And finally, Mr. President, the Executive Board will have a reference meeting underneath the North balcony at three-thirty this afternoon, Reference Committee at three-thirty underneath the North balcony.

SPEAKER MARVEL: The next item of business is LB 215.

CLERK: Mr. President, LB 215 offered by Senator Chronister. (Read title). The bill was originally read on January 15, 1981, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There is a committee amendment pending, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Speaker, members of the Legislature, this is simply the emergency clause. The district courts in the State of Nebraska currently have the statutory authority to terminate parental rights as part of the divorce proceedings. However, in a recent case the Supreme Court said there was not adequate guidelines for the termination procedure. Because the district court's authority to terminate parental rights is now unclear, the committee felt that the bill should be moved as quickly as possible. For this reason we are asking that the emergency clause be added to the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendment as explained by Senator Nichol. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

February 23, 1982

LB 593, 611, 619, 660,
675, 685, 697, 773, 794,
834, 840, 861, 873, 897

first motion. The motion is, shall we go under Call?
All those in favor of that motion vote aye, opposed
vote no. Record.

CLERK: 16 ayes, 10 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. Senator Burrows, do you want to record your presence? Senator Cope, will you please record your presence? Senator Kremer, will you please record your presence? Senator Newell, will you please record your presence? Senator Dworak, will you please record your presence? Senator Chambers. Senator Vickers, will you please record your presence? How many have we got? Senator Newell, everybody is here? Shall we proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on page 814 of the Legislative Journal.) 19 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 685 and find the same correctly engrossed, and LB 834 correctly engrossed.

Your Committee on Public Works reports LB 611 advanced to General File, 660 advanced to General File, 794 advanced to General File, all signed by Senator Kremer. (See pages 811 and 812 of the Legislative Journal.)

Your Committee on Ag and Environment reports LB 593 advanced to General File, 619 General File, 697 General File, 861 General File, 897 General File, 675 General File with amendments, 873 General File with amendments, and 840 indefinitely postponed, all signed by Senator Schmit as Chair. (See page 812 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler to introduce a new bill.

CLERK: Mr. President, Senator Fowler would move to suspend Rule 5, Section 5(d) so as to permit the introduction of Request #1665.

SENATOR FOWLER: Yes, I think this is a joint of Senator

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LB 593, 697, 869

in letting them know that should they conduct themselves in such a way that they participate in this activity, the exposure to a fine or to imprisonment is eminent. I would move that LB 869 be advanced to E & R Initial.

SPEAKER MARVEL: The motion is that the bill be advanced as per Senator Stoney's comments. All those in favor vote aye, opposed vote no. Okay, record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Okay, the next bill, 593.

CLERK: Mr. President, LB 593 offered by Senator Remmers and Richard Peterson. (Read title.) The bill was read on January 6. It was referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments. I do have a motion from Senator Wesely to the bill, Mr. President.

SPEAKER MARVEL: Senator Peterson.

SENATOR R. PETERSON: Yes, Mr. Speaker, fellow colleagues, 593 is a bill that has been incorporated into 547 now which is really 547, and....on Final Reading. So I ask unanimous consent to pass over 593.

SPEAKER MARVEL: No objection, so ordered. We will go on to the next bill.

CLERK: Mr. President, LB 697 offered by Senator Lamb. (Read title.) The bill was read on January 7. It was referred to the Ag and Environment Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: Senator Lamb, do you wish to explain your bill?

SENATOR LAMB: Yes. Thank you, Mr. President. LB 697 eliminates an ambiguity in the weed control statutes. It makes sure that the hearings that are held when you disobey the weed control laws are held in the county rather than in Lincoln. I think that is the way it is being done now in most cases. Some people are uneasy that that might not always be the case so this clarifies that part of the statute so that these hearings are, in fact, held in the county. I move that the bill be advanced.

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LB 697, 825

SPEAKER MARVEL: The motion is advancement of the bill as explained by Senator Lamb. All those in favor of the motion vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, LB 825 is a bill offered by Senator Beutler. (Read title.) The bill was read on January 14, referred to Miscellaneous Subjects. The bill was advanced to General File. I do have an amendment to the bill offered by Senator Beutler, Mr. President.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, we have been having a little problem here in Lincoln with our library books. We continue to lose about a \$100,000 worth of them a year, and although I have not done a survey, I understand that it is a problem in many other places in the state. And there are a number of things that need to be done to alleviate the problem, but one thing that some people thought would be helpful and that I think would be helpful would be to provide that the city attorney or the county attorney's office, when they are asked by the library boards to get back these books or to get damages for the books or to prosecute people for not returning the books, that they should be awarded, if they ask for it, attorney's fees and court costs when they win the action. What is happening is that the cases are generally so small that the city attorney and the county attorneys are reluctant to involve themselves in the cases because they simply lose money on the proposition. And so, therefore, we have created a situation where there is no incentive for people to return books because generally speaking the cases are so small they are not prosecuted. Consequently, the situation gets worse and worse. So what this little bill does is simply say that everywhere in the state when the county attorney or the city attorney prosecutes for the return of library books and library materials that the city attorney or county attorney has the right to ask for attorney's fees and court costs, and hopefully that will increase the pressure on people who are abusing the system to get the books back so that other people and other kids can use them. Now the amendment is simply a technical amendment. I failed in the bill to designate where the attorney's fees would go once they were collected, and the amendment simply outlines where

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

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LB 601, 651, 697,
784, 961, 962

SENATOR KILGARIN: I move we advance LB 961.

PRESIDENT: Motion is to advance LB 961 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. Motion carries and LB 961 is advanced to E & R for Engrossment. LB 784. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 784.

PRESIDENT: Motion is to advance LB 784 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 784 is advanced to E & R for Engrossment. LB 651, Senator Kilgarin. Senator Kilgarin, 651, right.

SENATOR KILGARIN: I move we advance LB 651.

PRESIDENT: Motion is to advance LB 651 to E & R for Engrossment. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. LB 651 is advanced to E & R for Engrossment. LB 743 has been taken off of the Speaker's list. LB 601 is then next, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 601.

PRESIDENT: Motion to advance LB 601 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 601 is advanced to E & R for Engrossment. The next bill is....LB 859 has been deleted, and the next bill is LB 697, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 697.

PRESIDENT: Motion is to advance LB 697 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 697 is advanced to E & R for Engrossment. LB 825 has also been deleted. The next bill then is LB 962. Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 962.

PRESIDENT: Motion is to adopt the E & R amendments on LB 962. Any discussion? All those in favor of adopting the E & R amendment on LB 962 signify by saying aye. Opposed nay. The E & R amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 962.

March 15, 1982

LR 251
LB 961, 962
LB 839, 868, 877, 931, 941, 951,
LB 378, 435, 577, 601, 609, 634,
LB 651, 697, 716, 774, 784, 792

CLERK: Mr. President, very quickly, Senator Landis would like to print amendments to LB 868.

A new resolution, LR 251, offered by Senator Wesely. (Read.) (See paged 1176, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 378 and find the same correctly engrossed, 609, 634, 435, 577, 601, 651, 697, 774, 716, 784, 792, 839, 877, 931, 941, 951, and 961, and 962 all correctly engrossed. And that is all that I have, Mr. President.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, I would move that we adjourn until 9:00 a.m., March 16th, 1982.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by Arleen McCrory
Arleen McCrory

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LB 651, 659, 697

Smith and Jones, they would be easier to pronounce. Welcome to the Legislature. The Clerk will now read 651.

ASSISTANT CLERK: (Read LB 651 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1289 of the Legislative Journal.) The vote is....

SENATOR CLARK: The bill is declared passed on Final Reading.

ASSISTANT CLERK: The vote is 40 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CLARK: The Clerk will now read 659 with the emergency clause.

ASSISTANT CLERK: (Read LB 659 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 aye.

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

ASSISTANT CLERK: (Read the record vote as found on page 1290 of the Legislative Journal.) The vote is 41 ayes, 0 nays, 6 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The rules require us to be in our seats. Every time you get up and walk around I get calls up here trying to tell you to sit in your seats. So please comply with the rules. I would appreciate that. The Clerk will now read 697.

ASSISTANT CLERK: (Read LB 697 on Final Reading.)

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.

ASSISTANT CLERK: Senator Clark voting aye.

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LB 697, 705, 716

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

ASSISTANT CLERK: (Read the record vote as found on page 1291 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 705 with the emergency clause.

ASSISTANT CLERK: (Read LB 705 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: (Read the record vote as found on pages 1291 and 1292 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 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 716.

ASSISTANT CLERK: (Read LB 716 on Final Reading.)

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.

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: I would like to introduce to the Legislature a guest of Senator Burrows, Phyllis Lyons from McCook, Nebraska, member of the WIFE organization. She is under the north balcony. Would you stand and be recognized, please? Welcome to the Legislature. Have you all voted? Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 1292 and 1293 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

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626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

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

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.