

January 8, 1982

LB 264, 710-726

Mr. President, the Ag and Environment Committee gives notice of hearings on gubernatorial appointments. That is offered by Senator Schmit. (See page 170 of the Journal).

New bills. LB 710 offered by Senator Wiitala. (Read title). LB 711 offered by Senator Nichol. (Read title). LB 712 offered by Senator Fowler. (Read title). LB 713 offered by Senator Schmit. (Read title). LB 714 offered by Senator DeCamp. (Read title). LB 715 offered by the Judiciary Committee and signed by its members. (Read title). LB 716 offered by the Judiciary Committee. (Read title). LB 717 offered by the Judiciary Committee. (Read title). LB 718 offered by the Law Enforcement Criminal Justice Advisory Committee. (Read title). LB 719 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 720 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 721 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 722 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 723 offered by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 724 by the Law Enforcement and Criminal Justice Advisory Committee. (Read title). LB 725 offered by the Judiciary Committee. (Read title). LB 726 offered by Senator Vickers. (Read title). (See pages 170 through 174 of the Legislative Journal).

SPEAKER MARVEL: We are ready for LB 264 on General File.

CLERK: Mr. President, LB 264 offered by the Public Health and Welfare Committee and signed by its members. (Read title). The bill was first read on January 16 of this year, or last year, excuse me. It was referred to the Public Health and Welfare Committee for hearing. At that time it was advanced to General File, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, this bill was brought to the committee by the Department of Welfare in terms of trying to make a conformity with the present age of majority statutes. It is a rather small technical change. All it would do basically at this time lower it from the age of 20 to the age of 19 the age at which a guardian would be appointed for a mentally retarded individual and then the possibility of placing them in a Department of Welfare local mental retardation facility would take place. I don't see much of a problem with it. There was very little testimony as you can see from the committee statement, and basically it is a technical change.

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LB 287, 646, 649, 716, 717,
720, 723

SENATOR KILGARIN: I move the E & R amendment to LB 287.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The E & R amendment is adopted. Now what do we do with the bill?

SENATOR KILGARIN: I move we advance LB 287.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. LB 649.

SENATOR KILGARIN: I move we advance LB 649.

SPEAKER MARVEL: All in favor of that motion...649? Okay, all in favor of...the first thing we do, I'm sorry. Senator Kilgarin, 649. Okay, the motion is to advance the bill. All in favor of that motion vote aye, opposed vote no. A machine and record vote have been requested. Have you all voted? The Clerk will record the vote.

CLERK: (Read record vote as found on pages 579-580 of the Legislative Journal.) 41 ayes, 3 nays, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. 571 will be passed over because there are some amendments. We go to 598.

SENATOR KILGARIN: I move we advance LB 598.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The last bill, LB 646.

SENATOR KILGARIN: I move we advance LB 646.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. The bill is advanced. The Clerk has a couple items to read in and then, Senator Goodrich, after the Clerk has read in the items will you make the motion that we adjourn until Monday, February 8th, at 9:30 a.m. Okay, Mr. Clerk.

CLERK: Mr. President, Senator Haberman offers an explanation of vote.

Your committee on Judiciary whose chairman is Senator Nichol instructs me to report 720 advanced to General File; 716 advanced to General File with amendments; 717 General File with amendments; 723 indefinitely postponed, all signed by Senator Nichol. (See page 580 of the Legislative Journal.)

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LB 651, 716

SENATOR KOCH: Thank you, Mr. Speaker. Members of the body, LB 651 was introduced by the Education Committee on behalf of the State Department of Education. What it does it eliminates five sections of the current statutes which are no longer necessary, and they are as follows: On or before February 1, 1974, county superintendents were to have made full reports regarding handicapped children. This has now been repealed. And the 1941 statute required county superintendents to take a census of crippled children and then report this to the Department of Education. This is no longer necessary. And we also had another statute in 1949 that in our schools for the hearing impaired that they would use the oral method of teaching. This is no longer appropriate since there are a number of new methods that are now being used in addition to that method. And another statute which is outdated required school budgets to be developed in a style that is no longer appropriate since we have got the advent of computerization. So that is all this bill does is merely cleans up a few statutes where there was redundant language. I ask for the adoption of LB 651 and advance it to E & R Initial.

SPEAKER MARVEL: The motion is to adopt the bill and advance it to E & R for Review. All those in favor vote aye, opposed vote no. Record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is 725.

CLERK: LB 725 offered by the Judiciary Committee and signed by its members. (Read title.) The bill was read on January 8th of this year. It was referred to Judiciary for public hearing. The bill was advanced to General File, Mr. President. I have no amendments on the bill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, would it be agreeable with you if I would talk about LB 716 which is the same thing as LB 725 with one small exception? You will note that it comes a little bit further down the list but these two bills should be talked about at the same time, and with your permission I would ask to talk about 716 and if we agree to this one, then we won't need 725, and I would explain that if that is agreeable with you.

SPEAKER MARVEL: Okay, Mr. Clerk, do you want to read 716?

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LB 716

CLERK: 716, Senator, all right. Yes, Mr. President, 716 is a bill offered by Judiciary. (Read title.) The bill was read on January 8th. It was referred to the Judiciary. It was advanced to General File, Mr. President. There are committee amendments pending on 716 by the Judiciary Committee.

SENATOR NICHOL: Mr. President, first I think we should probably refer to the committee amendment which is simply adding a repealer clause and I would ask that we adopt the committee amendment, then I will go on with the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendment. All those in favor of that motion vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion carried. The committee amendment is adopted.

SENATOR NICHOL: Thank you, Mr. President, I appreciate your allowing me to do this. It would not be possible to discuss LB 716 without discussing LB 725 as they both deal with a somewhat different approach to the same subject matter. The Judiciary Committee frequently works closely with the Nebraska Supreme Court Committee on practice and procedure. This committee brings to us their work product which results from their ongoing revision of procedural rules in the courts of our state. Most frequently the work they bring us is purely technical in nature as was with last year's appeals revision and represents many months of painstaking debate and drafting. This year's revision deals with the rules of discovery. Very simply, the rules of discovery are those procedures which litigants use to find out about the other side of the lawsuit. Discovery rules govern such things as the taking of depositions which are statements under oath and written interrogatories, written questions propounded to the other party under oath. Many states in the federal system do not completely spell out these types of procedural rules in statute. They allow the Supreme Court of their state to set the boundaries of these rules by rule of court, frequently with the provision that the court shall propose no rule in direct conflict with the statute. This year the committee received the work product of the Supreme Court Drafting Committee and held interim study hearings on them throughout the state. This work product itself, the statutory changes themselves are represented

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LB 716

in LB 725. Additionally, LB 716 was introduced by the Judiciary Committee at the request of the Bar Association which would repeal all of the statutory revisions of discovery and allow the court to set such rules by rule of court. The Judiciary Committee felt that while we had absolutely no reservations about the changes which were to be made within the rules themselves, the fact that the Legislature would be abrogating some of its oversight authority over the making of these rules was sufficient reason in itself to bring both of these approaches to the floor of the Legislature. Once again, LB 716 would allow the Supreme Court to promulgate such rules of discovery by rules of the court, and LB 725 embodies those rules approved by the Bar Association House of Delegates in their entirety. The Judiciary Committee has designated LB 716 as one of its priorities. LB 725 was not designated as a priority bill but it has been advanced to General File and could be easily amended to 716. We would ask you at this time to advance LB 716. Prior to Select File debate, I would ask that each of you review LB 725. If any of you feel strong enough that the Legislature should maintain this rule making authority, please advise me prior to the Select File debate on 716, and we could amend 716 with the provisions of LB 725. With that, I would ask you to advance LB 716.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Thank you. Mr. Speaker and members of the Legislature, Senator Nichol I think has outlined for us a very interesting philosophical question we all have to deal with as members of the Legislature, and that is, how much do we delegate in terms of authority to agencies or other elements of state government including the Supreme Court? And I am very pleased that the committee took the time to provide us with two choices as I understand it, LB 716 and LB 725. Personally, I have always taken the position that this Legislature should have the responsibility and take that responsibility of setting into a law as much detail and guidance for the implementation of the law as possible. That is to say, I would not support then LB 716 which basically delegates to the Supreme Court the authority to set rules and regulations...excuse me, rules of discovery for the court rule. That is not to say that I wouldn't support LB 725 which would develop in the statutes exactly the sort of rules of procedure that are called for. But if we are presented with that philosophical choice, I would say the peoples' representatives in this Legislature should have the oversight authority in the questions of rules and regulations as much as possible. I think we can't

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LB 716

do everything, of course, we have to delegate some of that. But nevertheless in this case I think that we should be interested. The problem I find, however, in following that philosophical position, and I am talking philosophically here to this point, is the practical problem, how are we going to follow all the different rules and regulations that need to be adopted in this state? We have enough difficulty as it is dealing with the six...seven hundred bills sometimes we have to deal with, let alone all the rules and regulations to implement them. One of the examples is in LB 716 where we take about...it looks to me about seven lines which is what were in the past evidently the rules that were followed in this case and find that that has turned into a 46-page bill, new language in LB 725. Now I don't understand this very much. I am no attorney and I am sure Senator Nichol can explain it better, but why it takes 46 pages in LB 725 to go through the rules of evidence that we are talking about, it seems awfully excessive, and everybody is talking about too many laws, too much new statutes and this is one example. So I would ask you to please examine both of these bills very carefully in the philosophical question and in the practical one of how this Legislature should react to the delegation of authority that we are talking about and in the fact that it takes so much language in order to explain what has so briefly been taken care of in the past.

SPEAKER MARVEL: Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would like to rise in support of Senator Nichol's position on this conflict between these two bills and suggest that we follow the LB 716 approach towards developing discovery rules for our court system by letting the Nebraska Supreme Court develop the rules there. Now, in no realistic way are we giving up any authority because if there is anything about the rules as developed by the Nebraska Supreme Court that we are uncomfortable with, or lawyers or judges around the state are uncomfortable with and bring to our attention, as Senator Nichol points out, this body retains the jurisdiction or retains the authority to go in and change those rules in any respect. At the same time, I think by getting the workload off our desk and onto the Supreme Court's desk in the area of governing rules of discovery for the conduct of trials in the state, why we are really appropriately delegating to the Supreme Court something that is really within its line of business and it is really best over there and it will relieve us not only of the job of having to develop rules of discovery but the job of having to change

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LB 716

them from year to year or every third or fourth year as reasons, as legitimate reasons for change come up. Again, I think the important point that Senator Nichol made is we are not really giving anything up. We can always at any time we want pass a law either modifying what the Supreme Court has done or bringing the entire thing back into the jurisdiction of this Legislature for development and refinement. So with that I would support the position the Judiciary Committee has taken. I think it is the wise position and the one that we should adopt here by enacting 716 rather than 725. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. Speaker, and members of the Legislature, I just rise to support Senator Nichol and Senator Hoagland in their support of LB 716 which would give the Supreme Court the authority to promulgate these rules of discovery. They, of course, will follow the public hearing process and the Bar Association and attorneys who are involved in promulgating these rules will have input into the decisions reached by the Supreme Court. I think that basically this is an administrative function and that the Supreme Court would be the proper place to deal with this issue. Every year we come in with technical changes in these rules of discovery and every year we seem to adopt essentially what the Supreme Court and the Bar Association recommends. As 716 does allow for public hearing before the Supreme Court, I would urge you to vote for 716 and thus eliminate the need for constant appearance before the Legislature. At the same time, we are maintaining the authority to restrict or change any rules that the Supreme Court might adopt if we disagree with them, such as limiting dispositions or such. Thank you.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker, and members of the Legislature, I think it has been said fairly clearly. I would just like to point out that these are civil procedures and they do change from time to time, and the Supreme Court in its daily course of working through these civil cases have changes that are needed to be made from time to time. Senator Wesely pointed out that it takes 46 pages versus the one page, and that in itself might be an argument to take the 716 route. These are very difficult and very technical matters and require a lot of time not only in Judiciary Committee where we do study this very carefully but a lot of your time if you want to be able to vote on this intelligently. The Supreme Court, I believe,

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LB 716, 743

would be the place to handle these technical details, and I urge you to vote for 716. Thank you.

SPEAKER MARVEL: Senator Nichol, do you wish to close on the motion to advance? You have about one minute left.

SENATOR NICHOL: Mr. President, I think that is enough. I think you have heard pretty much what it is about, and between now and as this bill advances if you have any reservations about giving the Supreme Court this authority, then have a good look at it. Now the technical part is in 725, of course, and the 716 part allows the Supreme Court to promulgate these rules rather than running it through the Legislature every time they want to change some rules. So with that, Mr. President, I move the advancement of LB 716.

SPEAKER MARVEL: The motion as you have heard from Senator Nichol is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to advance LB 716.

SPEAKER MARVEL: The next item, LB 743.

CLERK: Mr. President, LB 743 offered by Senator Warner. (Read title.) The bill was read on January 11th. It was referred to Revenue for public hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 743 be advanced. LB 743 deals with the so-called Green Belt law. Some of you may recall that it was originally enacted seven or eight years ago but it used the definition as to the type of property that would qualify for Green Belt as being land that was zoned exclusively agriculture and this has created some problems in applying the law. And so rather than try and identify what does qualify, the bill would change by identifying the kinds of property that will not qualify for the Green Belt provision, and the type of property that would not qualify then are areas which are residential lots of less than 20 acres or property inside of an SID or city or village, or land that is zoned to allow commercial and industrial development. That kind of property would not qualify and it seems to be a more easily

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 716, 792, 796,
877, 931

SENATOR KILGARIN: I move we advance LB 877.

PRESIDENT: Motion to advance LB 877 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 877 is advanced to E & R for Engrossment. Now 577 has been stricken from this list so we will go on to LB 792, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 792.

PRESIDENT: Motion to advance LB 792 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 792 is advanced to E & R for Engrossment. LB 716, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 716.

PRESIDENT: Motion to adopt the E & R amendments on LB 716. Is there any discussion? All those in favor of adopting the E & R amendments to LB 716 signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 716. Senator Kilgarin.

SENATOR KILGARIN: I move to advance LB 716.

PRESIDENT: Motion to advance LB 716 to E & R for Engrossment. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. LB 716 is advanced to E & R for Engrossment. The next bill is LB 931, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 931.

PRESIDENT: Motion to adopt the E & R amendment to LB 931. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 931. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 931.

PRESIDENT: Motion to advance LB 931 to E & R for Engrossment. Is there any discussion? All those in favor signify by saying aye. Opposed nay. LB 931 is advanced to E & R for Engrossment. LB 796, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 796.

PRESIDENT: Motion is to advance LB 796 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 796 is advanced to E & R for Engrossment. LB 845, Senator Kilgarin.

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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 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.