

RECESS

January 12, 1982

LB 338, 795, 796

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Sieck, do you want to record your presence? Senator Lowell Johnson, would you record your presence, please? Senator Sieck. Okay, record the vote.

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

SPEAKER MARVEL: The Clerk has some items on the desk.

CLERK: Mr. President, two new bills. LB 795 offered by Senators Wesely and Warner. (Read title). LB 796 offered by Senator Koch. (Read title). (See page 245 of the Legislative Journal).

SPEAKER MARVEL: Okay, we will now discuss LB 338. Senator Cope, do you wish to speak to the bill?

SENATOR COPE: Mr. President and members, after hearing the debate this morning I firmly believe there will be a fiscal impact, now not today but in the future. We are, if we do, passing a mandatory law requiring that school districts comply with the law, and either the local school district or the state are going to pay the costs. Now I am afraid I know where the costs will be paid and that is by the local school district. The state hasn't been known too well for its way of passing a law and then not backing it up with cash. I also think that we are taking responsibility away from the Department of Education and local school districts. I, for one, certainly am not as well versed of what the school districts should teach as the Department of Education and local school boards. So I will oppose LB 338.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I want to rise in total and wholehearted support of LB 338. I want to begin by calling your attention again to the Nebraska Constitution, a document that we all ought to familiarize ourselves with as the occasion arises. Section 1 Article VII of the Nebraska Constitution says: "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof." That provision has been in our organic law for a century. What that means very simply is that the State Legislature genuinely sits as the school board for the schools in the

February 4, 1982

LR 215
LB 211, 472A, 607, 789, 796,
835, 845

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The motion before the House is the Newell proposal, the withdrawal of LB 211. He has closed. All those in favor of the motion vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is withdrawn. The Clerk has some items to read in.

CLERK: Mr. President, your committee on Education whose Chairman is Senator Koch to whom was referred LB 796 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; 845 General File; 472A indefinitely postponed; 607 indefinitely postponed; 789 indefinitely postponed. All signed by Senator Koch as Chairman.

Mr. President, I have a communication from the Appropriations Committee and signed by its Chairman. And I understand that the preliminary budget report of the Appropriations Committee has been distributed. That document will be filed in my office.

Mr. President, new resolution, LR 215, signed by Senators Warner, Lowell Johnson, Cope, Goodrich and Stoney. (Read LR 215 as found on pages 553 and 554 of the Legislative Journal). That will be inserted in the Journal and laid over, Mr. President, pursuant to our rules.

Mr. President, I have an amendment to LR 215 offered by Senators Warner, Dworak, Fowler, Rumery and Marsh. That will be printed in the Journal. (See pages 555 and 556 of the Journal).

Senator Wiitala moves to place LB 835 on General File notwithstanding the action of the committee. That, too, will be laid over.

SPEAKER MARVEL: The next order of business is a report of the Public Works Committee and the Chair recognizes Senator Wesely.

CLERK: Mr. President, the report is found on page 487 of the Journal.

SENATOR WESELY: Mr. Speaker and members of the Legislature, the Public Works Committee would like to recommend

March 5, 1982

LB 931, 796

would seldom be used but as we were looking through a variety of the statutes trying to find ways to enhance the revenue to the general fund, it appeared that this was a process that would be appropriate and might be needed on occasion. I move the bill be advanced.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: A quick question of Senator Warner if I may. If the political subdivision involved is the recipient of more than from one political...from more than one aid fund, how does the director determine which fund is to be debited or credited whichever is done. Is there some procedure for that that is standard procedure already or am I in need of clarification in that regard.

SENATOR WARNER: Well, it doesn't specify as to which one except that it has to come from the general...it has to be a state aid program that is paid out of the general fund so it would be which ever one that came up subsequent to the time frame. There is not a specific one identified.

SENATOR BEUTLER: It would be your intent that it would be which ever fund is next up for payment?

SENATOR WARNER: Yes.

SENATOR BEUTLER: Thank you.

SPEAKER MARVEL: The motion is to advance LB 931. All those in favor vote aye, opposed vote no.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next bill is LB 796.

CLERK: Mr. President, LB 796 offered by Senator Koch. (Read title.) The bill was read on January 12, referred to Education 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 and members of the body, LB 796 was introduced on behalf of our postsecondary education institutions and it very simply deals with some provisions of residency and it is very narrowly classified to mean only resident aliens. Presently our law says they must live here

March 5, 1982

LB 796

two years and that law is in conflict with the federal Constitution. So what we are doing is we are bringing it down to 180 days which is in conformity with the Constitution. A resident alien, in case you are not aware of that, would be for instance we have quite a number of people who have come here from the east, Vietnamese and others, and it means now presently...we know they are residents but they have to stay here for two years before they get the privilege of the nonresident type of tuition. So what we are doing is we are saying it is 180 days. There is one other factor that it helps is that is we hire many people to come into our institutions to teach or to administer, whatever. So this also provides those employees of the university or state colleges, wherever it might be, the privilege of their sons and daughters to enter into those institutions for a resident fee rather than have to stick around two years to be eligible. That is what the issue of LB 796 is all about.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: A question of Senator Koch please.

SPEAKER MARVEL: Senator Koch, do you yield?

SENATOR HABERMAN: Senator Koch, the dependents of the alien now has the 180 days privilege, right?

SENATOR KOCH: Pardon.

SENATOR HABERMAN: The dependents of the alien now (interruption) a resident in 180 days?

SENATOR KOCH: What we are doing there is we would make them immediately eligible for a residence.

SENATOR HABERMAN: So you are making it that the....

SENATOR KOCH: For resident tuition purposes, Senator Haberman, that is what we are doing.

SENATOR HABERMAN: Yes, but you are changing this so that the parents now also have only 180 days?

SENATOR KOCH: That is correct.

SENATOR HABERMAN: What are the benefits going to be for those parents?

SENATOR KOCH: Well, the fact that after 180 days of residence in this state, they would be eligible for the resident tuition

March 5, 1982

LB 796, 845

rather than the nonresident tuition.

SENATOR HABERMAN: So the parents then will have the same privilege as their children...?

SENATOR KOCH: Yes, sir, if you were from Vietnam and you were a student here and you had children that may be also eligible though, then it means they would be eligible as well.

SENATOR HABERMAN: All right, thank you.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR VARD JOHNSON: I just have a very quick question, Mr. Speaker, of Senator Koch if he would yield and that is this, Senator Koch, because you did speak of Vietnamese persons, I just want to make certain that the intention behind this legislation is that if someone is paroled into our country, that is the expression which the immigration service uses, as a refugee, they are not eligible under the immigration law to even apply for permanent resident alien status until they have been here one full year but we can have a refugee from Vietnam or Haiti or some other place paroled into the United States and into Nebraska and they will have been here 180 days and it is clear to the world they intend to live in Nebraska permanently and if they can show that, then they should be treated as a resident permanent alien, is that correct?

SENATOR KOCH: That is correct.

SENATOR VARD JOHNSON: Thank you, Senator Koch. I wholeheartedly endorse your bill.

SENATOR KOCH: Thank you.

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

SENATOR KOCH: I have no closing. I would just request that we advance LB 796 to E & R Initial.

SPEAKER MARVEL: The motion is to advance the bill. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 35 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The next item is LB 845.

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 17, 1982

LB 202, 953, 761, 208, 720, 591,
796

We have six excused. Will the Clerk please call the roll.

CLERK: (Read the roll call vote as found on page 1225 of the Legislative Journal.)

SENATOR CHAMBERS: (Microphone not activated)....changing to not voting.

CLERK: Senator Chambers changing from no to not voting. 25....do you want to change, Senator? Senator Newell changing from no to yes. 26 ayes, 16 nays, Mr. President, on the motion to indefinitely postpone the bill.

SENATOR LAMB: The motion prevails. LB 202 is indefinitely postponed. The Clerk has some items to read in.

CLERK: Mr. President, Senator Vickers would like to print amendments to LB 953, Senator Fowler to 761. Your Committee on E & R respectfully reports that they have carefully examined and engrossed LB 208 and find the same correctly engrossed, 720 correctly engrossed, 796 correctly engrossed, all signed by Senator Kilgarin.

Again, Mr. President a reminder, the Revenue Committee will hold an Executive Session at noon today in Room 1517. That is offered by Senator Carsten, Chair.

SENATOR LAMB: LB 591

CLERK: Mr. President, LB 591 offered by Senator Landis, (read title). The bill was read on January 6th, referred to Revenue, Mr. President. The bill was considered yesterday by the Legislature. At that time there was an amendment from Senator Howard Peterson that was adopted to the bill. I now have pending Mr. President, an amendment offered by Senator Vickers. I think Senator Vickers wants to withdraw the amendment he had yesterday. Temporarily withdraw it, Mr. President.

Mr. President, Senator Vickers would now move to amend the bill by striking the Peterson amendment adopted yesterday.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Mr. President, members, the Peterson amendment adopted yesterday expanded the one-half percent additional sales tax to all first class cities in this state. As you know, the amendment that I just got through laying back until after this one would expand that to all

March 23, 1982

LB 720, 796, 531, 522A

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

CLERK: (Read record vote as found on page 1374 of the Legislative Journal.) 43 ayes, 0 nays, 2 excused and not voting, 3 present and not voting, Mr. President.

PRESIDENT: LB 720 passes on Final Reading. And the last bill on Final Reading this morning, Mr. Clerk, is LB 796.

CLERK: (Read LB 796 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 796 pass. All those in favor vote aye, opposed nay. Record the vote. Senator Higgins, for what purpose do you arise?

SENATOR HIGGINS: Mr. President, do I have the right to stand up and explain why I voted no? I've heard other Senators...

PRESIDENT: You can put it in the record. You can put an explanation in the Journal.

SENATOR HIGGINS: Not now.

PRESIDENT: No. Just give it to the Clerk and he will put it in the Journal. Go ahead, Mr. Clerk.

CLERK: (Read record vote as found on page 1375 of the Legislative Journal.) 38 ayes, 6 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 796 passes. Mr. Clerk, I presume you have some matters to read in.

CLERK: Mr. President, just one item. Senator Labedz would like to print amendments to LB 531 in the Legislative Journal.

SENATOR LAMB PRESIDING

SENATOR LAMB: Next we go to item #5, General File, LB 522A.

CLERK: Mr. President, LB 522A offered by Senators Vard Johnson and Cullan. (Read title.)

SENATOR LAMB: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I sometimes have a difficult time rising and I'm having a somewhat difficult time rising on 522A, not because it's a

March 24, 1982

LR 256, 267
LB 208, 383, 421, 577, 631,
634, 677, 720, 796, 827

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Rumery.

SENATOR RUMERY: Prayer offered.

PRESIDENT: Roll call. Have you all registered your presence? 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 as published. Any other messages, reports or announcements?

CLERK: Mr. President, two letters from the Governor. The first addressed to the Clerk. (Read letter regarding LBs 631 and 827.) The second, Mr. President, addressed to the membership. (Read letter regarding LBs 577 and 634.)

Mr. President, new resolution, LR 267 offered by Senator DeCamp. (Read LR 267 as found on pages 1392 through 1395 of the Legislative Journal.) That will be laid over, Mr. President.

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 796, 720, 677, 421, 383, and 208. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We are ready then for agenda item #4, resolutions. There is a 15 minute limit. Commencing with LR 256.

CLERK: Mr. President, LR 256 was offered by Senator Nichol and many of the members. It is found on page 1280 of the Journal. (Read LR 256.)

PRESIDENT: The Chair recognizes Senator Nichol.

SENATOR NICHOL: Mr. President and colleagues, the purpose of LR 256 is to call on the federal government and the

March 30, 1982

LR 256-260
LB 720, 796, 383, 421, 677
619

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Palmer.

CHAPLAIN PALMER: Oh God, we pray as we look at the calendar and realize how much has been done but how much more needs doing. We ask for your contentment in this day that we may not waste what time is ours, desiring more than is likely but learn to use and enjoy that which is ours. We may not know everything but we do know Thee and Your will. We may not be rich but we can be generous. We do not have to have all wisdom to be understanding. We do not have to win every vote in order to be a good Senator. Our influence may not always be great but it can be good. Our speech may not always be eloquent but it can be truthful. We cannot all have good looks but we can have good conscience, and having that we shall have peace of mind and need fear no one. So this day may we be kind to one another, tenderhearted and forgiving as if each person's heart might be breaking, because it probably is. Amen.

PRESIDENT: Roll call. Have you all registered your presence? Has everyone registered his or her presence? Please do so so we can get underway. Record the presence Mr. Clerk.

CLERK: There is a quorum present Mr. President.

PRESIDENT: Quorum being present are there any messages, reports or announcements?

CLERK: Mr. President, yes sir there are. LR 256, 257, 258, 259 and 260 are ready for your signature, Mr. President.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 256, 257, 258, and 259 and 260.

CLERK: Mr. President, Senator DeCamp would like to print amendments to LB 619 in the Legislative Journal. And, a communication from the Governor to the Clerk. (Letter appears on page 1462 of the Legislative Journal regarding LB 720, 796, 383, 421, 677).

PRESIDENT: Before we go on to Final Reading the Chair would like to recognize Senator Lamb, as acting Speaker, I think he has some announcements.