

out of the general fund today, why we'd all be working at it. Well I'm telling you, this is a \$50 million minimum savings over the not too distant future. Anyone that has doubts I can take and show you, show you the cases, names crossed out but you won't have any doubt once you read them what is going on. This needs to be done. I urge you to do it because remember this final fact. Insurance companies are simply an agency for collecting a lot of money and paying it out. They are going to always collect long-term, whether it is two, three, five years more, that is their profit, than they pay out. If they are paying out \$50 million fraudulently they're going to collect \$50 million fraudulently from everybody in the state and that is what is occurring. This is a major savings in cost containment for the state. It will help in your medical insurance. It will help in the overall medical costs. I urge you to adopt it.

SENATOR CLARK: The question before the House is the advancement of 421. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: 30 ayes, 6 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The Chair declares the bill advanced. The Clerk wants to read some things in.

CLERK: Mr. President, new bills, LB 775 (read title); LB 776 (read title); LB 777 (read title); LB 778 (read title); LB 779 (read title); LB 780 (read title); LB 781 (read title); LB 782 (read title); LB 783 (read title); LB 784 (read title); LB 785 (read title); LB 786 (read title); LB 787 (read title); LB 788 (read title); LB 789 (read title). (See pages 234-238, Legislative Journal.)

Mr. President, I have notice of hearing by the Public Works Committee for gubernatorial appointments. I also have notice of hearing by the Public Works Committee for bills for Wednesday, January 20, and Wednesday, Thursday and Friday of next week. I have notice of hearing for Judiciary Committee for January 19.

Mr. President, Senator Marsh asks unanimous consent to print amendments to LB 139 in the Legislative Journal.

Mr. President, your committee on Constitutional Revision and

January 29, 1982

LB 592, 782

SENATOR CLARK: I think it is put in there from habit. It is put in there from habit. Senator Nichol.

SENATOR NICHOL: Mine was the same question that Senator Fowler asked and I just wondered also if there was something new in the sex world that I didn't know about.

SENATOR CLARK: Senator Johnson, did you wish to close on your amendment?

SENATOR V. JOHNSON: No...well, yes, I do, Senator Clark. I do beseech this body to pass this amendment even with its peculiar sex language.

SENATOR CLARK: The question before the House is the adoption of the Hoagland-Johnson amendment. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Hoagland amendment? We are a little short of action this morning. Have you all voted? One more time, have you all voted? Record the vote.

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

SENATOR CLARK: The amendment is adopted. Any further amendments?

CLERK: Nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Johnson, would you like to move the bill?

SENATOR V. JOHNSON: Yes, I would move the bill.

SENATOR CLARK: Okay, you heard the motion. The motion is to advance LB 592 to E & R. All those in favor say aye, opposed no. The bill is advanced. LB 511. The Clerk would like to read in.

CLERK: Mr. President, a couple of items very quickly. Senator Kilgarin asks unanimous consent to add her name as cointroducer to LB 782.

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, I have an announcement from the Speaker regarding the scheduling of Special Order items for next Tuesday.

February 1, 1982

LB 387, 639, 711, 782

the motion is, shall the House go under Call? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 0 nays to go under Call, Mr. President.

PRESIDENT: The motion carries. The House is under Call. The Sergeant at Arms will see that all members who are not at their desks will return to their desks. All other personnel will leave the floor. All members of the Legislature will register your presence. The House is under Call. Only one is excused now, Senator Rumery. Senator Hoagland, will you put your light on so we know you are here? Senator Schmit, Senator Chambers, Senator Kahle, Senator Newell. He is here. Where did the Speaker go? Would somebody get him in here. Senator Schmit, Senator Kahle, Senator Marvel, Senator...Senator Kahle is on his way, and I think....387, yes. Senator Kahle is the only one I think. Senator Schmit. We need Senator Schmit yet. Senator Schmit. All right, we are waiting for Senator Schmit, is the only one. Do you want to...Senator Rumery, whenever you want to proceed, or if you want to wait, we will wait. Senator Rumery, did you say you wanted to wait for Senator Schmit?

SENATOR RUMERY: He will probably be here in a little bit, won't he?

PRESIDENT: Well, I don't know. Someone has gone after him so if you want to wait.

SENATOR RUMERY: We might go ahead with a roll call vote.

PRESIDENT: All right, we will proceed then with the roll call vote on LB 387...moving of 387 to E & R Initial. All those in favor will vote aye, opposed nay. A roll call vote, Mr. Clerk.

CLERK: (Read the roll call vote as found on pages 488 and 489 of the Legislative Journal). 21 ayes, 26 nays, Mr. President.

PRESIDENT: The motion fails. The bill does not advance. Motion to raise the Call. The Call is raised. The Clerk will read some matters into the record.

CLERK: Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle instructs me to report 782 advanced to General File with amendments; 639 as indefinitely postponed, and 711 as indefinitely postponed. All signed by Senator Kahle. (See pages 489 and 490 of the Journal).

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LR 219
LB 458, 647, 705, 782

Senator Vard Johnson would like to print amendments to LB 647 in the Journal; Senator Carsten to print amendments to 705. (See pages 670-673 of the Journal.)

Your committee on Nebraska Retirement Systems whose Chairman is Senator Fowler reports LB 458 advanced to General File with committee amendments attached. That is signed by Senator Fowler. (See pages 673-676 of the Legislative Journal.)

Mr. President, Senator Fowler would like to add his name to LR 219 as co-introducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, LB 782.

SENATOR CLARK: 782?

CLERK: Yes, sir. It was introduced by Senator Marvel and Senator Kilgarin. (Read title.) The bill was read on January 12, referred to Government, Military and Veterans Affairs. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Government Committee.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President and members, the amendments to 782 are to clarify some of the provisions that needed some attention in that bill, so I move for adoption of the committee amendments.

SENATOR CLARK: Before I take that motion, I would like to introduce two guests before they leave. One from Norfolk, Marlin Winter, guest of Senator Richard Peterson. Also Senator Haberman has Gaylord Lacey from Grant, Nebraska. They are both under the north balcony, or one is under the north and one under the south, I guess. Will you stand and be recognized, please? Welcome to the Legislature. The question before the House is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay. We are voting on the committee amendments on 782. Have you all voted?

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.

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LB 782

SENATOR CLARK: The committee amendments are adopted. Now on the bill. Senator Marvel. Yes, on the bill.

SPEAKER MARVEL: 782 in its present form has had a previous relative who discussed this matter before the Government, Military and Veterans Affairs Committee. 782 had a second hearing this last month and there were at least a thousand police there. And let me read to you just briefly what the purpose is, and then if there are questions, we can probably field them after.... we will have to field them before the session is over, but this is what it says. 'LB 782 was introduced in an attempt to expand the application of merit commissions to counties which now do not have them. Under the proposal, any county with a population in excess of 25,000 will be required to establish and maintain a merit commission.' There are some other items, but let me say this, the purpose of this bill is to attempt to create a merit commission which is beneficial to the police officers and among other things will assist the average officer in retaining his or her position regardless of which type of sheriff is elected. And if you like, we have facts and figures to indicate that the mass turnover in police officials in the state results in a gigantic amount of money and this bill in effect... this bill in effect will solve part of the problem and help retain qualified employees when a transition in government takes place. Now that is a brief analysis of the bill, Mr. President, and I would renew the motion to advance the bill.

SENATOR CLARK: Senator Kahle on the advancement.

SENATOR KAHLE: Mr. President, we heard the bill in the Government Committee, in fact, I guess we heard it twice, last year and again this year, and one of the reasons that we did not move it last year was the fact that only I believe some police officers, sheriffs, came from the Omaha area to testify and really the bill...I believe Hastings is the area that is most interested in this. I might mention, Senator Marvel gave you the ceiling or the floor or whatever you want to call it of 25,000, a county of 25,000 where this would be in effect. And the counties that would be affected by that change, incidentally it's 40,000 now I believe, would be Adams, Buffalo, Dodge, Lincoln, Madison, Platte, and Scottsbluff Counties would be the ones that could go to this merit system. The smaller counties would not be affected at all. And what was brought out in the hearing

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LR 220
LB 782

was the fact that if let's say a sheriff is running for reelection and he has an opponent and the deputies take perhaps a stand or maybe they don't take a stand themselves, in one case it was mentioned that the deputy sheriff's wife put the opponent's sign out in the yard and, of course, he naturally got fired when the election was over. I don't know how you are going to really overcome all of this, but the merit system would hopefully protect the officer so that he would not be fired strictly on political grounds. I still would guess that if he was smart, he would probably stay out of it. But we have had some great turnovers and I think they have had some in Adams County, and I think that is the reason they have been interested in this. I am sure they are not the only county either, but it certainly disrupts the sheriff's department when a whole bunch of the deputies either quit or are fired because of a political reason. That is the purpose of the bill. I am a little bit skeptical, of course, of the merit system because it sets up sort of an organization within the officers of the state and I won't say it will lead to unionism but it might be a step in that direction. But I think under these conditions that it is a helpful tool for the system and that the deputy sheriffs will be able to function and continue in office where perhaps without this legislation they may be terminated or get into all kinds of problems with the election process. So I support LB 782.

SENATOR CLARK: The question before the House is the advancement of 782. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the advancement of 782? Record the vote.

CLERK: 26 ayes, 4 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The Clerk has a resolution on the desk. Is Senator DeCamp in here? Can we get Senator DeCamp out of the phone booth or the bedroom or wherever he is.

CLERK: Mr. President, Senator DeCamp has a motion to suspend Rule 4, Section 6, so as to permit consideration of LR 220 today.

SENATOR CLARK: Senator DeCamp.

7671

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

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LB 782

member who is from the division of corrections who presently serves on the commission but is not a part of the Merit Commission. So I would ask for your support for this amendment.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. President, a question of Senator Kilgarin. Would this not load the commission or the committee with an overload of deputy sheriff input?

SENATOR KILGARIN: As I understand it, it would delete the member who is presently a member of the division of corrections and replace him with a deputy sheriff and I have talked with the sponsors of this legislation and they are supportive of this amendment.

SENATOR KAHLE: Well, I have grave concerns about that because it looks like it is loaded now. Before I thought we had a balance.

SENATOR KILGARIN: Senator Kahle, this provision that would delete the member from the division of corrections, this amendment would only apply to counties having a population of 300,000 or more so it would only apply to Omaha, if that would alleviate any of your concerns. It is only applicable to the Omaha area or Douglas County area. It would not affect the greater Nebraska counties.

SENATOR KAHLE: What was their reason for changing it?

SENATOR KILGARIN: As I understand it, the reasoning is that the member who serves for the division of corrections are not under the Merit system presently, thus, they didn't feel that it was proper for him to serve on this commission.

SENATOR KAHLE: I think this is quite a change in what we intended so at the moment I would have to oppose this amendment.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. Chairman, I would just ask Senator Kilgarin, could you tell me, does this apply to smaller counties other than Omaha, Lincoln, Sarpy County?

SENATOR KILGARIN: No, Senator Nichol, this particular amendment would only be applicable to the Douglas County area. It says any county having a population of 300,000 or more.

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SENATOR NICHOL: Yes, but does the rest of the bill apply to other counties?

SENATOR KILGARIN: Yes, it does.

SENATOR NICHOL: And what is the board loading...who is on the board in what proportions now for other counties other than metropolitan and primary class counties or am I being unfair here?

SENATOR KILGARIN: No, Senator Nichol, you are not being unfair. It will just take a moment for me to find that out. We are changing, Senator Nichol, in this bill we are changing the population, the counties included in this bill, from 40,000 down to 25,000 population and I will check on who is on the commission in those counties.

SENATOR NICHOL: All right, no hurry.

SENATOR KILGARIN: Senator Nichol, I have found that. I find it on page 2 of the bill. The sheriff office...the Merit Commission shall consist of three members; one member shall be a duly elected county official appointed by the Board of County Commissioners; one member shall be a deputy sheriff elected by the deputy sheriffs; and the third member shall be selected by the presiding judge of the judicial district encompassing such county and shall be a public representative who is a resident of the county and neither an official of the county or an employee of the county.

SENATOR NICHOL: All right, thank you very much. And what is it in the metropolitan county now? What are the members on that and how many do you have?

SENATOR KILGARIN: On the Douglas County one, it was...right now it is one member shall be a deputy sheriff elected by the deputy sheriffs, one member shall be a member of the division of corrections elected by the division, and two members shall be selected by the presiding judge of the judicial district encompassing.

SENATOR NICHOL: So that is still three members also.

SENATOR KILGARIN: Excuse me.

SENATOR NICHOL: Three members, a total of three members? Yes, thank you very much.

SENATOR KILGARIN: Senator, I believe it would be four members, because you have one a deputy sheriff, one from the division of corrections and two members at large for the metropolitan areas.

8300

March 4, 1982

LB 782, 634

SENATOR NICHOL: Thank you very much.

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

SENATOR KILGARIN: Thank you, Mr. Speaker. Essentially what this amendment does, it does change the composition of Douglas County's Merit Commission and deletes the member who is representing the division of corrections and replaces that member with another deputy sheriff elected by those deputy sheriffs, as the division of corrections is not presently under the Merit system right now. The policemen and the sheriff's office felt that this would be more appropriate to have another deputy sheriff as opposed to a member of the division of corrections. It does only affect the Douglas County office and does not affect the rest of the bill or the counties that have populations from 25,000 to 300,000. So I would ask the adoption of this amendment.

SPEAKER MARVEL: The motion before the House is the adoption of the Kilgarin amendment to 782. All those in favor of the motion of the bill vote aye, opposed vote no.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? It is the Kilgarin amendment on 782. Have you all voted? Senator Kilgarin. You are in about the same position I was in.

SENATOR KILGARIN: Record the vote.

SENATOR CLARK: All right, record the vote.

CLERK: 8 ayes, 11 nays, Mr. President, on the adoption of the Kilgarin amendment.

SENATOR CLARK: The amendment lost. Do you have anything further on the bill?

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

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 782.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. The bill is advanced. 634 CA, constitutional amendment.

CLERK: Mr. President, there are E & R, Senator.

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LB 628, 631, 669, 669A,
722, 782, 827, 870

SENATOR CLARK PRESIDING

SENATOR CLARK: You will check in, please. Record the presence, please.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: Senator Stoney. We have another motion on the bill right now.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined engrossed LB 628 and find the same correctly engrossed; 631, 669, 669A, 722, 782 and 827 all correctly engrossed.

Mr. President, on LB 870, Senator Chambers would move to indefinitely postpone the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I feel that this is a motion that can bring the whole subject of this particular bill to a head. Now one of my major concerns, it should be clear, is the provision about mandatory sentencing, mandatory jail time. I am sending another handout around to you to show you in documentation in the newspapers about the type of overcrowding that is occurring not just around the country but in Nebraska. We have, on the second page the headline says: "Penal complex is sorely overcrowded." This is a statement from the people who run the Penitentiary here. Another statement from Judge Krivosha that there is no evidence that putting people in jail for longer periods of time prevents others from committing crimes. Jail alone is not a way to handle problems. Then for those from Lancaster County and surrounding areas, dangerous overcrowding is jail's worst. Their head of their Department of Corrections has pointed out that they are facing the worst overcrowding in the history of their twelve-year jail. Then the following page talks about a judge in Albuquerque, New Mexico who was faced with the law requiring mandatory sentences. Rather than sentence a young man in accord with the law, this judge stunned everybody in the court room by resigning on the spot from his judgeship, and he had a philosophy of sentencing, a philosophy of justice both of which were violated by the provisions of the mandatory sentencing law, so he resigned on the spot. It shows that people do have convictions, that they will follow them to what some people might consider unreasonable extremes. The next page will tell about a judge in Philadelphia who ordered the release of over a hundred prisoners because of

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LB 628, 722, 782, 827

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 628 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1249 and 1250, Legislative Journal.) 43 ayes, 0 nays, 4 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 628 passes. The next bill on Final Reading is LB 722, Mr. Clerk.

CLERK: (Read LB 722 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 722 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1250, Legislative Journal.) 45 ayes, 0 nays, and 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 722 passes. The next bill on Final Reading is LB 782.

CLERK: (Read LB 782 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 782 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read as found on page 1251, Legislative Journal.) 46 ayes, 0 nays, Mr. President, 2 excused and not voting, 1 present and not voting.

PRESIDENT: LB 782 passes with the emergency clause attached. The next bill, Mr. Clerk, is LB 827.

CLERK: (Read LB 827 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 827 pass? Those in favor vote aye, opposed vote nay. Record the vote.

CLERK: (Record vote read as found on page 1252, Legislative Journal.) 45 ayes, 1 nay, 2 excused and not voting, 1 present and not voting, Mr. President.

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LR 249
LB 69, 359, 435, 626, 628,
687, 722, 782, 827

ASSISTANT CLERK: (Read LB 435 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 435 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read the record vote as found on page 1257 of the Legislative Journal.) 38 ayes, 9 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

PRESIDENT: LB 435 passes. That will conclude Final Reading today. Mr. Clerk, you probably have some matters to read in which you will do at this time and then we will immediately proceed to agenda item #5 to take up the two resolutions on the agenda for today. Proceed, Mr. Clerk.

CLERK: Mr. President, explanation of votes offered by Senators Warner and Kilgarin to be inserted in the Journal.

Mr. President, your Enrolling Clerk has presented to the Governor the bills that were signed this morning. Mr. President, Senator Rumery would like to print amendments to LB 626; Senator Hoagland to 687. (See page 1258 of the Legislative Journal.)

Mr. President, LBs 628, 722, 782, 827, 69, 359 and 435 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 628, 722, 782, 827, 69, 359 and 435. Before we take up agenda item #5, the Chair takes pleasure in introducing Greg Krieser from Eagle, Nebraska who is seated under the south balcony. At the present time Greg is in Senator Warner's District and he will be in Senator Carsten's District. So, Greg, would you step forward there if you are still over there and welcome, Greg, to the Legislature. Proceed then, Mr. Clerk, with agenda item 5, resolutions, commencing with LR 249.

CLERK: Mr. President, LR 249 offered by Senators Howard Peterson, Senators Wagner, Cope and Kremer, found on page 1171 of the Journal. (Read LR 249.)

PRESIDENT: The Chair recognizes Senator Howard Peterson.

SENATOR H. PETERSON: Mr. Chairman, so we don't take a lot of time, I just want to say a special word of thanks to this legislative body and to the Governor of this state

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LB 69, 359, 435, 628,
722, 726, 782, 827

people and if the instrumentalities that they use to control the water situation do not please them ten years down the line they can adjust it. Finally it was suggested that this is a tool for land use control. It is not land use control. It is water use control. Now we all recognize that it has an effect on land use just as limiting withdrawal of water has effects on land use but at the same time not to act, not to act at all, is equally land use control because you will simply dictate that the use of the land will be for the developer who is putting the land into grain crops. That is the land use control that you will dictate by not acting. If you act, then you don't dictate anything. You say to the people in the local community, decide the issues yourself, resolve the differences, determine where your benefits are and where your detriments are and make the best of it in your own local community. In conclusion, I was distressed to hear that many of us who would be voting on this issue have no interest whatsoever in the issue. Time and time again in this Legislature the agricultural interests have pointed out to us and rightfully so, that the cities of this state and the city folk of this state depend in the end on agriculture. To suggest to us today that we should take no interest in agriculture is a contradiction of the grossest type and I don't think anybody believes in that. As the old beer commercial goes, "We're all in this together."

PRESIDENT: The question before the House is the motion to advance LB 726 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? All right, record vote. Record the vote and a record vote is requested.

CLERK: (Read record vote as found on page 1262 of the Legislative Journal.) 27 ayes, 16 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

PRESIDENT: The motion carries and LB 726 advances to E & R initial. Next, do you have some matters to read in? Go right ahead.

CLERK: Mr. President, a few items to read in. New resolution, LR 255 offered by Senator Schmit. It calls for a study committee of the Legislature to conduct an interim study of the problem of theft of electricity, gas and water. That will be referred to the Executive Board for reference, Mr. President. (See pages 1262-1263 of the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor for his consideration the bills that were read this morning on Final Reading. (Re: LB 628, 722, 782, 827, 69, 359, 435. See page 1263 of the Legislative Journal.)

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
Marilyn Zank