

January 8, 1982

LB 229, 94, 727-729

SPEAKER MARVEL: The motion is the advancement of LB 229. All those in favor of that motion vote aye, opposed vote no. Telecommunications bill. Have you all voted? The Clerk will record the vote.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. Do you have something to read in?

CLERK: Yes, Mr. President, two new bills, LB 727 (read title); LB 728 (read title); LB 729 (read title). (See pages 179 and 180, Legislative Journal.)

And, finally, Mr. President, I have a notice of hearing cancellation offered by Senator Schmit on a gubernatorial appointment previously set.

SPEAKER MARVEL: Senator Beutler, are you ready for LB 94?

SENATOR BEUTLER: Yes, Mr. Speaker, I would like to proceed with it.

SPEAKER MARVEL: Okay.

CLERK: Mr. President, LB 94 offered by Senator Beutler. (Read title). The bill was first read on January 12 of last year. It was referred to the Public Works Committee for hearing. The bill was advanced to General File. There are committee amendments attached, Mr. President.

SENATOR BEUTLER: I would just take the committee amendments.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: I will yield to Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, the committee amendments are simply...it is a technical amendment to correct an error in the original drafting of the bill and so I would ask the indulgence of the body to simply adopt the committee amendments which is the bill, which would be the concept in the bill then, and then we can vote the bill up or down.

SPEAKER MARVEL: We are talking about the committee amendments, right?

SENATOR BEUTLER: Yes, I would just ask the adoption of the committee amendment. The committee amendment is the bill.

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LR 210  
LB 239, 212, 585, 657, 662,  
669, 729, 758, 448

CLERK: Mr. President, I have nothing further on the bill.

SENATOR CLARK: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 239.

SENATOR CLARK: The motion is to advance 239. All those in favor say aye, opposed. The bill is advanced. LB 410. We want to pass over that bill.

CLERK: Mr. President, if I may, right before we get to that, Senator Johnson would like to print amendments to LB 212 in the Legislative Journal.

I have a new resolution, Mr. President, LR 210. (Read. See page 482, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle reports LB 585 indefinitely postpone; LB 662 advanced to General File; LB 729 advanced to General File, all signed by Senator Kahle, as Chairman.

Mr. Chairman, your committee on Appropriations whose Chairman is Senator Warner to whom we referred LB 657 instructs me to report the same back to the Legislature with the recommendation it be indefinitely postponed; 669 indefinitely postponed; and 758 indefinitely postponed, all signed by Senator Warner as Chairman.

SENATOR CLARK: LB 278. We will pass over 278. It has a Goodrich-Beutler amendment on it and they are both excused. We will go to 126. That has Beutler amendments on it. Go to 448.

CLERK: Mr. President, LB 448, there are E & R amendments pending.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 448.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The E & R amendments are adopted. Next amendment please.

CLERK: Mr. President, the next amendment is offered by Senator Warner. It is found on page 462 of the Journal.

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LB 662, 729

SENATOR RUMERY: Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, I think this has been an issue that has been before us for a number of years and the county officials have worked hard at it. The sheriffs have worked with it. The sheriffs are not all exactly happy with the situation that they have, but we think they're closer together than they have ever been. I have often or always agreed with Senator Chambers, I didn't think the jailer fee should be considered in their salary, which it has been, in many cases this was taken out of the salary. I think this is a good idea and I hope it is a step forward in settling a problem that we have had before us for probably a good many years but especially in the last few years because many sheriffs considered that jailer fee part of their salary, and this would eliminate that part of it. If the county board wants to negotiate with the sheriff for taking care of the jail, why that is fine, that is the way it is going to be, but it is not considered part of their salary anymore. Thank you.

SENATOR CLARK: Is there any further discussion on the bill? Senator Chambers, do you wish to close? The question before the House is the advancement of 662? All those in favor vote aye, opposed vote nay. Record the vote.

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

SENATOR CLARK: The Chair declares the bill advanced. We will go to LB 729.

CLERK: Mr. President, LB 729 offered by Senator Chronister. (Read title.) The bill was read on January 8th of this year, referred to the Government Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Chronister.

SENATOR CHRONISTER: Yes, sir. Mr. Chairman and members, currently the statutes provide that a sheriff's deputy serve a maximum of a six months' probationary period. Practice has shown that this is not a realistic time period. LB 729 merely extends the existing probationary period for deputy sheriffs from the existing six months

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LB 729

to one year. This is an attempt to further professionalize law enforcement in Nebraska and also to save money for the various counties. Under existing law, after a deputy sheriff has been on duty for six months, the sheriff must determine whether or not to take him off the probationary period. All deputies must attend the Grand Island Law Enforcement Training Center and this training takes seven weeks. If it would be necessary for the deputy to repeat part of this training, a great deal of the six months' probationary period would be used. The existing probationary period does not allow sufficient time for the sheriff to evaluate the performance of his deputies. Now this is a not a momentous bill or one of great import, but it is unique in the fact that it is offered, introduced on behalf of the Nebraska Sheriffs and Peace Officers Association and the Nebraska Association of County Officials appeared at the hearing as proponents. There were no opponents to the bill and there is no fiscal impact. I urge the rapid transit of LB 729. Thank you.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, I also support what Senator Chronister has said. Many times the deputies are not sent to the training school right away. They are used around the sheriff's office to learn the process of being a sheriff. Some of them may not want to take the training after they have learned what it is all about. So I think it is a good idea. There just wasn't time in the six month period, probationary period, to determine whether this person was going to make a deputy sheriff or not. So I certainly support LB 729. Thank you.

SENATOR CLARK: Senator Chronister, do you wish to close, or do you have any closing?

SENATOR CHRONISTER: Mr. Chairman, I would just like to reiterate that many times sheriffs find themselves in a time bind, and by granting one year they have more time to evaluate the deputy and his performance, and there is less chance of making a mistake in the evaluation. I urge passage of the bill.

SENATOR CLARK: The question before the House is the advancement of 729. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

February 16, 1982

LB 69, 604, 604A, 662, 651,  
669, 684, 729, 782

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Chris Brekke, Our Savior Lutheran Church, here in Lincoln.

REVEREND CHRIS BREKKE: (Prayer offered.)

PRESIDENT: Roll call. While we are waiting for all of you to register your presence this morning, the Chair takes pleasure in introducing some guests of Senator Goll from Burt and Washington Counties. They are up here in the South balcony, from the 16th Legislative District. Would you recognize about 30 of these guests of Senator Goll's, up here in the balcony. Welcome to your Legislature. Record the attendance, Mr. Clerk.

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

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

CLERK: (Read corrections as found on page 681, Legislative Journal.)

PRESIDENT: The Journal will stand corrected. Any messages, reports or announcements, Mr. Clerk.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 662 and recommend that same be placed on Select File; 729 Select File; 669 Select File with amendments; 782 Select File with amendments; 604 Select File; and 604A Select File. All signed by Senator Kilgarin.

Mr. President, your committee on Banking, Commerce and Insurance gives notice of a rehearing for Monday, February 22.

Your committee on Education whose Chairman is Senator Koch instructs me to report LB 651 advanced to General File.

Senator Marsh would like to print amendments to LB 69 in the Legislative Journal.

I have an Attorney General's opinion addressed to Senator Cullan regarding LB 684. (See page 683, Journal.)

Mr. President, I have received reports from the Department of Energy as well as the State Risk Management Program. Those will be on file in my office.

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LB 662, 729, 669, 669A, 782

SPEAKER MARVEL: The motion is to advance LB 662. All those in favor of the advancement of the bill vote aye, opposed vote no...say aye, opposed no. Motion is carried. The bill is advanced. The next one is LB 729. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 729.

SPEAKER MARVEL: Favor of the motion say aye, opposed no. Motion is carried. The bill is advanced. Senator Kilgarin, LB 669.

SENATOR KILGARIN: I move the E & R amendments to LB 669.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. Motion is carried. E & R amendments are adopted.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 669.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. Bill is advanced. 669A.

CLERK: I have nothing on the bill, Senator.

SPEAKER MARVEL: The motion is to advance. All in favor of advancing 669A say aye, opposed no. Motion is carried. Bill is advanced. 782, Senator Kilgarin.

CLERK: E & R, Senator.

SENATOR KILGARIN: I move the E & R amendment to LB 782.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. E & R amendment is adopted.

CLERK: Mr. President, Senator Kilgarin would now move to amend the bill.

SPEAKER MARVEL: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: Thank you, Mr. President. This is essentially Senator Marvel's bill that I'm cosponsoring and the amendment would simply change the composition of the commission from one deputy sheriff who is elected by the deputy sheriffs to two deputy sheriffs. So we are just increasing it from one to two, and after that takes effect, we will also be deleting from that commission the

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 718, 719, 728, 729

SENATOR CLARK: All provision 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.

CLERK: Senator Clark voting yes.

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

CLERK: 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting. Vote appears on page 1213 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. the Clerk will now read 719.

CLERK: Read LB 719.

SENATOR CLARK: All provisions of all according to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote no.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Record.

CLERK: 44 ayes, 0 nays, 5 excused and not voting. Vote appears on page 1214 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read 728.

CLERK: Read LB 728.

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. This is St. Patrick's day.

CLERK: Senator Clark votes aye.

SENATOR CLARK: Record the vote, quick. Thank you colleagues.

CLERK: 44 ayes, 0 nays, 5 excused and not voting. Vote appears on page 1512 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The Clerk will now read 729.

CLERK: Read LB 729.

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LB 729

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.

CLERK: Senator Clark voting yes.

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

CLERK: 42 ayes, 1 nay, 1 present and not voting, 5 excused and not voting. Vote appears on pages 1215-16 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 778 with the emergency clause.

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

SENATOR CLARK: Read the motion.

CLERK: Senator Peterson would move to return LB 778 to Select File for a specific amendment. Read amendment.

SENATOR CLARK: Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would specifically like to ask Senator John DeCamp whether LB 778 in any ways effects the loans under Section 45-101.04 can be found on the supplements on page 808 which has to do with general interest in the State of Nebraska and I would like him to answer that question.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, thank you, Senator Peterson. The reason we are doing this is so that we can get into the record absolutely intent language, so if there is ever any doubt, the answer is no, it is not the intent of LB 778 to invalidate any variable rate including a variable rate on a current or new 45-101.04 loan, unless the rate charged violates usury law limitations itself. Such variable rate loans under 45-101.04 are of course valid just as they are now. LB 778 additionally regulates new and currently lawful variable rate loans on consumer goods by requiring notice of a proposed increase as provided by the bill.

SENATOR H. PETERSON: Thank you, Senator DeCamp. With that explanation I withdraw my motion.

SENATOR CLARK: It is withdrawn. The Clerk will read LB 778.

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LB 729, 127

CLERK: Read LB 778.

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.

CLERK: Senator Clark voting yes.

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

CLERK: 42 ayes, 0 nays, 3 excused and not voting, 2 present and not voting. Vote appears on pages 1216-17 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read LB 127.

ASSISTANT CLERK: Proceeds to read LB 127.

SENATOR CLARK: Mr. Clerk, we have a motion on the desk.

ASSISTANT CLERK: Mr. President, I have a motion from Senator Kahle. He would move to return LB 127 to Select File for a specific amendment. Read Kahle amendment.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, I really hate to do this but in a discussion on this bill on the floor, it was the intent I'm sure of Senator Sieck and those that were supporting the bill, that the information gained by any surveyor would go to the county first and then to the repository. So, if you will look at your yellow copy it would read, "The surveyor shall be filed in the office, or in the office of the county surveyor in the county for which the land is located." Provided, go clear down to line 16, "such survey meets applicable regulations." I believe that this is the intent of the bill, it no way hurts it as far as a repository is concerned, I believe that it would make all of us feel better. It would signify exactly how the process is supposed to work. So, I urge the adoption of this correctional amendment.

SENATOR CLARK: You have to return the bill.

SENATOR KAHLE: Okay, I ask for the return of the bill for this specific amendment.

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LR 243  
LB 202, 267, 449, 579, 606, 628, 630,  
654, 662, 692, 702-703, 717-719,  
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, have you all registered your presence? Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

LB 69, 267, 359, 435, 449, 579, 606, 628,  
630, 654, 662, 692, 702, 703, 717, 718,  
719, 722, 728, 729, 778, 782, 801, 829

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PRESIDENT: The amendment is adopted. We are going to stop now and recess until 1:30 and then we will come right back onto this bill. Senator Nichol, would you like to recess us until 1:30. We have one communication to read in.

CLERK: Mr. President, engrossed LBs 267, 359, 435, 449, 579, 606, 628, 630, 654, 662, 692, 702, 703, 717, 718, 719, 722, 728, 729, 778, 782, 801, 829 and 69 were signed by the Governor on March 19 and delivered to the Secretary of State.

SENATOR NICHOL: Mr. Chairman, I move we recess until 1:30 this afternoon.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed. We are recessed until 1:30.

Edited by:

*Marilyn Zank*  
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