

January 11, 1982

LB 753-763

EASE

PRESIDENT: The Chair recognizes Sergeant at Arms Ray Wilson.

SERGEANT AT ARMS WILSON: Mr. President, your committee now escorting his excellency the Governor of the Great State of Nebraska.

PRESIDENT: The committee will escort the Governor. The Governor of the State of Nebraska, Charles Thone.

GOVERNOR THONE: (Gave State of the State and budget address as found on pages 192-206 of the Legislative Journal.)

PRESIDENT: The committee will reescort the Governor out of the Chamber. The Speaker has recommended that we stand at ease for about ten minutes at this time. Then we will reassume our deliberation.

EASE

PRESIDENT: The Legislature will come back to order. The Clerk will read some matters into the record at this point.

CLERK: Mr. President, we've received some Attorney General's opinions, four to be exact. The first is from Attorney General's office addressed to Senator Haberman; the second addressed to Senator Beyer; a third addressed to Senator Haberman and a fourth to Senator Sieck. All four will be inserted in the Legislative Journal. (See pages 206-212 of the Legislative Journal.)

Mr. President, I have a report of registered lobbyists for the week of November 4 through January 8. (See pages 212-214 of the Legislative Journal.)

Mr. President, LR 201 is ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LR 201.

CLERK: Mr. President, I have new bills. (Read by title for the first time LBs 753-763 as found on pages 214-217 of the Legislative Journal.)

PRESIDENT: We are ready to take up agenda item #6 which involves motions to suspend rules on some revisor bills and I am advised by the Clerk that there is one additional bill if you will add to your agenda, LB 592 after 664. Senator Lamb, are you going to make a motion to....

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LB 458, 756, 761, 807, 933, 942
LB 816A, 966, 970, 971,

A bill to hold this thing up. Thank you.

SENATOR CLARK: Senator Beutler. The question has been called for. Do I see five hands? All those that wish to cease debate vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 27 ayes, 2 nays to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Carsten.

SENATOR CARSTEN: My only comment is to renew my motion to advance 816A and to Senator Kahle, as a member of the Revenue Committee, if you've got any suggestions or help to make it better or to make the whole thing better, you know that you are perfectly welcome and we welcome you with open arms to give those suggestions to us. You've been aware of that all session and I renew again to you, that pledge to work with you if you've got the answers. Thank you.

SENATOR CLARK: The question before the House is the advancement of 816A. All those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 15 nays on advancement of the A bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Nichol. Oh, do you have anything to read in? Go ahead.

CLERK: Very quickly, Mr. President, Miscellaneous Subjects still would like to meet underneath the North balcony.

An announcement from Senator Lamb of moving LB 458 from pass-over to General File.

Your committee on Appropriations whose chairman is Senator Warner reports LB 756 advance to General File with committee amendments attached; 942 General File with committee amendment attached; 933 General File with committee amendments attached; 761 General File with committee amendments attached; 966 General File with committee amendments attached; 971 indefinitely postponed; 970 advance to General File. (See pages 1271-1274 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 807 and find the same correctly engrossed.

SENATOR WARNER: Unless there are additional questions, there are a number of adjustments that I have not touched it on. I would be glad to do those, do so if somebody wants me too.

SENATOR CLARK: Are there any further questions on 754 before we advance the bill? If not the question before the House is the advancement of 754. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 30 ayes, 0 nays, Mr. President on the motion to advance the bill.

SENATOR CLARK: 754 is advanced. Now we will take up 755.

CLERK: Mr. President, LB 755 offered by Senator Marvel at the request of the Governor. It is a bill that (Read title of LB 755). The bill was read on January 11, referred to Appropriations for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be advanced. Obviously the level of salaries fixed by the Constitution, there is no change in the Constitution so I move the bill be advanced.

SENATOR CLARK: Is there any discussion on the advancement of 755. If not, all those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Senator Clark voting yes. 28 ayes, 1 nay Mr. President on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Take up 756.

CLERK: Mr. President, LB 756 was a bill introduced by Senator Marvel at the request of the Governor. (Read title of LB 756). The bill was first read on January 11th, referred to Appropriations for hearing. The bill was advanced to General File. Mr. President, there is a committee amendment to the bill.

SENATOR CLARK: Senator Warner on the committee amendment.

SENATOR WARNER: Mr. President, this is a salary bill for the constitutional officers. Included in the constitutional officers is the state tax commissioner and the amendment that the committee has offered would only adjust the state tax commissioner's salary to be consistent with the salary policy that is recommended for all state employees and that is the 5% adjustment as of October 1, 1982 or annualized the 3.75% increase. I move adoption of the committee amendment.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: 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. Now on the bill 756, Senator Warner.

SENATOR WARNER: Mr. President, I move the bill be advanced. As I indicated the constitutional...the pay for the salaries of the constitutional officers as currently established by law.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Senator Warner, perhaps a question, this... are these the same constitutional officers we were discussing this morning?

SENATOR WARNER: Yes.

SENATOR KAHLE: How did you arrive at these figures then?

SENATOR WARNER: The figures included in the bill is the current salaries allowed by laws that has existed since what, 1977.

SENATOR KAHLE: There is no increase then at all in these figures for the next four years.

SENATOR WARNER: Oh yes, it is the salary plus benefits, Senator Kahle, I had forgotten, Social Security and those

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LB 756

things that the state must pay.

SENATOR KAHLE: How much of an increase in salary would that be?

SENATOR WARNER: There is no increase in their basic salaries but there have been increases of course in Social Security, health insurance payments that they qualify for the same as everyone else.

SENATOR KAHLE: You are not in anyway then setting the salary for the next four years. You are just perpetuating what is now being paid out.

SENATOR WARNER: The salary would not be changed. Their basic salary would not be changed from what it currently is without.....

SENATOR KAHLE: Under this bill?

SENATOR WARNER: Pardon?

SENATOR KAHLE: Under this bill.

SENATOR WARNER: Under this bill. Any change would require the enactment of legislation if it was to be an increase, in their basic salary. Fringe benefits will change as those things change such as health insurance or as Social Security changes that would change but that is not income to them.

SENATOR KAHLE: Okay, this just takes care of that plus their present salary.

SENATOR WARNER: Yes.

SENATOR KAHLE: Thank you.

SENATOR CLARK: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, my question I think follows along the same line and I notice that we have Judge's salaries here, but you say all of these additional charges have nothing to do with salaries, is that correct?

SENATOR WARNER: There will be no salary increase for any constitutional officer included in this bill. Any increase in the total appropriation is a result of Social Security adjustments or if it is a health insurance

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LB 756, 760, 854, 933

LR 261

adjustment, although that wouldn't be any in this one. It would only be those kind of changes in the total appropriation. Nothing relative to their take home pay, if I can put it that way.

SENATOR NICHOL: Okay, thank you.

SENATOR CLARK: Any further discussion on 756? If not, all those in favor of advancing the bill vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 31 ayes, 0 nays, Mr. President on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Now 933. Clerk would like to read in first.

CLERK: Mr. President, your Enrolling Clerk has presented to Governor, bills that were read on Final Reading this morning.

Senator Kahle would like to print amendments to 854 in the Journal.

Miscellaneous Subjects gives notice of gubernatorial appointment confirmation hearing.

Senator Carsten would like to print amendments to 760.

Mr. President a new resolution. Read LR 261. That will be laid over Mr. President.

SENATOR CLARK: Laid over how long?

CLERK: Mr. President, LB 933 was introduced by the Appropriations Committee and signed by its members. Read title of LB 933. The bill was read on January 19. It was referred to the Appropriations Committee. The bill was advanced to General File, Mr. President. There are committee amendments pending.

SENATOR CLARK: Senator Warner on the committee amendments.

SENATOR WARNER: Mr. President, members of the Legislature,

March 23, 1982

LB 404A, 488A, 609A, 714A,
LB 522A, 755, 756, 933, 942

SENATOR LAMB: The motion is to have a Call of the House. Those in support vote aye, those opposed vote no. Record.

CLERK: 17 ayes, 0 nays, to go under Call, Mr. President.

SENATOR LAMB: The House is under Call. All unauthorized personnel please leave the floor. All senators will be in their seats. Please record your presence. Call in votes will be accepted.

CLERK: Senator Fowler voting yes. Senator Vickers voting yes.

SENATOR LAMB: Senator Wiitala, Senator Koch, Senator DeCamp, Senator Schmit, Senator Labedz, Senator Wagner, please record your presence.

CLERK: Senator Labedz voting yes.

SENATOR LAMB: We're looking for Senator Chambers, Senator DeCamp and Senator Koch.

CLERK: Senator Fenger voting no.

SENATOR LAMB: Senator Johnson, we are missing only three people. Are you ready for the roll call?

SENATOR V. JOHNSON: Roll call then, yes, please.

SENATOR LAMB: Will you please call the roll, Mr. Clerk?

CLERK: (Read roll call vote as found on pages 1376-1377 of the Legislative Journal.) 27 ayes, 17 nays, Mr. President, on the motion to advance the bill.

SENATOR LAMB: The bill is advanced. LB 942, Mr. Clerk.

CLERK: Mr. President, if I may right before that, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 404A and recommend that same be placed on Select File with E & R amendments; 488A, 714A, 609A, 755, 756 and 933 with E & R amendments attached. (See pages 1377-1378 of the Legislative Journal.)

Mr. President, LB 942 was last considered by the Legislature yesterday. (Read title.) The bill was first read on January 19. It was referred to the Budget Committee for a hearing. The bill was advanced to General File with committee amendments attached, Mr. President. Yesterday the Legislature adopted portions of the committee amendments. I believe

March 29, 1982

LB 408, 755, 756, 933

restrict weights and it doesn't restrict length. It doesn't restrict three trailers or any number of trailers under the way this bill has been drawn. So I guess I think if the concern is a testing program for triple trailers and the concern is not to increase weights, well that is what the bill should do but that is not what the bill does do. The bill allows weights and lengths and it leaves all that discretion in the Department of Roads. I, for one, think our roads in the State of Nebraska are so bad today that we ought not do anything that would even potentially damage the roads in the state further and I will have some more information and some more comments about that later and what trucks in the state are costing us today and how much we are already subsidizing the trucking industry in the state by constructing roads and all the taxpayers, particularly those who drive cars and pickups and other vehicles are paying to already subsidize the trucking industry. I don't think we ought to give this kind of discretion to the Department of Roads. I urge you to vote against the committee amendment and to vote against the bill.

SENATOR CLARK: We are going to stop right here and take up the three bills that we have at four o'clock on Select File. Then if we have time after that before then at four-thirty we will come back to the bill. Senator Kilgarin, we are going to take up Select File, LB 755 first.

CLERK: No E & R, Senator.

SENATOR KILGARIN: I move we advance LB 755.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. 756.

SENATOR KILGARIN: I move we advance LB 756.

SENATOR CLARK: You have heard that motion. All those in favor say aye, opposed. The bill is advanced. LB 933.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 933.

SENATOR CLARK: The motion is to adopt the E & R amendments to 933. All those in favor say aye, opposed. The E & R amendments are adopted. Now the advancement.

SENATOR KILGARIN: I move we advance LB 933.

SENATOR CLARK: You heard that motion. All those in favor

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LR 277, 278
LB 408, 753, 755, 756, 761,
816, 933

why you shouldn't. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I think what Senator Beutler is trying to get the Legislature to do is what a group of philosophers known as the School Men used to do. They were renowned for being able to split a philosophical hair between the North and the Northwest Side. Now when you find a subject which is related to another subject but you say they are different because they are found in different portions of the statute books, I think that is straining at a gnat while maybe at another point swallowing a camel. From my experience with traffic citations, I had to do research in the statutes and there is legislation dealing with citations found in Chapters 39 as well as Chapter 29. They overlap. They supplement each other. And if one provision were amended, then I am certain that the amendment could be made to apply to the other part also despite the fact that they are in different chapters. So I want that statement into the record and I will not make a formal challenge of the Chair because the Chair has ruled consistently on this point despite the fact that I disagree. I also learn, and I saw what happened yesterday, Mr. Chairman, so I will not make a formal challenge.

SENATOR CLARK: Senator Beutler. All right, we will go to the next amendment. The Clerk wants to read some things in first.

CLERK: Mr. President, if I may very quickly, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 755 and find the same correctly engrossed; 756, 933, all correctly engrossed.

Senator Koch would like to print amendments to LB 761; and Senator Chambers to 761.

Mr. President, new resolutions, LR 277 (read). That will be laid over. LR 278 (read). (See pages 1489-1491, Legislative Journal.)

Mr. President, Senator Cullan would like to print amendments to LB 753.

And I have an Attorney General's opinion addressed to Senator Vickers regarding LB 816.

Mr. President, the next motion I have on LB 408 is a motion to indefinitely postpone the bill. That is offered by Senator Wesely.

SENATOR CLARK: Senator Wesely.

April 6, 1982

LB 605, 755, 756

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 605 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 46 ayes, 0 nays, 3 excused and not voting. Vote appears on page 1675 of the Legislative Journal.

PRESIDENT: LB 605 passes. The next bill on Final Reading, Mr. Clerk, is LB 755.

CLERK: (Read LB 755.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 755 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote and subtract the one.

CLERK 44 ayes, 3 nays, 3 excused and not voting. Vote appears on page 1676 of the Legislative Journal.

PRESIDENT: LB 755 passes with the emergency clause attached. Next bill on Final Reading is LB 756, Mr. Clerk.

CLERK: (Read LB 756.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 756 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting. Vote appears on page 1677 of the Legislative Journal.

April 7, 1982

LB 127, 127A, 408, 602A,
605, 753, 755, 756, 816

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Eddy Hallock, Southview Baptist Church here in Lincoln.

REVEREND HALLOCK: Prayer offered.

PRESIDENT: Roll call. Senator Goodrich, would you push the button and then we can get going. Thank you. Record the presence, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal stands correct as published. Any messages, reports or announcements?

CLERK: I have an Attorney General's Opinion addressed to Senator DeCamp. (See pages 1755 and 1756 regarding LB 816 in the Legislative Journal.) Senator Labedz would like to print amendments to 602A; Senator Beyer to 408. (See pages 1757 through 1760 of the Journal.)

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

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs 127, 127A, 605, 755, and 756. Anything further, Mr. Clerk?

CLERK: Nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, motions, commencing with LB 942.

CLERK: Mr. President, I don't have any motions on LB 942 this morning.

PRESIDENT: Senator Warner....no motions, all right, so 942 is out. What about 753?

CLERK: Mr. President, Senator Warner would move to return LB 753 to Select File for a specific amendment. That amendment is found on page 1727 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator Warner.

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LB 127, 127A, 605, 755,
756, 757

CLERK: Mr. President, I have another motion.

PRESIDENT: Oh, another motion on this bill, all right.
Read the motion.

CLERK: Mr. President, if I may right before that. Your Enrolling Clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 1763 regarding LBs 127, 127A, 605, 755 and 756 in the Legislative Journal.)

I have a supplement to an Attorney General's Opinion addressed to Senator Beutler. That will be inserted in the Journal. (See page 1764 of the Journal.)

Mr. President, Senator Newell would now move to return LB 757 to Select File for a specific amendment, that amendment being to eliminate the State Board of Equalization's authority to set the sales and income tax rates.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: I won't speak long if I could have some silence. Thank you, that's not a bad deal. The proposal that I am offering this Legislature is one of those that you might call a...to use a colloquialism, a "fess up" amendment, and that is simply that it will strike the State Board of Equalization's Authority to set sales and income tax rates. We would have to bring 757 back one more time to set the income tax rate after this amendment is passed but I don't think that is any great problem. I think then we have a philosophically reasonable way of explaining this to the public. We can take this out of all of the politics and so forth and have the Legislature do what 49 other states do and that is set the sales and income tax rates. I think it would be very responsible. It would help the public understand just exactly who creates the problem. It is not only the Legislature, it is also the Executive, but at least places that authority between the Legislature and the Executive Branch and not solely in the Executive Branch. That way we won't have these kinds of election year situations when we have a real fiscal crisis. I would hope this body would accept this amendment. It is the right and philosophically correct thing to do.

PRESIDENT: The Chair recognizes Senator Hefner. Okay. The Chair recognizes Senator Burrows.

SENATOR BURROWS: Mr. Chairman, I support the Newell amendment. I think the situation over the last year and the failure

April 13, 1982

LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. 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: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,