

January 8, 1982

LB 702, 703

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: Mr. President, I do have a correction this morning.

PRESIDENT: State the correction.

CLERK: On page 156, line 28, strike "Chairperson" and insert "Vice Chairperson". On page 136 strike line 14 and insert "amendments to the appropriation bills as reported to General File by the Appropriations Committee".

PRESIDENT: All right, the Journal will stand as corrected. Any messages, reports or announcements?

CLERK: Mr. President, I have a report from the Department of Health filed with our office pursuant to statutory Section 72-5831. That will be on file in my office.

Mr. President, I have an Attorney General's Opinion addressed to Senator Haberman regarding mandatory jail sentences. That will be inserted in the Legislative Journal. (See pages 162 and 163 of the Journal).

Mr. President, I have a notice of hearing from the Government, Military and Veterans Affairs for next Friday at 1:30 p.m. and that is signed by Senator Kahle as Chairman. (See page 163 of the Journal).

PRESIDENT: We are ready for agenda item #4, introduction of bills. If you have your bills in that you want to get them in on this Friday, why it would be a good idea to get them up here to the Clerk. Mr. Clerk, you may go ahead with those that are there. Reading of new bills.

CLERK: Mr. President, new bills. LB 702 offered by Senator Clark. (Read title). LB 703 offered by Senator Martin Kahle. (Read title). (See page 164 of the Journal).

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LB 270, 663, 703

PRESIDENT: Motion carries. LB 270 is indefinitely postponed, and I just might add, Senator DeCamp. You were correct. I could have voted to break that tie because that was a majority of the those members voting. You are correct. I stand corrected...yes, you are right. Motion to raise the Call. The Call is raised. The Clerk will read some matters in the record.

CLERK: Mr. President, your committee on Revenue reports LB 663 as indefinitely postpone. That is signed by Senator Carsten.

Your committee on Public Health and Welfare reports LB 703 advanced to General File with committee amendments attached.

Mr. President, I have notice of hearings from the Ag and Environment Committee, Constitutional Revision and Recreation, and Banking, Commerce and Insurance.

PRESIDENT: We are just about at ten-thirty so I think we will not take up another bill in General File since the Speaker has designated Select File at ten-thirty and I think we will go ahead to Select File at this time.

SENATOR CLARK PRESIDING

SENATOR CLARK: All right, we are on item #6, the first two bills are going to be laid over. We will take LB 215. Are there any amendments? 215 will be laid over also.
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All Senators that are in their seats, please check in. Will you all check in or shall I call out the names? Senator Sieck, Senator Kremer. All right, they are all here. Do you want a roll call vote? The Clerk will call the roll. They are all here.

CLERK: (Roll call vote taken. See page 545, Legislative Journal.) 27 ayes, 20 nays, Mr. President.

SENATOR CLARK: The motion lost. The next motion is to place #758 on General File notwithstanding the action of the committee. Senator Fowler. The Clerk would like to read in and the Call is raised.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten instructs me to report LB 819 advanced to General File with the committee amendments attached. That is signed by Senator Carsten as Chair. (See page 546 of the Journal).

Mr. President, Banking, Commerce and Insurance gives notice of cancellation of hearing. Signed by Senator DeCamp.

Mr. President, Senator Wesely would like to withdraw LB 237. That will be laid over.

Senator Vickers would like to print amendments to LB 230 in the Legislative Journal. (See pages 546 and 547 of the Journal). Senator Kahle to print amendments to LB 703 in the Legislative Journal. (See pages 547 and 548 of the Journal). Senator Schmit to print amendments to LB 421 in the Journal. (See page 549 of the Journal).

Mr. President, new A bill, 590A by Senator Kilgarin. (Read title).

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 255A and recommend that same be placed on Select File; 440 Select File with amendments; 314 Select File with amendments; 131 Select File with amendments; 287 Select File with amendments; 649 Select File; 571 Select File; 598 Select File and 646 Select File. Those are all signed by Senator Kilgarin as Chair. (See pages 549 through 552 of the Legislative Journal).

Mr. President, Senator Fowler moves that LB 758 be placed on General File notwithstanding the actions of the Appropriations Committee.

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LB 579, 703

CLERK: Senator Clark voting yes.

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

CLERK: 32 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Koch on the bill.

SENATOR KOCH: Mr. Chairman, members of the body, as Senator Kremer explained the bill, it allows the privilege of those who have RVs to get prestige license plates. The amendment corrects a misunderstanding in the bill. I move for the advancement of LB 579 to E & R Initial as amended.

SENATOR CLARK: Any further discussion? The question before the House is the advancement...

CLERK: Senator Koch, you had a motion to add the emergency clause. Do you still wish to do that?

SENATOR KOCH: I will do that on Select File, Mr. O'Donnell.

SENATOR CLARK: The question before the House is the advancement of LB 579. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The Chair declares the bill advanced. LB 703.

CLERK: Mr. President, LB 703 offered by Senator Kahle. (Read title.) The bill was read on January 8 of this year, referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. I do have committee amendments pending.

SENATOR CLARK: On the committee amendments, Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, the committee amendments as they are drafted and submitted to you would require the approval of the county board be noted on the face of the warrant. This was designed to doublecheck

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to ensure that the county which would ultimately be responsible for these warrants would have approved of the expenditure of funds. It is my understanding that this particular amendment created some problems and that Senator Kahle will have an amendment to the committee amendments which would achieve the same purpose. I just want to make it clear that the purpose of the committee amendments was to ensure that the government which was ultimately responsible for debts and obligations at least be aware of them and approve of them so that they not find themselves in some trouble. The actual intent of the amendment came from Senator Kahle and I suppose his amendment to the committee amendment would serve the same purpose. With that I guess I would move the adoption of the committee amendments.

SENATOR CLARK: Any further discussions on the committee amendments? If not, all those in favor of the committee amendments vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. An amendment on the desk.

CLERK: Mr. President, Senator Kahle now would move to amend the bill. Senator Kahle would move to strike the committee amendments and insert an amendment that is found on page 547 of the Legislative Journal.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Thank you, Mr. President, and we have also handed out that same amendment, or is in the process of being handed out, but we had it printed the other day when we thought the bill might come up before it was printed in the Journal so you have got a double shot at it. This idea, this bill came to me from Webster County. They have a county hospital there and the old statutes called for an interest rate of seven percent, that warrants could be taken to the bank and covered by the bank. Of course, we all know that is unrealistic so what I did is bring a bill in that would allow the county board along with the hospital board to negotiate that interest rate, whatever it might be, and I will read you what has been prepared to

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sort of explain what this bill does. This bill would allow county hospital boards to set the interest rates on their warrants in response to market conditions. It removes any arbitrary seven percent maximum interest rate now on the books. Obviously because of the close relationship between county hospital boards and county boards, we wanted the county boards to be in on any decision to go to a higher interest rate. The bill does that by requiring them to approve any increase. The idea behind the committee amendments, as I understand it, is to allow the county board to also monitor the amount of registered warrants outstanding. The registered warrants do represent a debt. The committee amendment would allow that monitoring to take place but it would be very cumbersome. Now this is the amendment we just passed. Every warrant would have to be approved by the county board even those issued by the hospital with sufficient funds to cover them. That is the reason we thought we needed this amendment. My amendment, although it looks like a lot of words, is actually very simple. It adds one small duty to those of the county hospital treasurer. It says; when the treasurer submits his or her monthly report to the county board, he must include a statement of the amount of outstanding registered warrants. This monthly summary will allow county boards to monitor the warrant situation without disrupting the operation of the facility. And as near as I know, Senator Cullan, as he has said, he was consulted and agrees with this amendment. So I move for the amendment to the amendment.

SENATOR CLARK: Any further discussion on the Kahle amendment which would strike the committee amendment and insert the other amendment? If not all those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President.

SENATOR CLARK: The committee amendments are struck and the Kahle amendment is added. Senator...do you have another amendment?

CLERK: I don't believe I have anything further, Mr. President.

SENATOR CLARK: Senator Kahle on the bill.

SENATOR KAHLE: Mr. Chairman, we were wondering about the emergency clause and I understand it is already on the bill.

CLERK: Yes, sir, it is.

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LB 703, 705

SENATOR KAHLE: So I move that LB 703 be advanced as amended.

SENATOR CLARK: Is there any discussion on the advancement of 703 to E & R? If not, all those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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

SENATOR CLARK: The bill is advanced. LB 590.

CLERK: Mr. President, I have a request from Senator Beutler to pass over 590.

SENATOR CLARK: All right, we will put it on the Pass Over file. LB 590A also?

CLERK: Yes, sir.

SENATOR CLARK: 705.

CLERK: Mr. President, LB 705 (read title). The bill was read on January 8 of this year. It was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I have no amendments on the bill, Mr. President.

SENATOR CLARK: Senator Nichol on the bill.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, LB 705 is a very simple bill. Current law provides that nine percent interest on a condemnation judgment which is appealed and interest rates on delinquent taxes is set at the rate of fourteen percent. This proposal would tie the interest rate on condemnation appeals to that section of statute setting interest rates on delinquent taxes. This bill would provide that individuals who obtain a judgment and are appealed and are sustained on appeal receive a rate of interest commensurate with the same rate that any citizen would pay on delinquent taxes. So simply put, it simply raises the amount of interest to be paid on the judgment at fourteen percent instead of nine percent which perhaps is more realistic with the present interest rates.

SENATOR CLARK: Is there any discussion on the advancement of LB 705? If not, all those in favor vote aye, opposed vote nay.

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LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)

March 4, 1982

LB 579, 606, 703, 829

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

ASSISTANT CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 829.

SENATOR CLARK: The motion is to advance LB 829. All those in favor say aye. Opposed. The bill is advanced. LB 606.

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 606.

SENATOR CLARK: You heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 579.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I do have an amendment from Senator Koch. That amendment is to add the emergency clause.

SENATOR CLARK: Senator Koch. The motion before the House is to add the emergency clause. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of the Koch amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Senator Kilgarin on the advancement of the bill.

SENATOR KILGARIN: I move we advance LB 579.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 703.

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

SENATOR CLARK: Senator Kilgarin.

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LB 703, 705

SENATOR KILGARIN: I move the E & R amendments to LB 703.

SENATOR CLARK: The motion is to adopt the E & R amendments on 703. All those in favor say aye. Opposed. The amendments are adopted. Do you have anything further on the bill?

ASSISTANT CLERK: Nothing further, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 703.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. The bill is advanced. LB 705.

ASSISTANT CLERK: Mr. President, there are no E & R amendments, but I do have an amendment from Senator Carsten. That amendment is found on page 671 of the Journal.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President, I move for the amendment to LB 705. This amendment adds a new section and does not affect the present content of the bill at all. The added section, it puts the sales and income tax law that should have been included in LB 167 last year back in the... where it should be that dealt with the uniform delinquent tax rate. It was inadvertently left out last year and it really amounts to a housekeeping amendment. All the others were included in 167 last year but this one was left out. It does not change the bill or the intent of the bill in any way whatsoever. It is only a harmonizing amendment. I move for its adoption.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, Senator Cal Carsten tells the truth. I approve of his amendment.

SENATOR CLARK: He approves of his truth telling. All those in favor of the Carsten amendment will vote aye...do you want to clear the board? Will vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

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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

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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.

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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

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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