

January 9, 1981

LB 72-80

PRESIDENT: Okay, Mr. Speaker, we will read these bills and then we will recognize you for the motion.

CLERK: Read LB 72-79 by title for the first time as found on pages 102-103 of the Legislative Journal.

Mr. President, a final item of business is that Senator Wesely would like to announce that Senator Sieck has been selected as vice chair of the Rules Committee. I guess I have one more that came up.

Read LB 80 by title for the first time as found on page 104 of the Legislative Journal.

Mr. President, that is all I have.

PRESIDENT: The Chair recognizes Speaker Marvel.

SPEAKER MARVEL: I will once more remind the chairmen that we are going to meet at nine o'clock, Monday. The chairmen's meeting is at nine o'clock in Room 1520 and we adjourn until ten o'clock, Monday. With this motion in mind we will also check with the bill drafter and report to you on Monday as to any problems that come up and Senator Lamb and I will be in contact with the bill drafter's office and we will have a report for you on Monday.

PRESIDENT: You have heard the motion of the Speaker to adjourn until ten o'clock, Monday morning. All those in favor signify by saying aye, opposed nay. We are adjourned until ten o'clock, Monday morning.

Edited by *LaVera M. Benischek*
LaVera M. Benischek

February 18, 1981

LB 5, 49, 72, 73, 74, 124,
128, 176, 279, 419, 462, 476.

to whom was referred LB 128 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, LB 462 to General File. (Signed) Senator Fowler as Chair.

Your Committee on Business and Labor whose Chairman is Senator Maresh to whom was referred LB 176 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File, 279 General File. (Signed) Senator Maresh, Chair.

Mr. President, your Committee on Constitutional Revision and Recreation whose Chairman is Senator Labeledz to whom was referred LB 5 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 476 to General File with amendments; 49 indefinitely postponed and 419 indefinitely postponed; LB 72 General File with amendments; LB 73 indefinitely postponed, and LB 74 advanced to General File with amendments. (See pages 559 and 560 of the Legislative Journal.) (Signed) Senator Labeledz, Chair.

SPEAKER MARVEL: The next order of business is LB 124.

CLERK: Mr. President, LB 124 offered by the Miscellaneous Subjects Committee and signed by its members. (Read title.) The bill was first read on January 13. It was referred to the Miscellaneous Subjects Committee. The bill was advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I move to advance LB 124 to E & R Initial. This is a Miscellaneous Subjects Committee bill and this bill consists of four sections. The first section, if you are following along, establishes legislative intent in relation to liquor control. It also establishes that it is the Legislature's intent to control and regulate all liquor transported into the state with the same regulations affecting liquor produced within the state. The second section establishes conditions which must be met before a retail or a bottle club liquor license can be obtained from the Liquor Commission. An applicant must be fit, willing and able to provide the service proposed as described in the application. An applicant must conform to all provisions, requirements, rules and regulations. The premises for the proposed service are or will be required by present or future public convenience and necessity.

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LB 144A, 72

SPEAKER MARVEL: Senator Maresh, 144A.

SENATOR MARESH: Mr. Speaker, this A bill is needed to fund LB 144. We were, I guess, going to have more bus service in the rural areas so to fund the bill, this LB 144 would allocate \$125,000. I move that this bill be advanced from General File to E & R initial.

SPEAKER MARVEL: Any other discussion? All those in favor of advancing LB 144A to E & R for review vote aye, opposed vote no. Have you all voted? Record vote? The motion is the advancement of LB 144A from General File to E & R initial. Have you all voted? Record.

CLERK: Mr. President, a record vote has been requested. (Read record vote as found on page 760 of the Legislative Journal.) 28 ayes, 5 nays, 16 not voting, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 72, General File.

CLERK: Mr. President, LB 72 was introduced by the Constitutional Revision and Recreation Committee and signed by its members. (Read.) The bill was read on January 9 of this year. It was referred to the Constitutional Revision and Recreation Committee for public hearing. The bill was advanced to General File. There are committee amendments pending by the Constitutional Committee, Mr. President.

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you. Are we speaking to the committee amendments?

SPEAKER MARVEL: Yes.

SENATOR LABEDZ: Thank you. Mr. Speaker, members of the Legislature, the Constitutional Revision and Recreation Committee adopted two amendments. The first amendment, those under sixteen years of age would not have to have a fur harvesting permit to trap or otherwise hunt fur-bearing animals and this conforms with the hunting and fishing permit. The second amendment would be that one could keep a fur-bearing animal or a raw fur for ten days after the permit expires and the reasoning for that is that one is given the ten days because if their permit expires, they still may have some furs to dispose of and if they are not going to renew their permit they are given ten days to dispose of the animal or fur after the permit expires. The fur harvesting permit would allow one to shoot, trap or otherwise take the fur-bearing animal and the season for

fur harvesting is set by the Games and Parks each year and varies with each animal. It generally runs at the maximum from some time in November to some time in February and I urge the members of this Legislature to accept the amendments to LB 72.

SPEAKER MARVEL: Senator Vickers, your light is on. Okay, we are voting on the committee amendments to LB 72. All those in favor of the adoption of the committee amendments vote aye, opposed vote no. Have you all voted? Record.

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

SPEAKER MARVEL: The committee amendments are adopted. Now, Senator Labedz, do you want to explain the bill now?

SENATOR LABEDZ: Thank you, Mr. Speaker, members of the Legislature, LB 72 revises several of the provisions relating to trapping and fur harvesting and increases the fees of fourteen hunting and fishing permits issued by the Games and Parks. Sections 1 - 3 creates a fur harvesting permit and repeals the trapping permit. Because this permit would be required for the taking of a fur-bearing animal by means other than trapping, there would be a significant increase in the number of permits as well as the increase in price from \$7 to \$15. The additional revenues would be \$237,000 for fiscal year '80-'81 and \$233,000 for '81-'82. The fur harvesting permit would replace the trapping permit. One would then need a fur-harvesting permit to hunt or trap animals on the fur-bearing list. The cost of the fur harvesting permit would be \$15 for Nebraska residents and \$200 for a nonresident. The fourteen increases are for the resident hunt from \$6.50 to \$8.50; nonresident hunt, \$30 to \$40; resident fish, \$7.50 to \$9.50; the resident hunt and fish, \$13.50 to \$17.50; resident deer, \$15 to \$20; nonresident deer, \$50 to \$100; resident antelope, \$15 to \$20; nonresident antelope, \$50 to \$100. The game fancier, \$1 to \$7.50; the commercial gain, \$10 to \$25 and the duplicates and we are speaking about duplicates here. When they lose a permit and have to have another one issued, it costs them \$1 at the present time and that is going to be increased to \$1.50; the resident fur buyer from \$50 to \$100 and the nonresident fur buyer, \$300 to \$500. These were last raised in 1976. The opossum and raccoon would be taken off the game list and would now only be on the fur-bearing list. This means that one could no longer hunt opossum and raccoon with a hunting license. They would need a fur harvesting permit to hunt, trap or otherwise take a fur-bearing animal. Now I am sure that there is going to be several questions

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raised on LB 72 and as chairman of the committee, I will certainly try to answer them. I urge the advancement of LB 72 from E & R initial.

SPEAKER MARVEL: The motion is on the advancement of the bill. The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I am a member of the Constitutional Recreation Committee and was present at the hearing when we heard LB 72, however, I was not present when LB 72 was advanced and I just want to alert the body that there are some problems that I have with portions of LB 72 and attempt to tell you briefly a little bit about some of those problems, however, I am not at this point in time ready to offer an amendment because I have still got to clarify some things with the Game and Parks Department and I will be attempting to amend LB 72 on Select File. I have mentioned this to Senator Labedz before I can vote for the bill on Final Reading. Part of the problem that I have with it and I will in order to perhaps alleviate some of the concerns that some of my colleagues might have, as Senator Labedz pointed out, the removal of the raccoon and the opossum from the game animal list would require a fur harvesting permit to shoot raccoon or opossum and this was of some concern to me until I did a little bit of research in it and there is a section in the statute that has an exception for that, if the raccoon...and it mentioned specifically raccoon and opossum, if they are being a predator as many of you from rural Nebraska are aware of, that in certain instances those two animals can, in fact, be a predator and it was not my intention to get the farmer in the situation where he had to have a fur harvesting permit to go out and shoot this predator on his property. So there is that exception so that did alleviate my concern with that area. The other concern that I have and as I say, I am not ready at this point in time to offer an amendment, is in the area of a fur buyer's permit. We are increasing the permit from \$50 to \$100. There are some people in my district that I am aware of and how many other areas in the state I am not familiar with that at the present time are buying and processing and selling pheasant skins, pheasant feathers and so forth largely because of the popularity of the hat bands that many of you saw and I suppose it is partly due to the popularity of the types of hats that I guess I have wore all my life but suddenly they are popular in urban areas also, but these are very small value as far as sale is concerned. They are nothing valuable like raccoon skins or coyote hides or anything of this nature or mink and this sort of thing. So it seems to me that

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what we are doing is penalizing some people by raising this fee that deal with a relatively small value product. That is the major concern that I have at this point in time with LB 72. I just want to alert the members of the body and the members of the committee that I serve with that on Select File I undoubtedly will be offering an amendment to LB 72 but at the present time I will vote for its advancement. Thank you.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I just have to rise in opposition to LB 72. I think we are reaching and I hope the Legislature stops and takes a careful look here at what we are doing. There are several bills in here that are increasing the cost of hunting and fishing and another bill to increase the price of the park entry fee and I think we are starting to price people out of these recreational activities. I don't hunt and I don't fish and I very rarely go to a state park but I think that these facilities are supposed to be made available to the public and I am a little concerned that we are starting to price people out of these recreational activities and I certainly cannot support LB 72. And I would urge you to take a careful look at it and to oppose the bill. I think it is unfortunate that we continue to increase the costs of this type of recreation and I guess I just oppose the bill and I hope you do too.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, a question of Senator Labedz. Senator Labedz, what is the reason for protecting the raccoons? They are very prolific and they do a lot of damage to farm buildings. I can't see why we should protect those from...and Senator Kahle says they harvest sweet corn before you get to it and I think this would be bad to allow them to just multiply and cause problems for the farmers. Would you object if we took the raccoon out of the bill?

SENATOR LABEDZ: Well we are not doing anything. We are just putting the raccoons and the opossums under the fur harvesting permit rather than under both the hunting and the fur harvesting because the Games and Parks can keep better track of them. We are not doing away with them or anything. We are putting them under the fur harvesting permit rather than in two places. Before, you could hunt them and they would also be under fur harvesting as a fur bearing animal.

SENATOR MARESH: You are, in fact, protecting them because you don't allow people to harvest them for the fur and that is probably why they are being hunted and trapped because of the value of the fur and I can't see that there is any danger of these species ever getting to be on the endangered species because as fast as they multiply. I think if you did travel out in the rural area in summer, you see them on roads and they just seem like they multiply even though they are hunted and trapped, they still multiply. So I would support the bill if you would take the raccoon off of it. Thank you.

SPEAKER MARVEL: Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, members of the committee, I think it is important for us to remember that we are talking about a five year period here as we look at these fees. I have good respect for Senator Cullan but I believe we need to recognize that costs have been going up keeping the parks up and if we are going to keep them clean, keep things in good order we've got to have the funds. Either they have got to come from the people that use them or otherwise from the general appropriation and it appears to me that this is the right way to finance it.

SPEAKER MARVEL: Senator Sieck and then Senator Cope.

SENATOR SIECK: Mr. President, members of the body, I have to support this bill. I feel that if we want to continue hunting and harvesting our furs we have to continue the populations of those and we have to have some control and as far as the coon, we were finding people coming out of the state and actually taking masses of these coons and we had to find some way of controlling this and this is why we have it in the fur harvesting and hunting area so that we can control it. As far as keeping the coon out of your sweet corn field, you can still do this. If it is a predator you can kill it and get rid of it but our population is dwindling as far as the coon is concerned and you talk to any coon hunter and he enjoys this bill. He wants this bill. So I don't think we should take the coon out of the list as a fur harvesting animal and I heartily endorse this bill. Thank you.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I support the bill. First of all, there is the additional fees, I believe in most cases when it comes to hunting and fishing, using the parks, trapping, anything there is, it is a case of who pays it, the person who uses it or who traps or hunts or fishes or that or uses the park or the whole populous because it does take tax money to make up the difference and I have always and will continue to support the theory that those who use them should help pay for them. I don't say,

pay for it but I say at least pay a small part of it in some cases. Other cases they pay a larger part and I think this is a true example of LB 72.

SPEAKER MARVEL: Senator Clark.

SENATOR CLARK: Mr. President, members, I probably have more letters against this bill than any bill that I have had anything to do with in the session so far. What you are going to do is raise the fishing permit by two dollars, the hunting permit by two dollars, the combination by four dollars. I haven't had one person write me and tell me they want to increase those fees out there. They are just getting tired of us raising fees all the time. It is three dollars on the drivers' license, it is two dollars and fifty cents that the committee come out with, park fees, it is two dollars on a hunting license, two dollars on a fishing license, four dollars on a combination license and the people out there are tired of us raising these fees all the time. I cannot support this bill under any condition because of the tremendous amount of people that are writing me they do not want it. Thank you.

SPEAKER MARVEL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I believe my reasons that I cannot support this bill are very similar to Senator Clark's. I think the fees are excessive, the jump, and there are so many people that go fishing about one time a year or hunting one trip out and on that it becomes rather unbearable and costly for that single incident of hunting or fishing. If there were a minimal increase, I could probably go along with it but not the sharp increases we have throughout the bill on hunting, fishing, trapping licenses. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Well, Mr. President, colleagues, I support this bill and some of these arguments I have heard I can't believe that we should have some kind of reduced license if somebody fishes once a year or if they fish a hundred times a year. I think I shouldn't pay as much for my automobile if I only drive 5,000 miles a year than I should pay for my automobile, the purchase price for my automobile, if I drive 40,000 miles a year. The fact of the matter is, is that inflation is affecting this area as much as any other area in this society. Now we are asking Game and Parks to enforce laws through conservation officers. We are asking them to manage our game. We are asking them to produce and manage our fisheries. We are demanding better fishing, better hunting and at the same token we are not willing to pay for it and it has to be paid for. Now if you take a

look at that game conservation fund, I'm not talking about the Habitat Program now, you will see that that is in serious serious condition. Now if you do not want to raise these fees so that the users are, in fact, paying for it, then you are going to have to look for some revenue from other sources. Now if you philosophically believe this should be a general fund expenditure and everybody in the state should equally support fishing and hunting, so be it. Then vote against this bill because that is going to be the alternative. If you believe that those who use it, those who play pay, then support this bill. Now I hear this argument that I have received all this mail, fifteen letters, saying I want my hunting and fishing license increased. I think if you would really talk to the true sportsman, to the people who are really involved and are really concerned and they are knowledgeable, they are going to recognize the realities of today and they are going to support this. I know when I carried that Habitat Stamp bill, you know, a lot of people were opposed to that bill, no question about it but sportsmen's club after sportsmen's club all the way across this state supported that concept and we have gotten a lot of tangible positive results from it. Now this is a serious situation and if you look at that Game and Parks budget and if you look at what inflation is doing to that like any other agency, like any other business, like any other family, you are going to have to do something about this dwindling revenue situation. Now either we are going to do it this way or we are going to have to do it through the general fund which I am basically opposed to. I think this is the way to do it. I think those who hunt and fish should pay for it. Now, I grant you, it may cause some very harsh individual budgeting decisions where an individual hunter and fisherman using it only once a year may decide that, in fact, he can't afford it and I regret that but there are a lot of things that people can't afford. So, I think you had better take this serious and you had better look at the overall picture and you better reach down in the bottom of your philosophical heart right here and say, is it a general fund expenditure or is it a user fee. I wholeheartedly support LB 72.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, I was going to address some of the concerns that Senator Maresh had raised and I will but I believe first I would to some degree like to agree with Senator Dworak. I'm not sure I am ready to reach down to the bottom of my philosophical heart, however. I thought that was a pretty good comment, Senator Dworak, but I do believe in user fees and it is also pointed out to me that not all areas of the state are perhaps as fortunate as we are in southwestern Nebraska with the good hunting

opportunities that we do have. We have a number of good hunting areas out there but to answer some of the concerns raised by Senator Maresh and I hope Senator Maresh, if Senator Dworak would stop trying to get him to talk about his philosophical beliefs for just a minute, maybe Senator Maresh would listen a little bit. The concern raised by Senator Maresh and many of my rural friends concerning the opossum and raccoon, I certainly agree with and that was one of the first concerns that I had with LB 72 also. However, the language of LB 72 is, where it removes the raccoon and opossum from the game animal means that it has been in the game animal list all the time so we are not rechanging that except that we are putting it over in fur harvesting which is just simply another permit. The difference, however, in the statute in another section, in 37-201 there is an exception and I will read it for the body so that perhaps it will alleviate some of the concerns. And this is talking about hunting and fishing permits, when they are required and so forth and the exception is that it provide that any farmer or rancher owning or operating a farm or ranch may destroy or have destroyed any predator including raccoon and opossum preying on livestock or poultry or causing other agriculture depredation on lands owned or controlled by him without a permit issued by the Game and Parks Commission. So if that opossum is tearing off the shingles of your chicken house and getting in and eating the chickens or sucking the eggs, why go ahead and shoot him. I think Senator Maresh would like to comment on that so I would ask Senator Maresh if he would respond.

SPEAKER MARVEL: Are you asking him a question or what?

SENATOR VICKERS: Mr. Speaker, I would like to ask Senator Maresh a question.

SPEAKER MARVEL: Do you yield, Senator Maresh?

SENATOR VICKERS: Senator Maresh, if the provision that I just read to you, wouldn't that address the situation that you referred to as far as raccoons and opossums and the problems that they cause to farmers in this state?

SENATOR MARESH: Senator Vickers, I'm not concerned about the opossum because they don't cause the damage that the raccoons do to sweet corn and the shingles on the roofs and things like that but what I am concerned, if these young people or whoever it is wants to harvest the raccoon for the fur, they will not go to the expense of buying a license where now they can do it with just the hunting license and they are keeping the raccoon under control by going out raccoon hunting and by requiring them to buy a special permit to harvest the fur, I am afraid that

is going to increase the population of the raccoon. That is my concern.

SENATOR VICKERS: Okay, thank you, Senator Maresh. Perhaps I misunderstood your concern. It seems to me, however, that the value that raccoon hides have at the present time, most people would probably be willing to pay that increase but I understand their concern and perhaps you can deal with that on Select File also. Thank you, Mr. Speaker.

SPEAKER MARVEL: Your welcome. Underneath the North balcony it is my privilege to introduce as guests of Senator and Mrs. Kahle, granddaughters Allison and Becky Hartman. Where are you folks so that we may...there you are, okay. Senator Labedz, do you wish to close on the motion to advance the bill?

SENATOR LABEDZ: Yes, I certainly do, Mr. Speaker. And for Senator Maresh I would like to also add that he mentioned the young people that would like to go out and kill these raccoons without obtaining a permit of any kind in order to protect property and the farmers and so forth, the raccoon fur now is worth any amount from \$20 to \$35. The opossum of course is less and also to state that those under 16 would be allowed to hunt the opossum and raccoon without a hunting permit or without a fur, they wouldn't be able to hunt it under this bill under the hunting permit but they would be allowed under the fur harvesting because they don't necessarily under this bill have to have a permit. I would like to explain a little bit why it is very, very necessary and Senator Dworak did an excellent job of stating that it would be impossible to get out of the general fund the necessary funds to operate our state park system, the hunting and fishing, habitat and so forth. We've got to have these fees increased. Since the Games and Parks Commission, as we know it today, was established in 1959, we all know that it has grown impressively to meet the outdoor recreational needs of all Nebraskans, for instance the visitation to our state parks and other visitation areas. In 1960 there were seven hundred thousand visitors. In 1970, by 1970 there, I'm sorry, in 1960 there were seven hundred thousand visitors and in '70 there was 5 million eight hundred thousand. In 1976 we saw 7 million visitors. In fiscal year 1979 and '80 there were a little more than 8 million. Under normal conditions we could expect further increases in the use of Games and Parks facilities but the conditions we face in the years to come are not going to be normal. The Games and Parks is responding to all the events and the needs of the people of the State of Nebraska. Parks and programs are being improved and upgraded in private donations and we all know that they have been very numerous, are an integral part of the development of the Games and Parks program. A second

factor causing the need for increased revenues is the aging of our population. The number of fee exempt permits given to our veterans and senior citizens is rapidly increasing. No one is suggesting that these fee exempt permits be abandoned but they do serve as a drain on the facilities. Approximately 34 thousand free hunting and fishing permits are given out annually and I would like to add here, and Senator Dworak as I said did an excellent job, when we go out to a movie for one night and we are talking about a person that goes out hunting and fishing for one day, a movie will cost us anywhere from seven to eight dollars for two people and last two or three hours, or golfing fees, and I don't think that increasing the fees at the amount that we are doing so in LB 72 for people that can fish and hunt for the entire year or the fur harvesting permit which nowadays is a very valuable business, is asking too much of the people that are going to be using the parks. And I would hate to see all of this coming out of the general fund, out of the sales and income tax and I believe one hundred percent in the people that use the facilities should be the ones that pay. Another reason for increasing the fees, inflation is a major factor justifying these raises and I sincerely hope that everyone is listening when I say that the Games and Parks is funded mostly, 67.2% of their operating budget from the sale of these various permits. Inflation has made it difficult to meet the '81 demands and prices on fees that were last raised in 1976. In considering these bills I ask you, and I am talking about LB 72 now, but we do have LB 73 and 74 following and I ask you to consider this as an investment in the future of the State of Nebraska in our recreational facilities. If we properly develop our Games and Parks programs and furnish the citizens of our state with the recreational opportunities, I think that several years down the road, given the energy situation, we will be happy that we have done so. And as Senator Clark mentioned, many, many letters that he received as chairman of the committee and I am sure that the other members of the committee can vouch the same, I would think that these people would first write to the committee and explain their opposition to the bill but I can truthfully say that I did not receive any as chairman of the committee. Thank you very much and I urge the advancement of LB 72 from General File to E & R initial.

SENATOR CLARK PRESIDING

SENATOR CLARK: The question before the House is the advancement of LB 72 to E & R initial. All those in favor vote aye, opposed no.

CLERK: Senator Clark voting no.

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

CLERK: 26 ayes, 8 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The Clerk will read LB 73.

CLERK: LB 73 was introduced by the Constitutional Committee and signed by its members. (Title read.) The bill was read on January 9 and referred to the Constitutional Revision and Recreation for public hearing. It was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator Labedz, the committee amendments.

SENATOR LABEDZ: Thank you, Mr. Chairman. I believe we are speaking to the amendments of LB 73. Thank you.

SENATOR CLARK: The committee amendments.

SENATOR LABEDZ: Thank you. The committee adopted three amendments to LB 73. The first one is the cost of the newly established nonresident bait vendors permit, was lowered by amendment from \$500 to \$150 annually. This was done because there might be a constitutional problem with a nonresident bait vendors permit costing twenty times more than a resident bait vendors permit. The second amendment was also to say that a nonresident must only have a nonresident bait permit to take a salamander. This amendment was needed because presently a nonresident needed three different permits to harvest salamanders. Under the bill the nonresident only needs the one nonresident bait vendors permit. LB 73 also set January 1, 1982, as the operative date of the bill. An operative date of the bill was mistakenly left out on the original bill. Thank you very much.

SENATOR CLARK: The motion before the House is the adoption of the committee amendments to LB 73. All those in favor vote aye, all opposed vote nay. Have you all voted? Record the vote.

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

SENATOR CLARK: The committee amendments are adopted. Senator Labedz, on the bill itself.

SENATOR LABEDZ: Thank you, Mr. Chairman. LB 73 as

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LB 67, 72, 73, 77, 113,
144A, 186, 214, 221, 459A.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senators Burrows, Cullan, Hoagland and Beutler would like to be excused until they arrive, and Senators Higgins, Koch, Maresh and Stoney all day.

PRESIDENT: Have you all recorded your presence?
Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 459A and recommend that same be placed on Select File; 144A Select File; 72 Select File with amendments, and 73 Select File with amendments. (Signed) Senator Kilgarin. (See pages 789 and 790 of the Legislative Journal.)

Mr. President, your Committee on Banking, Commerce and Insurance whose Chairman is Senator DeCamp reports LB 113 to General File with amendments. (See page 790 of the Legislative Journal.)

Mr. President, I have a report from the Public Works Committee regarding the appointments of....certain gubernatorial appointments and confirmation thereof. (See page 791 of the Legislative Journal.)

Mr. President, communications from the Governor addressed to the Clerk. (Read communications regarding LB 77, 67, 186, 214 and 221 as found on pages 791 and 792 of the Legislative Journal.)

Mr. President, I have letters making appointments to the Crime Victims Reparations Board, to the Rural Health Manpower Commission and to the Investment Council. (See pages 792 and 793 of the Legislative Journal.)

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LB 5, 72, 144A, 459A

SENATOR CHAMBERS: Then, Mr. Chairman, I move that LB 5 be advanced to E & R for engrossment.

PRESIDENT: All right, any discussion? Now there has been a request for a machine vote on this so we will go to the board for the advance of LB 5. All those in favor of advancing LB 5 to E & R for engrossment vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 11 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. LB 5 is advanced to E & R for engrossment. The next bill on Select File is LB 459A.

CLERK: Nothing on it, Senator.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 459A be advanced to E & R for engrossing.

PRESIDENT: Motion to advance LB 459A to E & R for engrossment. Any discussion? All those in favor signify by saying, opposed nay. LB 459A is advanced to E & R for engrossment. The next bill is LB 144A, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 144A be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 144A to E & R for engrossment. Any discussion? If not, all those in favor signify by saying aye, opposed nay. LB 144A is advanced to E & R for engrossment. The next bill, Senator Chambers is LB 72.

CLERK: There are E & R, Senator.

PRESIDENT: E & R amendments.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 72 be adopted.

PRESIDENT: Motion to adopt the E & R amendments on LB 72. Any discussion? All those in favor of adopting the E & R amendments to LB 72 signify by saying aye, opposed nay. The E & R amendments on LB 72 are adopted. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, there has been a request for a machine vote but reluctantly I move that LB 72 be advanced to E & R for engrossment.

PRESIDENT: All right, motion to advance LB 72 to E & R for engrossment. A machine vote has been requested. All those

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LB 72, 73

in favor vote aye, opposed nay. Go to the board. Have you all voted? We're voting on LB 72 to E & R for engrossment. We are voting on the board because a vote has been requested, a board vote has been requested. Record the vote.

CLERK: 27 ayes, 7 nays on the motion to advance the bill, Mr. President.

PRESIDENT: The motion carries. LB 72 is advanced to E & R for engrossment. The next bill, Senator Chambers, is LB 73.

CLERK: There are E & R, Senator.

PRESIDENT: E & R amendments.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 73 be adopted.

PRESIDENT: Motion to adopt the E & R amendments to LB 73. Any discussion? If not, all those in favor of adopting the E & R amendments to LB 73 signify by saying aye, opposed nay. The motion carries and the E & R amendments are adopted. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that LB 73 be advanced to E & R for engrossment and I would ask for a machine vote.

PRESIDENT: All right, the motion is to advance LB 73 to E & R for engrossment. A machine vote has been requested. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 12 nays, Mr. President, on the motion to advance.

PRESIDENT: The motion carries and LB 73 is advanced to E & R for engrossment. That will conclude Select File for today. We are about ready to take up agenda item #7, General File. The first bill on General File this morning is LB 190 and the Clerk will read some matters into the record before we proceed with General File. Proceed, Mr. Clerk.

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LB 72, 179, 376, 500, 269

Senator Chronister asks unanimous consent to add his name to LB 269 as cointroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 72; Senator Dworak to LB 500; Senator Haberman to LB 376. (See pages 833-835 of the Legislative Journal.)

Your committee on Business and Labor gives notice of hearing for March 18 and Business and Labor gives notice of hearing on gubernatorial appointments for March 18 as well, Mr. President.

Mr. President, LB 179 was a bill introduced by the Revenue Committee and signed by its members. (Read title.) The bill was originally read on January 14. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. There are committee amendments by the Revenue Committee, Mr. President.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President, members of the Legislature, I move for the adoption of the committee amendments. I guess I better talk to the committee amendments first. The first amendment was to delete Section 1 of the original bill and in our discussion it was felt that there was not sufficient evidence and information available in this particular section and decided that it would be best to just delete it. Section 2 is an additional section to harmonize a date with a related section in the bill and much of this bill is cleanup and it was brought to us by the Revenue Department that needed to harmonize and coordinate the whole procedures and these amendments, of course, contribute to that end. The third one allows an extension of time for good cause regarding certain dates for filing reports by railroads and car companies and the fourth amendment changes the dates for filing by car companies to April 15. Now these are amendments that are beneficial to the Department of Revenue in their operations to bring them into a more reliable and adequate operation. So I move for the adoption of these committee amendments and then I will take the bill section by section, Mr. President.

SPEAKER MARVEL: The motion is the adoption of the Revenue Committee amendments to LB 179. Senator Haberman. All those in favor of adoption of the committee amendments vote aye, opposed vote no.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments, Mr. President.

March 11, 1981

LB 5, 24, 38, 54, 72, 73,
LB 154, 144A, 198, 245A,
LB 273, 275, 288, 417, 459A

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed no. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 856, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. We will now go to #5, General File, priority bill, Senator Cullan's LB 56.

CLERK: Mr. President, may I read some things in.

SENATOR CLARK: Read some things in if you have to.

CLERK: Mr. President, first of all, your Enrolling Clerk respectfully reports that she has on this day at 10:40 a.m. presented to the Governor for his approval LBs 24, 38, 54, 275, and 288.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 5 and find the same correctly engrossed; LB 459A correctly engrossed; LB 144A correctly engrossed; LB 72 correctly engrossed. (Signed) Senator Kilgarin, Chair. LB 73 correctly engrossed.

Mr. President, Senator DeCamp would like to print amendments to LB 273 in the Legislative Journal.

Senator Koch offers explanation of vote.

Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 417 to General File with amendments.

I have an announcement of priority bills designation by the Government Committee.

Senator Warner would like to print amendments to LB 198.

Senator Carsten would like to be excused Thursday, March 12 all day.

A new A bill, LB 245A by Senator Schmit. (Title read.)

Your committee on Banking, Commerce and Insurance reports on certain gubernatorial appointments.

the question is, shall the bill pass. Those in favor vote aye, opposed vote no. Record.

CLERK: (Read record vote as found on page 1095.) First of all Senator Beutler changing from yes to no for purposes of reconsideration. 26 ayes, 14 nays, 9 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill fails to receive the necessary votes and, therefore, the bill does not pass. I think, Senator Vickers, you have an amendment on LB 72. Right?

CLERK: Mr. President, Senator Vickers moves to return LB 72 to Select File for a specific amendment. That amendment is found on page 833 of the Legislative Journal.

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. Speaker and members, a copy of the amendment has also been passed out. It should be laying on your desk. The amendment quite simply is because of a problem that I mentioned when this bill was on General File and I missed it on Select File and was not able to get it done in time and, therefore, I would apologize to the body for having to bring it back to attempt to amend it at this point in time. The problem is because of the fact that there are certain areas in the State of Nebraska, certain people that have begun to have a small business enterprise made up of using pheasant feathers, pheasant skins and so forth to make wall plaques, the current craze of western hats with the feather hatbands has expanded the market for this sort of an enterprise and the law as presently written indicates that if you deal in pheasant feathers or upland game bird feathers or skins, you have to have a fur buyers permit. A fur buyers permit is being increased by LB 72, the dollar figure from \$50.00 to \$100.00. These skins or these feathers are of relatively small value, I am told around three or four dollars at the most. They are also a portion of the upland game bird that is thrown away and discarded by the vast majority of hunters. The amendment that I am offering would exclude from the fur buyers' permit the requirement that a person dealing in upland game skins or feathers had to have a fur buyer's permit. I would point out though that it does keep in the statutes that it would be unlawful to sell any part of the game bird, meaning the part of the meat, for instance, the bird itself which was the real intention of this statute I am told by the Games and Parks people when it was originally put in here. The intention is only to remove to make an exception as far as feathers and skins are concerned, not an exception as far as the birds themselves, the meat from the birds are concerned.

The original history I am told as far as the game management originated because of the concern of certain individuals selling feathers years ago off of birds but since that time we have evolved to a system where the Game and Parks has a strict control over the numbers of birds that are taken, over the licensing procedure so that it would seem to me that there is really no need to include the feathers and skins as part of their criteria. So I would simply ask the body's adoption of this amendment that would allow those people that are dealing in these relatively small insignificant items, as far as dollar values are concerned, from the fact of having to have a \$100.00 fur buyers permit. I have, as I indicated when this bill was on General File, I have no problem with raising the fees under LB 72 because I believe in user fees. I think that is the correct way to go. The people that hunt and fish in this state should pay for the Game and Parks administration of the hunting and fishing within the state but I do have a problem with requiring a \$100.00 fee for those people that are dealing with an item that goes to waste anyhow. It seems to me that is a ridiculous requirement and ask the body's adoption, bringing LB 72 back for Select File for this specific amendment. Thank you, Mr. Speaker.

SPEAKER MARVEL: Before we go to the next speaker, in the North balcony from Seward St. John's Lutheran School, 27 students, fourth grade, five adults. Lucinda Bartels is the teacher. Raise your hands so we can see where you are, please. Welcome to the Unicameral. Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, Senator Labedz is not here today but she wanted to go ahead with this bill if it could be processed. The Game and Parks Commission called and advised that they have no objection to the Vickers amendment and, in fact, they understand the need for it or the reasons for the individuals he is talking about having this particular exemption so I would urge you to support the amendment, return the bill, adopt the amendment and advance the bill so that it can be processed maybe next week on Final.

SPEAKER MARVEL: Senator Dworak, your light is on.

SENATOR DWORAK: Mr. President, colleagues, I can't see any reason to make this exception in this particular instance. I think Senator Vickers in some instances sort of soft-soaped this issue a little bit where some of these people are small and some of them do it on a very small basis but I think some of the articles I have read, this plumage from wild birds is a big business and there is a lot of profit and I am personally not opposed to profit. I think it is a great thing but I am also not opposed to fees. It seems to me we

make a mistake when we look at the economy solely and not only that but even more narrowly on several operators. I am sure that when the beaver trade back in the 1800s was flourishing some people did not make a lot of money at it. Some people only took two or three beavers while other people, as you well know, large companies, large concerns, international conglomerates were built on the beaver pelt trade. The Astor fortune got its start in that very area. So, Senator Vickers, even though he alluded to a couple of small folk out in western Nebraska I think he has not told us the whole story because I think this is a lucrative industry to some people and I think they should pay the fee like any other fur trapper should pay the fee and the case just has not been made to me that this exception should be made. You know we have a tendency to do this all the way across in any area in this legislative body is that one or two of the good old boys from back home get a hold of us and say, hey, I'm just diddling. I am not really dipping like the big people so do you suppose you could make that little old exception in this particular instance? And then we have a mishmash of laws where we have more exceptions than we have consistency and there is really no reason for it. So, the case has not been made to me to bring this bill back at this point. I am going to vote against bringing it back and I don't think it is that monumental and I would ask you to question in your own mind as to whether the case has legitimately been made as to whether this should be brought back or not at this time.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Dworak just got through saying it. It is not that monumental. So if it isn't such a big deal I don't see why he is opposing it. The Game Commission think it is fine. Senator Vickers gave a good explanation. It is a problem. If he can't understand it, I feel sorry for him but being it isn't such a big deal, I will support bringing it back, adding Senator Vickers amendment and then going on and advancing the bill. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, I wish Senator Haberman would address the issues rather than a personal attack on me, not mention once the issue. You know that is an old ploy that Senator Haberman is trying to learn from Senator DeCamp and he has not learned very well yet.

SPEAKER MARVEL: The motion is to bring the bill back for a specific amendment. Do you want to close, Senator Vickers?

March 24, 1981

LB 72

SENATOR VICKERS: Mr. Speaker, members, I will attempt to close without being personal in any way, shape or form. I would like to point out, however, that there is a little bit of a difference between the fur buyer and the people dealing with these pheasant skins or upland game birds skins and feathers. Senator Dworak alluded to some people that might be doing this in a rather large way. If there are, I am not familiar with them and I can assure you I am not trying to offer this because of a particular concern of one individual in my district. It is a concern that I have for what is right. I would also point out that Senator Dworak mentioned that the beaver trapper or other trappers, that might not trap very many pelts do not have to have a \$100.00 fur buyers permit. There is a trapping permit that they can buy and I think we are raising that to \$15.00 I believe in this bill. The other point is that people dealing in pheasant feathers do have a hunting license. They have to have the hunting license that permit, if you will, to get the birds to start with. That is a different issue from the buyers' permit that we are talking about here. So the two issues are completely separate. The fact that you have to have a permit to take the animal or the bird to start with we are not tampering with. That is there as well it should be. Senator Dworak made a good point. That is true. What we are talking about is the buyers' permit, a \$100.00 permit and we are requiring a \$100.00 permit for people that are dealing in \$50.00, \$60.00 furs as well as people that are dealing in \$3.00 and \$4.00 pheasant skins with the idea being that the pheasant skins in my estimation, most of them wind up in somebody's incinerator anyway. If somebody has got an ability to take some of this product that goes to waste and make something useful out of it, I see no reason why the state should penalize them with a \$100.00 permit when they have already got their permit to get the bird to start with. I urge the body's adoption of the amendment following bring the bill back from Final Reading.

SPEAKER MARVEL: The motion is to return LB 72. All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 5 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The bill is returned. Now the motion is to adopt the Vickers' amendment. All those in favor of adopting the amendment vote aye, opposed no. Record.

CLERK: 28 ayes, 4 nays on the motion to adopt the amendment, Mr. President.

March 24, 1981

LB 72, 73, 50, 104

SPEAKER MARVEL: The motion is carried. The bill is amended. Now all those in favor of readvancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 32 ayes, 2 nays on the motion to readvance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is re-advanced. Okay, the Clerk will now read on Final Reading, LB 73.

CLERK: (Read LB 73 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed vote no. Record the vote.

CLERK: (Read record vote as found on pages 1096-1097 of the Legislative Journal.) 30 ayes, 9 nays, 9 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. We now go to LB 104.

CLERK: (Read LB 104 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass. Those in favor vote aye, opposed no. Record the vote.

CLERK: (Read record vote as found on page 1097 of the Legislative Journal.) 36 ayes, 1 nay, 9 excused and not voting, 3 present and not voting, Mr. President.

SENATOR CLARK PRESIDING

SENATOR CLARK: LB 104 is declared passed. The Clerk will read LB 205.

CLERK: Mr. President, I have a series of motions to return LB 205.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, since Senator Newell is out in California bellying up to the owner of Falstaff I am willing to wait on my motion until he crawls back.

SENATOR CLARK: I think we will pass over it anyway. We had three motions to return the bill. We will read LB 50.

March 25, 1981

LR 46
LB 39, 39A, 50, 72, 73,
104, 167, 171, 194, 197,
197A, 252, 425, 475, 500

SPEAKER MARVEL PRESIDING

SENATOR BEYER: (Prayer offered.)

SPEAKER MARVEL: I have a note here that indicates that today is the 35th birthday of Senator Howard Peterson and this occurred on the weekend, March 22, and there will be rolls served in his honor and we wish Senator Peterson the best for the year to come. Have you all recorded your presence? Record.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: Do you have items under #3?

CLERK: Mr. President, your committee on Public Works whose Chairman is Senator Kremer reports LB 252 to General File with amendments. (Signed) Senator Kremer.

Your committee on Enrollment and Review respectfully reports that they have examined and reviewed LB 39 and recommend that same be placed on Select File with amendments; 39A Select File; 167 Select File with amendments; 197 Select File with amendments; 197A Select File. All signed by Senator Kilgarin as Chair.

Your committee on Enrollment and Review respectfully reports we have carefully examined LB 72 and find the same correctly reengrossed. (Signed) Senator Kilgarin.

Senator Wagner would like to be excused for the day.

And, Mr. President, LB 73, 194, 50, 171, 194, 425, 475, and 500 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 LB 73, LB 104, LB 50, LB 171, LB 194, LB 425, LB 475, LB 500. Item #4, resolution.

CLERK: LR 46 is offered by (read LR 46.)

SPEAKER MARVEL: Senator Lamb, this is your resolution.

SENATOR LAMB: Mr. Chairman and members of the Legislature, this is a resolution which honors Senator Nichol's mother who recently passed away. The fine lady has been a long time credit to the State of Nebraska. I urge the adoption of this resolution.

March 30, 1981

LB 72, 78, 111, 158A,
168

Mr. President.

SENATOR CLARK: The motion carried. The bill is indefinitely postponed. We will now go to number 6, LB 78.

CLERK: Mr. President, while we are waiting, Government, Military and Veterans Affairs will hold an Exec Session underneath the north balcony at noon. Is that right, Senator? Government Committee at noon underneath the north balcony, Mr. President.

Mr. President, new A bill, LB 158A. (Read title.) Senator Carsten would like to print amendments to LB 168; Senator Labeledz to print amendments to LB 72. (See page 1186 of the Legislative Journal.)

Mr. President, LB 78 was a bill introduced by Senator Don Dworak. (Read title.) The bill was first read on January 9. It was referred to the Education. We last considered the bill on March 26, Mr. President. At that time there was a motion to adopt the committee amendments. That motion failed. There was also a motion from Senator Haberman to indefinitely postpone the bill, and that is presently before us.

SPEAKER MARVEL: Senator Dworak, do you want to go over the bill and then we will take up the Haberman motion to kill? But you are recognized now, first.

SENATOR DWORAK: Mr. Speaker, as much as I would like to take the time, it seems to me that the bill was introduced, which I did. Debate had commenced on Senator Haberman's kill motion, and we had a list of speakers that we were going to continue with after the Friday adjournment. Is that correct?

SPEAKER MARVEL: You don't want to be recognized now then, is that right?

SENATOR DWORAK: I thought that we would just commence with that list of speakers as though....(interruption).

SPEAKER MARVEL: Okay, may we have a list of those who wish to speak either for or against LB 78. Will you please punch your button. Okay, the Chair recognizes first Senator Vard Johnson.

SENATOR JOHNSON: (Microphone not on.)....motion on LB 78. A number of years I read the short story by

" ABCB

effect. Let's say one of Wally Barnett's inspectors from the Fire Marshal's Division goes out to look at a project on site and he determines that some kind of a foam used on the outside of a building is flammable, and he tells the contractor, well, you should have come to me before you put that on according to state law, and I am going to direct you to hold the project up until that flammable material is removed. Now, the contractor will then turn around and say to that employee, look, I will hold this contract up and I will take that foam off and put new foam on but I am going to sue you personally. It is going to cost me \$20,000 to do that, and if two years from now some judge or some jury rules that you have not acted reasonably and in good faith, you are going to be totally responsible for that \$20,000 plus attorney fees in some instances. Now, it seems to me that that is going to scare the living daylights out of.... that's going to scare the living daylights out of that public employee and instead of doing his job which is to say stopping the building from being constructed, or you can think of a lot of other instances, a county inspector in a restaurant goes in and says, we have had 18 violations because of a dirty kitchen, your kitchen is still dirty, and we are going to make you shut down for a week until you clean that kitchen up. And the manager says, well, I will shut down for a week but I am going to sue you personally and if a jury or a judge a year and a half from now finds that you did not act reasonably and in good faith, you are personally going to be liable for our losses. Now, you see what I mean. I think that is going to deter public officials from doing what they think ought to be done and the better approach is in this amendment which provides that the political subdivision will pay the damages but they can go ahead and discipline the employee if he did not act reasonably in good faith. So I think for the smooth operation of our state and local governments I would recommend the option of this amendment. Thank you, Mr. Speaker. Mr. Speaker and colleagues, I have been informed that a number of legislators would like this whole matter to be laid over so we can examine the issue further, and with the Chair's consent I might ask that that be done.

SPEAKER MARVEL: Any objections? Okay, so ordered. Okay, LB....the next bill is LB 72, Mr. Clerk.

CLERK: Mr. President, as with the last bill, I have a motion to return LB 72 to Select File for a specific amendment. The amendment is found on page 1186 of the Journal. It is offered by Senator Labeledz.

April 1, 1981

LB 72

SPEAKER MARVEL: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. Speaker. This is a technical amendment to LB 72. The bill changes the permit from a fiscal year to a calendar year basis, but the amendment is necessary to correlate with the operative date of the act. The amendment proposes and ensures that the trapping and fur buying permits bought from July 1st, 1981 to January 1st, 1982 will be honored to June 30th, 1982. So even though the new fur harvesting permits, which replaces the trapping permits, and the new fur buyer permits will go into effect January 1st, 1982, the old permits will still be valid for a whole year. Thank you.

SPEAKER MARVEL: The motion is to return the bill to Select File for a specific amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill to Select File.

SPEAKER MARVEL: Okay, the bill has been returned. Now do you want to....we need to adopt the amendment.

SENATOR LABEDZ: Thank you, Mr. Speaker. I have no further information on the amendment. I ask for the approval of the amendment to change the dates.

SPEAKER MARVEL: Okay, the motion is to adopt the amendment as presented by Senator Labedz. All those in favor of the adoption of the amendment vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays on the motion to adopt Senator Labedz's amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Now we need to return it. Now the motion is to return the bill....readvance the bill to E & R for Engrossment. All those in favor of that motion say aye, opposed no. The motion is carried. The bill has been rereferred. Okay.

CLERK: Mr. President, I have a second motion on LB 72. Senators Beutler, Fitzgerald, Hoagland, Fenger, Newell, Nichol, Cope, Kahle, Wagner, Vickers, Remmers, Von Minden, Kilgarin, Lowell Johnson, Higgins, Kremer, Goll, Chronister, Barrett, Sieck, Landis, Rumery, Burrows, DeCamp, Haberman

April 1, 1981

LB 72, 205

and Koch move to return LB 72 to Select File for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, I think Senator Fitzgerald wanted to say something with regard to this bill and I would like to give him a little bit of my time if I could.

SPEAKER MARVEL: Senator Fitzgerald.

SENATOR FITZGERALD: Mr. Speaker and members, I have been a Senator going on seven years today and today is one of the hardest things I have to do. My heart bleeds. I indefinitely postpone LB 72 as a concerned citizen. I believe it is my duty to ask your support to save these poor little animals. They will be affected by this bill. I believe LB 72 is a bad bill and the animal it affects should have a fair chance to survive just like the little babies in the abortion bill. And you got to go back memory lane here and you see a little bunny rabbit going down the lane and bouncing back and forth down there, not a worry in its mind, and here he comes upon a trap. Now this trap...and he's trying to be lured into this trap by Senator Bernice. But who owns the trap? Pope Mahoney. So this is what we have got to take under consideration today. And I am awful sorry that I had to do this but it just is duty. I thank you.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, it is always a serious matter when you put a motion like this up on Final Reading, and I and everybody else who did this were...we did feel bad about doing this, Bernice, and the main thing about it I guess was that as Senator Nichol put it, the bill altogether seemed awfully fuzzy. And without going into all the details of our deliberations, I think there was one message basically that we wanted to get across to you and simply put it is simply this, April Fool. We withdraw the motion, Mr. Speaker.

SPEAKER MARVEL: We are now ready on Final Reading for LB 205.

CLERK: Mr. President, I have a motion on the desk. Senator....well, I have apparently three motions, Mr.

April 2, 1981

LB 72, 181, 205, 284,
284A, 512, 529, 556

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The morning prayer will be given by
Pastor Jack Glass, of the First Assembly of God.

PASTOR GLASS: Prayer.

SPEAKER MARVEL: Will you please record your presence.

CLERK: Mr. President, Senator Burrows would like to be
excused until he arrives. Mr. President, Senators Clark
and Nichol would like to be excused for the day. Senators
Cullan, Pirsch and Sieck until they arrive.

SPEAKER MARVEL: Record.

CLERK: Quorum present, Mr. President.

SPEAKER MARVEL: Do you have any items under number three?

CLERK: Mr. President, Senator Warner gives notice of
hearing scheduled on LB 556 by the Appropriations Committee.

Your Committee on Enrollment and Review respectfully
reports they have carefully examined and reviewed LB 284
and recommends the same be placed on Select File. LB 284A
Select File. (Signed) Senator Kilgarin, Chair.

Your Committee on Enrollment and Review respectively reports
they have carefully examined and engrossed LB 72 and find
the same correctly engrossed and 205 correctly re-engrossed.
(signed) Senator Kilgarin.

Mr. President, I have a report of registered lobbyists for
the week of March 27th through April 1st.

Mr. President, Senator Schmit would like to print amendments
to LB 11. Senator Howard Peterson to LB 512. Senator
Vickers to 181.

Mr. President, Senator Sieck and Kahle ask unanimous consent
to add their names to LB 529 as co-introducers.

SPEAKER MARVEL: Hearing no objection so ordered.

CLERK: I believe Mr. President that is all that I have at
this time.

April 8, 1981

LR 51
LB 72, 205

PRESIDENT: Any others wish to discuss LR 51? If not, Senator Kilgarin, I guess your opening is your close, unless you want to add anything. Okay, the question then is the adoption of LR 51. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the resolution.

PRESIDENT: Motion carries and LR 51 is adopted. We will go to the next resolution which is....no that's all the resolutions. So that ends....we will go on to the Final Reading, in fact. That's where we are. Sergeant at Arms will clear the aisles and all those people not having business on the floor will leave the floor at this time. The Sergeant at Arms will see to it that all members are at their seats. Ready for Final Reading. Will all members please be at their desks so that we can proceed promptly with Final Reading. All right, we will proceed then, Mr. Clerk, with Final Reading on LB 72.

CLERK: (Read LB 72 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 72 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on pages 1347 and 1348 of the Legislative Journal.) 33 ayes, 9 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 72 passes. Before we take up LB 205 on Final Reading the Chair would like to introduce some 25 students from the Lincoln School of Commerce, Joan Kraft, their teacher. They are up here in the north balcony. And we welcome you to your Unicameral to the Lincoln School of Commerce. Would you welcome them to the Legislature. We will now proceed with LB 205 on Final Reading, Mr. Clerk.

CLERK: Mr. President, I have a motion on the desk.

PRESIDENT: Read the motion.

CLERK: Senator Chambers moves to return LB 205 to Select File for a specific amendment, that amendment being to strike the enacting clause.

PRESIDENT: The Chair recognizes Senator Chambers.

April 9, 1981

LBs 35, 72, 205, 296,
328, 251, 477

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chaplain for today is Edith Young, Assistant Minister of First Christian Church of Lincoln.

PASTOR EDITH YOUNG: Prayer.

SPEAKER MARVEL: Would you please record your presence? Okay record.

CLERK: Quorum present Mr President.

SPEAKER MARVEL: Okay, item number three.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports that we have carefully examined LB 296 and recommend the same be placed on Select File, 328 Select File with amendments, 477 Select File with amendments, 35 Select File with amendments. (signed) Senator Kilgarin, Chair.

Mr. President, a letter from the Governor to the Clerk regarding LB 351. (See page 1365 of the Legislative Journal).

Mr. President LB 72 and 205 are ready for your signature.

SPEAKER MARVEL: While the Legislature is session and capable of transaction business, I am about to sign and do sign re-engrossed Legislative Bill 72, re-engrossed LB 205.

The Clerk will read a letter from the Governor's office. Can I have your attention for just a minute. The Clerk will read a letter from the Governor's office. In order to have it distributed to you somebody's signature needed to be on the letter, my signature or initials are there. That does not necessarily mean an endorsement, it is simply a convenience for the members of the Legislature.

CLERK: Read letter from Governor Thone. See Legislative Journal pages 1366-68.

April 9, 1981

LR 54
LB 167, 72, 205, 378, 40,
44, 87, 173, 292, 292A,
317, 536,

SENATOR CLARK: We have about three pages left. Can we get the Legislature to take their seats and vote on the bill. Continue.

ASSISTANT CLERK: Continues to read LB 167.

SENATOR CLARK: Everyone is in their seats please. All provisions of law having been complied with, the question is, shall the bill pass? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

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

CLERK: 30 ayes, 13 nays, 5 present and not voting, 1 excused and not voting. Vote appears on page 1375 of the Legislative Journal.

SENATOR CLARK: The motion passed, the bill is passed. We have 40 students from Westlawn Elementary School in Grand Island in Howard Peterson's district. Roger Lee is the teacher. They are in the north balcony. Could you raise your hands please. Welcome to the Unicameral. We will now go to item six.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor at 11:00 a.m. LB 72 and 205.

Senator Marsh would like to print amendments to 378.

The Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 40 and find the same correctly engrossed, LB 44 correctly engrossed, LB 87 correctly engrossed, LB 317 correctly engrossed, LB 292 correctly engrossed, 292A correctly engrossed, 173 correctly engrossed and LB 536 correctly engrossed.

Mr. President, a new resolution. Read LR 54. That will be laid over Mr. President.

April 13, 1981

LR 56
LB 72, 329, 333, 355

PRESIDENT LUEDTKE PRF IDING

DR. ROBERT PALMER: (Prayer offered.)

PRESIDENT: Roll call.

CLERK: Mr. President, Senator Burrows would like to be excused until he arrives along with Senators Schmit and Hoagland; Senators Kremer, Cullan and Clark all day.

PRESIDENT: Has everyone registered your presence? Record the presence, Mr. Clerk.

CLERK: A quorum present, Mr. President.

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

CLERK: Mr. President, I have no corrections to the Journal.

PRESIDENT: The Journal will stand correct as published. Are there any other messages, reports or announcements?

CLERK: Mr. President, yes, sir, there are. I have two letters from the Governor addressed to the Clerk. (Read. See pages 1423 and 1424, Legislative Journal. Re: LB 72 and LB 355.)

Mr. President, LR 56. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LBs 329 and 333 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 329 and LB 333. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: You will note that we have seated up here beside the Chair, former Chair and former Lieutenant Governor Frank Marsh, now Treasurer Marsh. We figured it might be a pretty tough day beginning this week and so we thought we would double up on you. He will handle the gavel and I will just tell you when he is going to strike the gavel down. No, Treasurer Marsh has brought with him some special guests which we could like to introduce to the Legislature at this time. They include Mr. Rodolfo Cerdas, member of the National Legislative Assembly, Costa Rica. He is a Professor of Political Science, an attorney, at the University of Costa Rica. He is accompanied by his escort-interpreter Paul Leach