

January 12, 1982

LB 790-794, 421

And new bills, LB 790 (title read); LB 791 (title read); LB 792 (title read); LB 793 (title read); and LB 794 (title read).

And Senator Dworak would like to print amendments to LB 421 in the Journal, Mr. President.

SENATOR CLARK: The Speaker has an announcement.

SPEAKER MARVEL: Since we will be out of business before we adjourn this afternoon, we are going to make up a special list of bills that had been considered originally and that sheet will be on your desk after you come back and it includes bills, if you will take the Work Sheet, it includes bills that start with #226 and ends with #127, but these will be spelled out in detail as you go to lunch and they will be put on your desk. So you are moving faster than we can keep up with but we bring the list so that you don't get lost in the bills as to where they are. So it will be on your desk this afternoon when we go back into business.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Carsten, would you like to recess us until about one-twenty...one-thirty.

SENATOR CARSTEN: Mr. President, I move we recess until one-thirty.

SPEAKER MARVEL: All those in favor of that motion say aye, opposed no. The motion is carried. We are recessed.

Edited by:


Mary A. Turner

March 4, 1982

LB 631, 717, 792, 849

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Would you please record your presence? We are going to need all the help we can get this afternoon because there are at the moment two committees out. Pardon? Okay. Have you all registered your presence so we can proceed? Record.

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

SPEAKER MARVEL: Okay, the Clerk has got a couple items to read in and then we will turn to Senator Dworak.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 717 and find the same correctly engrossed. Your Committee on Administrative Rules whose Chairman is Vard Johnson reports LB 792 as advanced to General File. And Mr. President, Senator Hoagland would like to print amendments to LB 849 in the Legislative Journal. (See page 987 of the Journal.)

SPEAKER MARVEL: The first order of business this afternoon is LB 631, and then the next bill is Senator Nichol's bill, 705.

CLERK: Mr. President, the Legislature considered 631... I guess they didn't this morning. Mr. President, there are E & R amendments to LB 631.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, I move the E & R amendments be adopted.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. The E & R amendments are adopted.

CLERK: Mr. President, I have an amendment from Senator Fowler who is not in the Chamber right now. Senator Dworak would move to amend the bill, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, I feel terribly disadvantaged with just 26 or 27 people on the floor, and I hope you people will take that into account

March 5, 1982

LB 577, 792

the State of Nebraska, we have to find some way to do it and there are several methods. We do not have other resources upon which we can place an excise tax like most of the other states do. We are simply going to have to go this direction, this route or perhaps go to an increase in our sales and/or income tax, and if we do not, the cost is going to be greater than the cost of building some of these impoundments. So I wholeheartedly want to go on record as supporting Senator Koch on LB 577. Thank you.

SPEAKER MARVEL: Senator Koch, do you wish to close on the motion to advance?

SENATOR KOCH: I have no closing. I ask that LB 577 as amended be advanced to E & R Initial. Thank you.

SPEAKER MARVEL: You have heard the motion. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Okay, the bill is advanced. We now move to LB 792.

CLERK: Mr. President, LB 792 offered by the Judiciary Committee and signed by its members. (Read title.) The bill was read on January 12th of this year, referred to the Administrative Rules and Regulations Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, this bill came to us from the Fire Marshal, and believe it or not, one judge declared that "all" didn't mean "all" and said that the duties of the Fire Marshal apply only to new construction and not to existing structures. This merely adds that new and existing structures shall be under the duties of the Fire Marshal. I move for the advancement of the bill.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. Speaker, members, I just rise to urge the body's adoption of LB 792. It just makes so much sense, and as Senator Nichol pointed out, I cannot understand any judge believing that "all" doesn't mean "all" and that if

March 5, 1982

LB 792

the State Fire Marshal's Office couldn't have any control over existing buildings, then it certainly wouldn't be much sense to have a State Fire Marshal's Office. So I certainly urge the adoption of LB 792.

SPEAKER MARVEL: Senator Wesely, is your light on?

SENATOR WESELY: Mr. Speaker, just a question of Senator Nichol please, if he will yield.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Yes.

SENATOR WESELY: What kind of rules and regulations are we talking about exactly here? Could you explain?

SENATOR NICHOL: Okay, if you will turn to your bill on 792, on page 2 of the bill, it says starting right on line 3, "It is the duty of the Fire Marshal"..so and so..on down to "investigate the cause and origin of fires; promote safety; or investigation; teach prevention of fires; storage, sale flammable liquids" and all of this under the informational part of the bill as to what the Fire Marshal shall do. This is all old law, Senator Wesely, and you will notice down on line 21 it says, at the end of line 21 it says "and all other buildings". Now as I was saying in the original statement one judge in Omaha said that didn't include existing buildings. So you will notice in the new language starting with the last word on page 792 of the bill and continuing on to lines 1, 2, 3 of page 4, it says that section and rules and regulations adopted pursuant to this section shall apply to existing as well as new buildings. So we added "existing buildings" is all.

SENATOR WESELY: Thank you, Senator. Okay, I didn't realize that. Having dealt with the high rise fire safety code bill last year with Senator Vickers and I worked on and got some legislation that provided some additional authority to the Fire Marshal, I guess we had assumed that all that was clear and evidently it wasn't. So I think what Senator Nichol is doing here is absolutely a good idea. The Fire Marshal's role is primarily that of making sure that our buildings, all existing buildings are safe. Without this proposal, evidently, he would not be clear as to that authority and that is a job he has to do and that should be the responsibility he has so I support LB 792.

SPEAKER MARVEL: Motion is to advance the bill. All those

March 5, 1982

LB 792, 605

in favor of that motion vote aye, opposed vote no.

CLERK: 30 ayes, 9 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: Motion is carried. Bill is advanced. The first item is LB 605 at the top of page 2.

CLERK: Mr. President, LB 605 offered by Senator Koch. (Read title.) The bill was read on January 6. of this year. It was referred to the Miscellaneous Subjects Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SPEAKER MARVEL: The Chair recognizes Senator Koch.

SENATOR KOCH: Thank you, Mr. Speaker. 605 does several things and I will try to highlight them for you. One, it requires a person to renew his license or her license by July 1 each year instead of allowing two years as we presently do from the date of expiration. A number of license holders are now only renewing every other year. Secondly, it would prohibit a person from lending his or her license or knowingly permit the use thereby to another person and this is now happening because the present statute does not prohibit the practice. Thirdly, it requires the payment of a delinquent fee by any individual failing to file a proper application with fees for inspection of electrical installation as required by statute. At the present time charges must be filed by the county attorney against the individual resulting in a lengthy time and an expense consuming delays. At the present time also there are people who repeatedly will not file the application for an inspection and pay the fees unless they are actually caught making the inspection by a state electrical inspector. So that is the reason for the delinquent fee that is being suggested to reduce the number of offenders that are presently being carried on in the State of Nebraska. I ask for the adoption on the motion to advance to E & R LB 605.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the Legislature, the Miscellaneous Subjects Committee held a hearing on this bill. We discussed it thoroughly and voted unanimously to bring it to the floor. We think there is a need for this bill and it does carry out some of the provisions that we think that we are having problems with. So, therefore, I would urge this body to move this bill on at this time.

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 716, 792, 796,
877, 931

SENATOR KILGARIN: I move we advance LB 877.

PRESIDENT: Motion to advance LB 877 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 877 is advanced to E & R for Engrossment. Now 577 has been stricken from this list so we will go on to LB 792, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 792.

PRESIDENT: Motion to advance LB 792 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 792 is advanced to E & R for Engrossment. LB 716, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 716.

PRESIDENT: Motion to adopt the E & R amendments on LB 716. Is there any discussion? All those in favor of adopting the E & R amendments to LB 716 signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 716. Senator Kilgarin.

SENATOR KILGARIN: I move to advance LB 716.

PRESIDENT: Motion to advance LB 716 to E & R for Engrossment. Any discussion? If not, all those in favor signify by saying aye. Opposed nay. LB 716 is advanced to E & R for Engrossment. The next bill is LB 931, Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendment to LB 931.

PRESIDENT: Motion to adopt the E & R amendment to LB 931. Any discussion? All those in favor signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 931. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 931.

PRESIDENT: Motion to advance LB 931 to E & R for Engrossment. Is there any discussion? All those in favor signify by saying aye. Opposed nay. LB 931 is advanced to E & R for Engrossment. LB 796, Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 796.

PRESIDENT: Motion is to advance LB 796 to E & R for Engrossment. Any discussion? All those in favor signify by saying aye. Opposed nay. LB 796 is advanced to E & R for Engrossment. LB 845, Senator Kilgarin.

March 15, 1982

LR 251
LB 961, 962
LB 839, 868, 877, 931, 941, 951,
LB 378, 435, 577, 601, 609, 634,
LB 651, 697, 716, 774, 784, 792

CLERK: Mr. President, very quickly, Senator Landis would like to print amendments to LB 868.

A new resolution, LR 251, offered by Senator Wesely. (Read.) (See paged 1176, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined engrossed LB 378 and find the same correctly engrossed, 609, 634, 435, 577, 601, 651, 697, 774, 716, 784, 792, 839, 877, 931, 941, 951, and 961, and 962 all correctly engrossed. And that is all that I have, Mr. President.

SENATOR CLARK: Senator Stoney.

SENATOR STONEY: Mr. President, I would move that we adjourn until 9:00 a.m., March 16th, 1982.

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

Edited by Arleen McCrory
Arleen McCrory

March 19, 1982

LB 774, 784, 792

CLERK: (Read LB 774 on Final Reading.)

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: (Read the record vote as found on page 1295 of the Legislative Journal.) 36 ayes, 6 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read 784.

CLERK: (Read LB 784 on Final Reading.)

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: (Read the record vote as found on page 1296 of the Legislative Journal.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. Mr. Sergeant at Arms, could you keep the Senators in their seats, please. The Clerk will now read 792 with the emergency clause.

CLERK: (Read LB 792 on Final Reading.)

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: (Read the record vote as found on page 1297 of

March 19, 1982

LB 792, 839, 877, 931

the Legislative Journal.) 42 ayes, 0 nays, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read 839.

CLERK: (Read LB 839 on Final Reading.)

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. It looks like St. Patrick's Day in reverse, doesn't it, Senator Beyer. Voting aye.

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on pages 1297 and 1298 of the Legislative Journal.) 41 ayes, 1 nay, 6 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. I would like to announce that we have 31 Girl Scouts from Senator Cullan, Clark, Rumery, Lamb, Haberman and Barrett's districts from western Nebraska. They are in the north balcony. They have 8 sponsors. Will you stand and be recognized, please. Welcome to the Legislature. The Clerk will now read 877 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 877 on Final Reading.)

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.

ASSISTANT CLERK: Senator Clark voting yes.

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

ASSISTANT CLERK: (Read the record vote as found on pages 1298 and 1299 of the Legislative Journal.) The vote is 42 ayes, 0 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading with the emergency clause attached. The Clerk will now read 931.

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

March 19, 1982

626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

Mr. President, the bills that were read on Final Reading this morning 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 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

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.