

SPEAKER MARVEL: Senator Barrett, do you wish to close?

SENATOR BARRETT: I'm not sure, Mr. Speaker.

SPEAKER MARVEL: I've had the same feeling at times.

SENATOR BARRETT: My intent was not to stir up the natives. Thank you, Senator Johnson, for those kind remarks with reference to piling on. I think I'm entitled to fifteen yards, correct? I made no secret about this, ladies and gentlemen, not at all. It is straight out, very straight forward. Pull transportation costs from the general budget, levy a special tax. It is exempt from the 7% Budget Limitation Act of 1979. The bill is a loophole. There is no question about it. It is dictated by the severe limitations which have been placed on school districts in your legislative districts and in mine. It is virtually impossible for some of these districts to continue operating under the current levels with the current programs without some assistance. Transportation costs, transportation needs are competing for these educational dollars and as far as I am concerned there is a difference between transportation and education. An exemption, an exception, if some of you prefer, a subsidy. Call it by any name you want. If you have a philosophical problem with it, sobeit. I repeat, I move that LB 498 be moved to E & R initial. Thank you.

SPEAKER MARVEL: All those in favor of that motion vote aye, opposed vote no, the advancement of the bill. Have you all voted? Have you all voted? Senator Barrett. Do you want to record the vote? Okay, record the vote.

CLERK: 12 ayes, 28 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion lost. The Clerk has a couple of items on his desk before we go to the next bill.

CLERK: Mr. President, there will be a meeting of the Reference Committee underneath the North balcony at three-thirty.

Mr. President, Senator Fowler would like to print amendments to LB 404A in the Legislative Journal. (See pages 223-224 of the Legislative Journal.)

Mr. President, a new bill, LB 767 offered by Senator Schmit. (Read by title for the first time LB 767. See page 224 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to have a meeting of the Banking, Insurance and Commerce tomorrow morn-

February 8, 1982

LB 139, 413, 573, 633,
647, 681, 696, 744,
767, 779, 827

Senator Wagner would like to print amendments to 696.

Your committee on Education whose Chairman is Senator Koch reports LB 827 to be advanced to General File with committee amendments. Signed by Senator Koch.

Your committee on Government reports 647 advanced to General File; 696 General File; 767 General File; 681 General File with amendments; 744 General File with amendments. All signed by Senator Kahle.

Mr. President, Senator Marsh would like to print amendments to LB 139 in the Journal.

Senator Chambers moves that the body reconsider its Final Reading vote on LB 413. That will be laid over.

Your committee on Rules gives notice of hearing.

Your committee on Public Works reports LB 573 advanced to General File with committee amendments; 633 advanced to General File with amendments. Signed by Senator Kremer.

SENATOR CLARK: LB 779.

CLERK: Mr. President, LB 779 (read title). The bill was read on January 12, referred to the Banking Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator DeCamp, committee amendments.

SENATOR DeCAMP: Mr. President, since the committee amendments are nothing more than putting in four words that were left out by the bill drafter when the bill was drafted which coordinate with the rest of the bill, what I thought would be proper then would be to explain the whole bill or attempt to and deal with the whole bill rather than just deal with the amendment separately. LB 779 has several sections and several purposes and once again it was a bill introduced at the request of the Nebraska Bankers Association. It deals with matters in banking. As everybody knows, banks also need on occasions to borrow money to meet day to day reserve and other requirement. Okay, Section 1, in line 5, in other words, Section 1 of the bill eliminates a term called "rediscounts and bills payable". The reason this is eliminated is because it is obsolete and nonapplicable language and we substitute instead the modern language of "direct borrowing". Now this section broadens, so everybody understands, I am broadening the

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LB 720, 767

such orders. The purpose of 720 is to close this jurisdictional loophole. I understand that some of the judges are doing it anyway but they feel that they are on shaky ground by ordering custody of the children while the divorce case is pending. I move for the advancement of LB 720 to E & R initial.

SENATOR CLARK: Is there any discussion? Did you move the advancement of the bill?

SENATOR NICHOL: Yes, I did.

SENATOR CLARK: Alright, the question before the House is the advancement of 720. All those in favor vote aye, opposed vote no. Record the vote.

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

SENATOR CLARK: The bill is declared advanced. Guests of Senator Vickers, Mr. and Mrs. Robert Andrews and son, Keith, and an exchange student from Germany, Stephan Hofmeister, parents of Page Marilyn Andrews. Where are they? They are under the South balcony. Would you stand up and be recognized, please. Welcome to the Legislature. LB 767E.

CLERK: Mr. President, LB 767 was a bill introduced by Senator Schmit. (Read.) The bill was read on January 11 of this year. At that time it was referred to the Government, Military and Veterans Affairs Committee for a hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the bill simply transfers the surplus property from the Military Department to the Department of Correctional Services. Some of you will recall last year we moved that surplus property from the Department of Roads to the Department of Military Services. The reason for the emergency clause on the bill is that that change has not yet taken place. Most of the surplus property is reconditioned and refurbished with the assistance of the persons at the institutions so it seemed to be a much more logical place for the property to be handled. So for that reason we have introduced the bill. There is of course no objection from the Department of Military Services. The Department of Correctional Institutions are in favor of the bill and I would hope that the body would advance the bill rapidly. Thank you.

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LB 767

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, a few questions of Senator Schmit if I may. Senator Schmit, 536 which we passed last year, wasn't that a government task force bill?

SENATOR SCHMIT: I believe it was, yes.

SENATOR BEUTLER: And does the government task force concur with this change this year?

SENATOR SCHMIT: They did not oppose the change and, in fact, I don't recall where I got the bill and it may be that they gave it to me.

SENATOR BEUTLER: So the government task force recommendation of last year didn't exactly withstand the test of time, Senator Schmit, it appears.

SENATOR SCHMIT: It would appear, Senator Beutler, you've accurately described it. Have you made your point?

SENATOR BEUTLER: Is General Binder in agreement with this bill? I know that General Binder testified in favor of 536 last year and as I recall he indicated that his department was certainly the most logical place for this function.

SENATOR SCHMIT: General Binder does not feel that the integrity and the security of the State of Nebraska is going to be jeopardized by shifting the surplus property to the Department of Corrections.

SENATOR BEUTLER: Thank you. Thank you very much, Senator Schmit.

SENATOR CLARK: Any further discussion? Senator Schmit, did you have any closing?

SENATOR SCHMIT: No closing, Mr. President.

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

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 767.

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

March 11, 1982

LB 609, 767, 767A,
774, 941

LB 774.

SENATOR KILGARIN: I move we advance LB 774.

PRESIDENT: Motion to advance LB 774 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 774 is advanced to E & R for Engrossment. LB 609.

SENATOR KILGARIN: I move we advance LB 609.

PRESIDENT: Motion to advance LB 609 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 609 is advanced to E & R for Engrossment. LB 767.

SENATOR KILGARIN: I move the E & R amendment to LB 767.

PRESIDENT: Motion is to adopt the E & R amendments on LB 767. Any discussion? All those in favor of adopting the E & R amendments to LB 767 signify by saying aye. Opposed nay. The E & R amendments are adopted. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 767.

PRESIDENT: Motion to advance LB 767 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 767 is advanced to E & R for Engrossment. LB 767A.

SENATOR KILGARIN: I move we advance LB 767A.

PRESIDENT: Motion to advance LB 767A to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 767A is advanced to E & R for Engrossment. The next bill....before we do this, the Chair would like to introduce four students from Zion School at Bancroft from Senator Chronister's District with Principal, Gerry Kurka. Are they up here in the...are they in the...they must be up here in the north balcony. Do you want to wave to us if that is where you are up there? Hi, and welcome to your Unicameral. The next bill is LB 941, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 941.

PRESIDENT: Motion to advance LB 941 to E & R for Engrossment. Any discussion? If not all those in favor signify by saying aye. Opposed nay. LB 941 is advanced to E & R for Engrossment. LB 877, Senator Kilgarin.

March 16, 1982

LB 259, 642, 644, 652, 678, 696
767, 767A, 775, 776, 828, 845

that's where they have the programs that count and a number of kids that need help are being taught so I think that is a little bit misleading. So I believe it is only appropriate for us today to indefinitely postpone LR 240, get on with the business because we're going to have plenty of time to debate the budget in the next couple of weeks. Thank you.

SENATOR CLARK: The question before the House is the indefinite postponement of the resolution. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Mr. President, Senator Koch requests a record vote. (Read record vote as found on page 1206 of the Legislative Journal.) 28 ayes, 10 nays, Mr. President, on the motion to indefinitely postpone the resolution.

SENATOR CLARK: The resolution is indefinitely postponed. Senator Lamb. He has some things to read in first.

CLERK: Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 259 and find the same correctly engrossed; 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845 all correctly engrossed. (See page 1207 of the Legislative Journal.)

Senator Haberman would like to print amendments to LB 259 and Senator Sleck and Remmers to LB 652. (See page 1207.)

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Mr. President, I move that we adjourn until nine o'clock tomorrow morning, March 17, St. Patrick's Day, no celebration because Tommy's not here.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. We are adjourned until nine o'clock tomorrow morning.

Edited by


L. M. Benischek

March 22, 1982

LB 678, 696, 767, 767A

All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1336 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 678 passes. The next bill on Final Reading, Mr. Clerk, is LB 696.

ASSISTANT CLERK: (Read LB 696 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 696 pass? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1337 of the Legislative Journal.) The vote is 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 696 passes. The next bill on Final Reading, Mr. Clerk, is LB 767.

ASSISTANT CLERK: (Read LB 767 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 767 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on pages 1337 and 1338 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 767 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 767A. Proceed.

ASSISTANT CLERK: (Read LB 767A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 767A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 1338 of the Legislative Journal.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

PRESIDENT: LB 767A passes with the emergency clause attached.

March 22, 1988

LR 259
LB 259, 631, 642, 644, 678, 845,
696, 767, 767A, 775, 776, 828,

PRESIDENT: Senator Dworak, you wish to withdraw the amendment. Senator Dworak is withdrawing his amendment which was in the Journal and the amendment is withdrawn. So we will now proceed, Mr. Clerk, with the reading of LB 631.

CLERK: (Read LB 631 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied, the question is, shall LB 631 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 1342 and 1343 of the Legislative Journal.) 38 ayes, 6 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 631 passes with the emergency clause attached. That will conclude Final Reading this morning. Before we take up agenda item #6, the Chair would like to introduce 70 students of the Youth Citizenship Seminar. This is group number two of the Nebraska Farm Bureau representing some 62 counties of our State of Nebraska and they are up here in the south balcony. We welcome you to your Legislature. Welcome. The Clerk will have some matters to read into the record. Proceed to do so.

CLERK: Mr. President, new resolution, LR 259, offered by Senator Haberman. (Read LR 259 as found on page 1343 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, legislative bills read this morning on Final Reading are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 259, 642, 644, 678, 696, 767, 767A, 775, 776, 828, 845 and 631. Ready then, Mr. Clerk, for agenda item #6, motions, LB 731.

LR 270

LB 127, 259, 601, 611, 623, 642, 644,
647, 651-2, 659, 678, 696-7, 700,
716, 724, 757, 767-7A, 774-776,
779, 784, 792, 816, 828, 839, 845,
877, 931, 941, 951, 961-2, 705

March 29, 1982

Mr. President, three communications from the Governor addressed to the Clerk. (Read. Re: LBs 775, 776, 601, 623, 651, 659, 697, 705, 716, 724, 774, 779, 784, 792, 839, 877, 931, 941, 951, 961, 962, 259, 642, 644, 678, 696, 828, 845, 767, 767A. See pages 1415 and 1416, Legislative Journal.)

Mr. President, I have a series of Attorney General's opinions. The first is to Senator Vickers regarding LB 647; one to Senator Wesely regarding LB 700; a third to Senator Hefner regarding LB 611; a fourth to Senator Haberman regarding LB 127; and a fifth to Senator Carsten regarding LB 816. All of those will be inserted in the Legislative Journal.

Mr. President, a new resolution, LR 270 offered by Senator Newell. (Read. See pages 1424 and 1425, Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

Finally, Mr. President, Senator Wiitala asks unanimous consent to remove his name as cosponsor from an amendment to LB 652, Request 2652.

SENATOR CLARK: Is there any objection? So ordered.

CLERK: That is all that I have, Mr. President.

SENATOR CLARK: All right, is Senator Koch here? I think we will go ahead and pass over Senator Koch's request here until he arrives. We will go to item #5 on General File, the priority bills, the revenue priorities, 757 is the first bill.

CLERK: Mr. President, LB 757 introduced by the Speaker at the request of the Governor. (Read title.) The bill was read on January 11 of this year, referred to the Revenue Committee for public hearing. The bill was advanced to General File, Mr. President.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, in the absence of Senator Marvel I suspect that I should take the bill. The bill is very straightforward. There is no committee amendment. It is in its original form to reduce the minimum of the overlevy or cushion from 3% to 2%. It was a recommendation from the Governor in a bill that he had introduced by Senator Marvel and I would move that it be moved from General File to E & R Initial.

SENATOR CLARK: We have a motion on the desk.