

April 5, 1982

LB 568, 799A
LR 314, 315

SENATOR LAMB: Motion is the adoption of the Nichol amendment. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of the second amendment.

SENATOR LAMB: The amendment is adopted. Next amendment please. Please read material into the record.

CLERK: Mr. President, very quickly, a study resolution offered by the Revenue Committee (Read LR 314). LR 315 by the Revenue Committee calls for the study (read LR 315). New A bill, Mr. President, by Senator DeCamp, LB 799A, (Read title).

Mr. President, the next amendment I have is the Haberman-Hoagland-Nichol amendment, do you want that one or not?

SENATOR NICHOL: Which one is that?

CLERK: It is the one that I thought you were talking to before, strike the Newell-Koch-Kilgarin amendment to the committee amendments.

SENATOR NICHOL: Yes, that is the one we want.

SENATOR LAMB: Senator Hoagland, on the amendment.

SENATOR HOAGLAND: Mr. President and colleagues, this amendment has been, as far as the substance is concerned largely argued in the statements that Senator Nichol and I made in opposition to Senator Newell's amendment to the earlier amendment. What this amendment does is strike an amendment that was attached on General File that was sponsored by Senators Newell-Koch-Kilgarin that allowed persons charged with DWI to be diverted into a pretrial diversion program on one occasion. We are striking the language so that we would restore the committee language ~~disallowing~~ entirely diversion in the pretrial diversion programs for persons convicted or rather charged with DWI. Now I think that we have talked to a lot of you personally about this and there is really no need to go over it in detail. It's simply our feeling that as good as some current pretrial diversion programs are, particularly the one in Sarpy County is indeed an excellent program, there is no reason those ~~probationary~~ resources can not be offered to persons as a condition of probation after they

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RECESS

SENATOR LAMB PRESIDING

SENATOR LAMB: Have you all recorded your presence?
Have you all recorded your presence? Record.

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

SENATOR LAMB: The next bill is LB 799A.

CLERK: Mr. President, LB 799A offered by Senator DeCamp.
(Read title.)

SENATOR LAMB: Senator Wesely.

SENATOR WESELY: I would move for the advance of LB 799A.
There is no new expenditures here. It is just formality
I guess. We need to get it over to Select File. I move
for its advancement.

SENATOR LAMB: Senator Dworak.

SENATOR DWORAK: What kind of....I have a question, please,
of Senator Wesely. What kind of formalities are we passing
on here?

SENATOR LAMB: Senator Wesely, would you respond?

SENATOR WESELY: As you can see if you take a look at the
A bill we are just talking about the energy resource fund
which was already created in the past and this just talks
about the expenditures involved. 799 itself is just a
clean-up bill that deals with some particular items of
concern in past energy legislation so it doesn't really
affect the programs that we are talking about and the A
bill is just attached to that.

SENATOR DWORAK: I am sorry, Senator Wesely, I still don't
understand, why do we need an A bill if there are no funds?

SENATOR WESELY: This clarifies where the money on the
energy resource fund would go. \$100,000 is going to go to
the Gasohol Committee. This is all money that is raised
through the severance tax. Weatherization program got most
of that money but there is some money that is going to go
to some....the Department of Revenue, the Gasohol Committee
and the Energy Office receive about \$500,000 in funds and this just
divvys up the money that we have for administration of
energy programs. Those were there in effect last year.

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SENATOR DWORAK: We are taking \$500,000 out of what fund?

SENATOR WESELY: That is what we have been doing. Out of the severance tax monies that are raised we allocate money to take care of the administration costs of some energy programs that we have in the state. The money comes from the severance tax.

SENATOR DWORAK: We are putting \$100,000 in gasohol?

SENATOR WESELY: No, \$100,000. The total is \$500,000.

SENATOR DWORAK: And we are putting \$100,000 into gasohol?

SENATOR WESELY: That is what we have been. Well, not particularly there but we have gotten the \$500,000 in the past, yes. Of that....

SENATOR DWORAK: And now out of that \$500,000 you are putting a hundred in gasohol, \$200,000 in the Department of Revenue, \$100,000 in....

SENATOR WESELY: Yes.

SENATOR DWORAK: Now this is an additional \$100,000 in gasohol?

SENATOR WESELY: No, there is....the \$500,000 we had last year, \$100,000 went to alcohol stills testing program and this money is going to still go for that purpose but it is going to go through the Gasohol Committee rather than through the University. So, like I said, it is kind of a technical formality thing. It is going to end up the same but....

SENATOR DWORAK: Instead of going to the University it is going into the Gasohol Committee?

SENATOR WESELY: Right, and then going.

SENATOR LAMB: Senator Clark.

SENATOR CLARK: Mr. President, I would like to ask Senator Wesely a question also.

SENATOR LAMB: Senator Wesely.

SENATOR CLARK: Is this the money you have been using for weatherization and all that?

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SENATOR WESELY: This money is not for the weatherization. The money that is raised through the severance tax, part of it is used to administer some of the energy programs of the state. This deals only with those energy programs' administrative costs and that is a fraction of the money we raise through the severance tax.

SENATOR CLARK: How much money is raised totally?

SENATOR WESELY: Well, it is several million dollars. We are talking here about \$500,000 of it is what we are using.

SENATOR CLARK: You make it sound pretty reasonable, \$500,000 is still a lot of money.

SENATOR WESELY: Well, it is the same thing we have done last year when we passed the legislation.

SENATOR CLARK: But this money, has this been in administration only?

SENATOR WESELY: No, this is for actual programs. Like the gasohol, we'll concentrate on that. That goes to a testing program on small alcohol plants....

SENATOR CLARK: I realize that but where has it been before?

SENATOR WESELY: That is where it was before. Last year we put in \$100,000 to have the University test alcohol still plants that the farmers might have in Nebraska. It is a two-year project and so this would carry it out again this next year to finish the project but it is going to go through the Gasohol Committee to the research rather than through the University.

SENATOR CLARK: Okay.

SENATOR LAMB: Senator DeCamp, to close.

SENATOR DeCAMP: Okay. Mr. President, the amendment we have....

SENATOR LAMB: Just a moment. If you don't want to close, we do....Senator Koch just put his light on, please.

SENATOR KOCH: Thank you, Senator DeCamp, for allowing me the privilege of speaking which I thought all members were entitled to even though you would have to give them maybe your blessings. Now, Senator DeCamp and Senator Wesely, why

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do we make the switch to the Gasohol Committee when a year ago this went to the University and I was a part of that approval? Why do we go....who is the Gasohol Committee? Who constitutes the Gasohol Committee? Okay, Senator DeCamp.

SENATOR DeCAMP: I don't know who constitutes the Gasohol Committee. The answer is it is going to the identical place.

SENATOR KOCH: It is?

SENATOR DeCAMP: Yes, it is. It's going to the University testing program of alcohol stills.

SENATOR KOCH: Then, Senator DeCamp, why don't we leave it at the University? I have a little more faith in them in terms of research than I do with some committee that may be appointed or ad hoc with very little background and research ability.

SENATOR DeCAMP: Okay, this is...it is channeled through the Gasohol Committee maybe more symbolically or to make them feel good as Senator Howard Peterson says, and anything else. The money is going to the same purpose to complete the project that was started last year. And I assure you of that.

SENATOR KOCH: Well, Senator DeCamp, was the University a failure last year? They couldn't properly use that \$100,000 for anything that is good and beneficial to the State of Nebraska?

SENATOR DeCAMP: From what I can learn, the program was one of the better administered ones by the University.

SENATOR KOCH: Well, then why are we taking it away from them?

SENATOR DeCAMP: We are not.

SENATOR KOCH: Why don't we put back the language that was there and let them use the Gasohol Committee in whatever auxiliary purposes they need them for?

SENATOR DeCAMP: Like I say, the money is going to the identical place. It was routed through the Gasohol Committee and we're just using simply a different pass through agency.

SENATOR KOCH: Dan...Dan...Dan, stop coaching him. Would you object if I put it back to the University where I agreed

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to it last year?

SENATOR DeCAMP: Well, I wouldn't really. Can I explain it this way? Senator....

SENATOR KOCH: I know the role and mission of the University. One of their objectives is research.

SENATOR DeCAMP: Their objectives are....

SENATOR KOCH: Now tell me what the Gasohol Committee is doing in research. What can they do? Nothing, can they?

SENATOR DeCAMP: They can pass through the money to the University.

SENATOR KOCH: Nothing, can they? The Gasohol Committee is for what purpose? To promote gasohol development in the State of Nebraska?

SENATOR DeCAMP: Well, that and numerous other.....

SENATOR KOCH: All right, that is not research, that is promotion. That should be under economic development and we appropriate a lot of money in the state for that purpose. I object to that and I am going to have an amendment to change it and put it back the way it was.

SENATOR LAMB: Senator DeCamp to close, briefly I hope.

SENATOR DeCAMP: Mr. President and members of the Legislature, what we are doing is utilizing 799 for about three purposes; one, technical corrections of all energy legislation up to this time, and we have advanced that to this point and it is truly noncontroversial. The second purpose is to put the rest of the energy programs, some solar things that the Governor and the homebuilders have agreed...the Governor has agreed to sign it and the homebuilders seem to think it is awful important. The third thing is avoiding taking any money out of the general fund by funding everything to do with energy, the energy office, the energy research at the University, through the same amount of money we utilized last year out of the severance tax money. The severance tax raises 5 to 5½ million, we are using \$500,000. It funds the whole energy office so you don't have to go to the general fund. It funds your research at the University so you don't go to the general fund. It funds the administration costs, the \$100,000 or so for the tax department so you don't go to the general fund. That is what that \$500,000 is. And Senator Koch is concerned about the going through the

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LB 799A, 903

Gasohol Commission. The money goes to the identical point, the University, to complete the program that was started last year. Senator Koch wants to know why we run it through them. That was kind of to make Senator Schmit happy, make the Gasohol Commission at least still alive and in existence even though the money just passes through them. So I would urge you to adopt the amendment. That is it.

SENATOR LAMB: The motion is the advancement of LB 799A. Those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Senator DeCamp. Have you all voted? Record.

CLERK: 25 ayes, 6 nays, Mr. President.

SENATOR LAMB: The bill is advanced. The next bill is LB 903.

CLERK: Mr. President, LB 903 was a bill introduced by the Revenue Committee and signed by its members. (Read title.) The bill was read on January 19th, referred to Revenue. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition, Senator Carsten, you had an amendment to the committee amendments. Did you want to take that up at this time, Senator, do you think?

SENATOR CARSTEN: Yes.

SENATOR LAMB: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, LB 903 is a special fuels tax, one that has been before our committee for consideration from time to time and a very difficult one to implement. It has become an increasing problem and we have made an attempt this year to at least get something on the books to start working with and to go from there, and thus we have introduced 903. In the original bill that we had drafted and at the hearing there were numerous questions, objections and suggestions which we have taken under advisement and did try to incorporate them into some amendments. However, even with those amendments we still find some further problems. So we have attempted to amend those amendments and they are still being processed. We had hoped that they would be here today but are not, but I would tell you that they will

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LB 89A, 480, 799A, 903,
903A, 928

All those in favor signify by voting aye. Opposed nay.
The bill is advanced. Would you like to read in something,
Mr. Clerk?

CLERK: Yes, sir, I would. Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 799A and recommend that same be placed on Select File; 903 and 903A, all placed on Select File, Mr. President. (See page 1776 of the Legislative Journal.)

Mr. President, Senator Marsh would like to print amendments to LB 89A in the Legislative Journal. (See pages 1775 and 1776 of the Journal.)

SENATOR NICHOL: We will move on to LB 480. Senator Hoagland, are you going to take this?

CLERK: Mr. President, we have E & R amendments to the bill.

SENATOR NICHOL: Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendment to LB 480.

SENATOR NICHOL: All those in favor signify by saying aye. Opposed nay. They are adopted.

CLERK: Mr. President, Senators Hoagland, Beyer and Sieck would move to amend the bill and that amendment is on page 1314 of the Journal.

SENATOR NICHOL: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, Senators Beyer, Sieck and myself are moving to make a couple of final changes in LB 480 before we advance it, before we hope the body advances it to Final Reading. Let me say at the outset that these amendments have been agreed upon substantively by the County Attorneys' Association and we have also had some representatives of the Bar Association that have given these amendments technical approval. What the amendments do basically is rewrite the current provision of the law which provides that interspousal transfers shall not be subject to the inheritance tax in Nebraska. That is Section 1 of the amendments. The other two sections of the amendments take out the lien on real property for situations where two spouses are living and jointly own a home and one spouse dies and all of the interest in property goes to the surviving spouse. In circumstances of that sort, there is no lien either under the county inheritance tax or the

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where it belongs at the Nebraska University where they do have the research capabilities. I can't believe during that recess we lost that many votes, but obviously there are some people here who have got other bills pending today and are real worried about the conditions of those bills, so I will stick around and wait awhile.

SENATOR NICHOL: Senator Newell, did you wish to speak to this?

SENATOR NEWELL: Are there many more lights? I am it? Then I don't want to speak.

SENATOR NICHOL: Senator DeCamp, do you wish to close?

SENATOR DeCAMP: Mr. President, for all practical purposes other than technical things the bill now has strictly the homebuilders' solar thing we talked about and the geothermal. I would urge you advance it.

SENATOR NICHOL: The question is, shall the bill advance? All those in favor say aye. Opposed nay. The bill is advanced. 799A.

CLERK: Mr. President, on the A bill I have no E & R amendments. I do have an amendment from Senator Koch to the A bill, Mr. President.

SENATOR NICHOL: Senator Koch, do you have an amendment on 799A?

SENATOR KOCH: Same amendment, Senator Nichol, and I know you have got a deep interest in this bill as well, but I can come back with some other amendments.

SENATOR NICHOL: Pardon me.

SENATOR KOCH: Particularly I said, I know you have a deep interest in this bill but I think we might as well get the amendments over with right away and see whether or not 799 can survive the test. But the amendment I am offering is the same one in the A bill which transfers the money from the Gasohol Committee to the University of Nebraska at Lincoln for the purpose of research in energy. And there are all kinds of researches that can be carried out in terms of energy and how we supplement fossil fuels. I am very strong for any kind of research that provides us with a system that can supplement the fossil fuels. And I agree with Senator Schmit on one thing that not all fossils are underground because I have observed them many

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times in my lifetime. Some day they may be at Morrill Hall. Now I think this amendment is important. It is critical. What we are saying is we are taking a shot at the University system. We are saying, you can't do research because sometimes your research we don't agree with, it's negative. But I submit to you a long time ago, about 215 years ago they said the atom was impossible too, one paragraph; forty-four paragraphs on midwives. That was the Encyclopedia Britannica. Now we do everything with the atom but there wasn't always favorable research. So I am asking that in the A bill we place in there the University of Nebraska and strike the Gasohol Committee. The \$100,000 goes back to where we said it was going to be a year ago. And I am getting a little tired, every year we bring in an energy bill. You start playing around with severance tax that was dedicated to the public schools. We allowed it to happen a year ago in the interest of weatherization. Now we are coming in here and we have got some more ideas and this bothers me a little bit because you shouldn't have to stand up and defend the trust every day. I am willing to use it for research if it is appropriated for research but not for promotion, because research you have got to have before you can ever promote anything to any degree with any success. Every dollar put into research will turn at least \$11. We know that is an economic fact. I also read the World Herald and I see where they say agriculture benefits Omaha \$3½ million but sometimes we exaggerate for public relations purposes. So I am asking for the adoption of this amendment.

SENATOR NICHOL: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I appreciate Senator Koch's interest and I know he has a deep interest in education, and I do not challenge his expertise in that area. But I just want to point out that the statutes as they read today say Nebraska is a leader in the development of gasohol as a alternate energy source. Nebraska has an obligation to continue this research, development and leadership, so that the Nebraska Gasohol Committee is the proper agency to implement this law, etcetera, etcetera. It says also, one of the responsibilities, we have created an alcohol fuel tax fund and one of the responsibilities of the fund which we have operated with here provides for sponsoring research and development of industrial uses of byproducts resulting from the manufacture of agricultural ethyl-alcohol in order to enhance the economic feasibility. And it says the fund shall be administered by the Agricultural Products Committee which we then later named

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the Gasohol Committee. We have always talked a great deal about trying to keep things clean, trying to identify where the bucks go, trying to pinpoint responsibility. Senator Koch, I have to say that I have not always been pleased with the results we have achieved through the committee process, but we set the committee up. We provided for the appointment of those committee members by the Governor after we were told the Legislature could not have anything to do with it. We tried that first. Since that time we have now established a process, an orderly process whereby we can supervise and conduct the research on alcohol fuels and provide for the documentation of that research and the collection of it and the dissemination of it to other areas. I could ask you this question, I am not going to, but I ask all of you to consider, suppose that it does not go through the process of the Gasohol Committee, there is no set procedure for the collection, for the publication, for the dissemination of the research which they produce. The Gasohol Committee is deeply interested in the results of this process. They have in the past contracted. I see no good purpose to be served by scattering that responsibility. If you want to do that, you can go down through the list and do it in many other areas but the Legislature established the Gasohol Committee. We outlined the responsibilities and we provided for the funding. We did not say, Senator, in fact, somewhere buried in this maze of legislation over the past ten or eleven years there is a provision for the additional funds that might come into the committee so they can be collected and disseminated, and you have a committee appointed by the Governor whichever Governor it is, Democrat or Republican, that is responsible for this. They are not responsible to me or not responsible to the Legislature, they are responsible in that manner, but they have a direct responsibility back to us because we created them and we can't take them apart. Maybe that is what ought to be done. I am not saying that it shouldn't be done if you are dissatisfied with it, Senator Koch. But let's not make them inoperable by diffusing the responsibility, by scattering the authority and by not giving them the opportunity to continue the work they have been doing. They have not scattered a lot of funds. They spent less than a million dollars in the eleven years they have been in existence, I believe.

SENATOR NICHOL: One minute.

SENATOR SCHMIT: Not a very large sum of money, Senator, when you consider the tremendous impact the cost of energy

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has upon an agricultural state such as Nebraska. I would ask you, and I am not hurting the University, these funds, these particular funds are pass-through funds. It has been agreed that they will go there. There is no problem there. I really see no reason, nothing to be gained and I see a lot to be lost by diffusion and scattering of these funds. If there is any personal animosity here I will take my name off of anything that has to do with gasohol if that will help take your animosity away from the bill. I am sorry that it looks that way to you, but I just really must ask you not to further diffuse the authority of a committee which does have a considerable responsibility, which admittedly has not done as much as we would like to have it do, but which has spent the funds they have been allocated I believe wisely and well without any problems insofar as administrative expenses and that sort of thing is concerned. I would ask you....

SENATOR NICHOL: One minute, Senator.

SENATOR SCHMIT:not to vote for the Koch amendment.

SENATOR NICHOL: Senator Koch, did you wish to close?

SENATOR KOCH: Thank you, Mr. Chairman. I read the hand-out that was given to me by Senator DeCamp, if you can find it among the papers you have on your desk, but he talks about income tax credit for the development of our solar industry to provide \$100,000 for the development of our geothermal resources and I know what that is going to be, and that is misleading. There is nowhere in this bill that I ever read gasohol and I am in support of the development of gasohol but I am beginning to think if the free enterprise system doesn't jump in there and do it, it obviously isn't going to be taken care of too soon. But when I read that handout I have a difficult time, and this is nothing against you, Senator Schmit, at all, I will vote to keep the Gasohol Committee tomorrow and if they have problems, and they are appointed by the Governor and the Governor has some responsibility to make certain they are doing their job, if they are underfunded, then let's give them the money somewhere else. If that is their problem, let's take it somewhere else because I happen to believe when we said the role and mission of the University system is...one of their prime missions is research and we say you are going to do research in energy, that is what they ought to be doing. If they have to contract for someone else, then so be it, but I would hate to see us give \$100,000 to the Gasohol Committee who

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then is going to turn it over to the University for I don't know what...obviously for some kind of research the Gasohol Committee is going to be interested in. So I am saying to you is you read what this bill is all about, you will find it is tax credits to encourage, offer an incentive to builders and others, solar industry and the development of geothermal resources. Now you can vote this amendment down again and it will be strictly political. It will have nothing to do with the subject matter that I am attempting to get to. I hope you adopt the amendment.

SENATOR NICHOL: The question is the adoption of the Koch amendment. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: (Microphone not on)....call?

SENATOR NICHOL: Pardon me.

SENATOR KOCH: Are we still under Call?

SENATOR NICHOL: No, sir, we raised it some time ago.

SENATOR KOCH: Oh. Then I would suggest that we have a Call of the House.

SENATOR NICHOL: A Call of the House has been asked for.

SENATOR KOCH: With call in votes if they want to for a while.

SENATOR NICHOL: Okay. Call of the House has been asked for. All those in favor signify by voting aye, opposed nay. Record, Mr. Clerk.

CLERK: 13 ayes, 0 nays to go under Call, Mr. President.

SENATOR NICHOL: We are under Call. Please all take your seats. Unauthorized personnel please leave the floor. Sergeant at Arms, will you secure those who are not here, please. And please indicate your presence. Senator Koch, it looks like there are five excused. Senator Newell, would you indicate your presence, please. Senator Landis. Thank you. Senator Stoney. Thank you. Senator Hoagland and Senator Higgins are not back. Do you wish to begin?

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LB 799A, 89, 602

I think Senator Higgins will be here in a minute. Senator Koch, did you want a roll call vote? You didn't ask for it. Okay, let's have a roll call vote.

CLERK: (Read the roll call vote as found on pages 1779 and 1780 of the Legislative Journal.) 20 ayes, 22 nays, Mr. President.

SENATOR NICHOL: The amendment failed.

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

SENATOR NICHOL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, I have forgotten, this is just the A bill?

SENATOR NICHOL: Yes.

SENATOR DeCAMP: Okay, no closing.

SENATOR NICHOL: No closing. I don't see any other lights so the question is the advancement of 799A. All those in favor signify by saying aye. Opposed nay. A machine vote has been asked for. Please vote by machine. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 28 ayes, 11 nays, Mr. President, on the motion to advance the A bill.

SENATOR NICHOL: Do you have something to read in, Mr. Clerk?

CLERK: Very quickly, Mr. President, Senator Marsh would like to print amendments to LB 89 in the Legislative Journal. (See pages 1780 and 1781 of the Journal.)

SENATOR NICHOL: We will move on to LB 602.

CLERK: Mr. President, with respect to LB 602, I have E & R amendments first of all, Mr. President.

SENATOR NICHOL: Senator Kilgarin. Would you do that over again, please?

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 602.

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

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

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

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

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

CLERK: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

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

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

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

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

PRESIDENT: Any objection? If not, so ordered.

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

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

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LB 799, 799A

SENATOR LAMB: LB 799 passes on Final Reading. LB 799A.

CLERK: (Read LB 799A on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? Those in support vote yes, those opposed vote no. 33 votes are required.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Record. Senator DeCamp.

SENATOR DeCAMP: Mr. President, could I have a roll call?

SENATOR LAMB: Roll call vote has been requested. Please call the roll, Mr. Clerk.

CLERK: (Read the roll call vote as found on pages 1998 and 1999 of the Legislative Journal.) 30 ayes, 17 nays, Mr. President.

SENATOR LAMB: The bill fails on Final Reading with the emergency clause attached. We will now vote on the bill without the emergency clause. All those in support vote yes, those opposed vote no.

CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1999 of the Legislative Journal.) 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

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LB 412, 761, 799A, 816,
816A, 868, 933

they are vital, and we believe they should be maintained. I ask for the override and replacement of \$40,000 in Program 292.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. Shall debate now cease? All those in favor vote aye, opposed vote nay. Voting on ceasing debate. Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President.

SENATOR CLARK: All right. Senator Koch, you don't have any closing? There is no opposition there. All those in favor of the override on Senator Koch will vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2015 of the Legislative Journal.) 22 ayes, 22 nays, Mr. President, on the motion to override.

SENATOR CLARK: The motion lost. The next motion.

CLERK: Mr. President, if I may right before that, most of the bills that were read on Final Reading are now ready for the President's signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign enrolled LBs 816, 816A, 799A, 412, 933 and 868. We have one other bill which I think there is a motion on, Mr. Clerk, that I cannot....there is a motion on it I believe. I proposed to sign but I believe you told me there is a motion.

CLERK: There is a motion filed, Mr. President, yes.

PRESIDENT: Would you read the motion on that bill before I sign it?

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404, 404A, 488, 547, 602,
602A, 868, 761, 787, 799,
816, 816A, 799A, 412, 933

PRESIDENT: Go ahead Mr. Clerk.

CLERK: Mr. President, I would like to read a couple of items in if I may.

PRESIDENT: All right, go ahead and read some matters in.

CLERK: Senator Hefner offers explanation of vote.
(Regarding LB 868, see page 2017 of the Legislative Journal).

I have two notices of bills having been presented to the Governor. (Regarding LB 761 and 787. See page 2017 of the Legislative Journal).

Mr. President, Senator Fowler would move that the Legislature would override the line-item reduction that reduces the appropriation from the Highway Cash Fund to the Department of Roads Operation Cash Fund.

PRESIDENT: Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, if I could have some attention I'll briefly explain with the issue is in the veto here.

PRESIDENT: (GAVEL)...either they are all out or they are all paying attention so go ahead.

SENATOR FOWLER: Among the vetoes was three and a half million dollars in highway funds. Now, if there is anything I think that has been a priority in the Legislature, it has been and something that many people from outstate Nebraska said is a growing need is money for roads. Now the level of appropriation that we established is based on the Department of Roads request for what they felt was necessary and I think they cut that back from what they really feel is needed to build a good highway system in Nebraska. Now the Governor for reasons that I can not quite understand vetoed three and a half million dollars in highway funds. The only rationale that I can determine is that it is to maintain the gas tax at the current level. Now three and a half million dollars is a 3.2% cut in the state funds for the road construction program. The reason it was does is that revenues in the highway fund as revenues in all other funds in the state are low. What I do not understand is when we have raised every other conceivable tax and fee to make up for a lack of revenue suddenly when we get to the roads program and the gas tax and the variable gas tax that