

January 13, 1982

LB 126, 570, 801

SPEAKER MARVEL PRESIDING

DR. ROBERT PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence please. Have you all recorded your presence? We need one more vote. Record the...

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

SPEAKER MARVEL: Do you have some items to read in?

CLERK: Mr. President, your committee on Government gives notice of public hearing for January 28 and 29. That is signed by Senator Kahle as chairman.

Mr. President, your committee on Judiciary gives notice of hearing for next Wednesday, January 20. That is signed by Senator Nichol as chairman.

Mr. President, Senator Marvel gives notice that LB 126 has been moved from Passed Over to General File.

Mr. President, new bill, LB 801 offered by Business and Labor Committee and signed by its members. (Read by title for the first time as found on page 256 of the Legislative Journal.)

SENATOR CLARK PRESIDING

SENATOR CLARK: We are ready for item #5. The first thing on item #5 is LB 570 withdrawn by Haberman.

CLERK: Mr. President, Senator Haberman moves to withdraw LB 570.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, there is an identical bill introduced by Senator Lamb that will do the same thing. There is no need to go through two hearings and printing and all of the expense when the bills are identical, therefore, I would like to withdraw mine and go ahead and let Senator Lamb's bill become the main bill.

SENATOR CLARK: The motion before the House is the withdrawal of LB 570. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: Senator Clark voting aye. 27 ayes, 0 nays, Mr. President, on the motion to withdraw the bill.

February 2, 1982

LB 284, 353, 417, 421,
465, 255A, 702, 801

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. The prayer by the Chaplain, Reverend Gilbert Visser, Hope Reformed Church.

REV. VISSER: Prayer offered.

SENATOR CLARK: Roll call. Will everyone check in please. Senator Vickers, will you let us know you are here please. The Clerk will record the attendance.

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

SENATOR CLARK: We are ready for item #3, messages, reports or announcements.

CLERK: Mr. President, your committee on Business and Labor whose chairman is Senator Barrett to whom was referred LB 801 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File. That is signed by Senator Barrett.

Your committee on Banking, Commerce and Insurance whose chairman is Senator DeCamp reports LB 702 advanced to General File with committee amendments attached. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 353 and find the same correctly engrossed; 417 correctly engrossed; 421 correctly engrossed; 465 correctly engrossed, all signed by Senator Kilgarin as Chair.

Mr. President, I have a report to the Legislature from the Lewis and Clark Natural Resource District regarding payment of attorney fees and I have an Attorney General's opinion addressed to Senator DeCamp regarding LB 284 passed last session. That will be inserted in the Journal. (See pages 502-504 of the Legislative Journal.)

SENATOR CLARK: We are ready for item #4, LB 255 by Senator Wagner. The Clerk will read.

SENATOR WAGNER: Mr. Speaker, members, this is the A bill that went with 255. It hadn't got on the floor when we moved 255 so it is just the A bill to it so I just move the advancement of it so it can catch up with the other bill on Select File.

SENATOR CLARK: Is there any discussion on 255A? If not, all those in favor vote aye, opposed vote nay. Senator VonMinden, did you want to say something?

February 23, 1982

LR 229
LB 230, 365, 449, 801

Journal.) The motion is to advance the bill.

SENATOR NICHOL: That is right. We are voting on to advance the bill and we are having a roll call vote.

CLERK: (Roll call continued for vote.) 24 ayes, 21 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: The bill fails to advance.

CLERK: Mr. President, a couple of items to read in if I may. Senator Warner would like to print amendments to 449 in the Journal. (See page 820 of the Journal.)

Your Committee on Retirement Systems reports LB 365 advanced to General File with committee amendments attached. (See pages 821 and 822 of the Legislative Journal.)

New resolution, LR 229, signed by Senator Fowler and others. (Read LR 229 as found on page 822 and 823 of the Legislative Journal.) That will be laid over, Mr. President.

SENATOR NICHOL: We will move on to LB 801, Mr. Clerk.

CLERK: Mr. President, LB 801 offered by the Business and Labor Committee and signed by its members. (Read title.) The bill was read on January 13 of this year. It was referred to Business and Labor for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Business and Labor Committee.

SENATOR NICHOL: Senator Barrett, do you want to take up the committee amendments?

SENATOR BARRETT: Yes, thank you, Mr. President and members, the committee amendment to LB 801, which is an unemployment compensation bill, is simply a technical amendment. The amendment is made necessary because of a drafting error in the bill. It was a communication problem, frankly, between myself, the staff and the Department of Labor. I take full responsibility. The amendment is necessary to the integrity of the bill, and I would, therefore, move the adoption of the committee amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The motion is the adoption of the committee

amendments. All those in favor vote aye, opposed vote no. Record.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried, the committee amendments are adopted. Senator Barrett, do you wish to explain the.....?

SENATOR BARRETT: Thank you, Mr. Speaker and members, the provisions of LB 801 as amended reflect some changes which are needed in the unemployment security law which result in the passage of the Omnibus Budget Reconciliation Act which I believe was signed by the President in August of last year. The Congressional action which was taken at that time made several significant changes in the unemployment compensation program at the federal level which necessitate the changes at the state level. And, basically, the extended benefit provisions will actually be tightened under the bill. So it is necessary to ensure that the Nebraska Employment Security law meets federal requirements thereby continuing approval of our law by the United States Secretary of Labor. It is my understanding that if the requirements are not met in the bill, the Secretary of Labor can withhold the tax credit which is now given to employers on their federal unemployment taxes and may also withhold funds from the state for the administration of employment security program in Nebraska. So I would move that the bill be advanced to E & R Initial.

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, for any of you that might have taken the trouble to look, you will notice that I was the only member of the committee that voted no on this particular bill. I need to clarify my position just a little bit. First of all, I waited until I made sure there were enough votes in the committee to advance this bill because the bill probably does need to pass, because if it doesn't the State of Nebraska as Senator Barrett indicated stands to lose some funds. We do have to be in conformity with the federal government. It is just a philosophical problem I have with our strings being pulled in some areas that I just think is basically wrong and basically unworkable. If you will look at the bill, you will notice that on pages 22 and 23 it outlines the procedure whereby people are supposed to be asked

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LB 801, 834

before they get unemployment payments as to whether or not they owe child support. It is a noble cause, a noble reason, but I suggest to you that there are probably other debts that individuals might owe to the local grocery store or the local service station or to the plumber or whoever that to those people those debts need to be paid also and I wonder how far they can carry this extreme. It would seem to me that it is probably going to cost the state more money in the end having the Department of Welfare and the Department of Labor cross check each other's records than we are going to save with this provision...recognizing however that this is a requirement imposed upon us by the federal government and we really have no choice in the matter. But I think as we all recognize that occasionally the federal government like any deliberative body does some funny things. I happen to think this is one of those funny things and I object to it. I object to us having to follow along like the Pied Piper is leading us and going in an area that it just seems to me is basically wrong. So I probably will vote for the advancement of the bill. Senator Barrett is right, we do need the bill, but I have a lot of real problems with the way we are forced into doing these things.

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

SENATOR BARRETT: I move the bill, Mr. Speaker.

SPEAKER MARVEL: The motion is the advancement of the bill, LB 801. All those in favor of the advancement of the bill vote aye, opposed vote no. Record.

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

SPEAKER MARVEL: The motion is carried. The bill is advanced. Okay, there is one item to read in before we adjourn.

CLERK: Mr. President, Senator Schmit would like to print amendments to LB 834 in the Legislative Journal. (See pages 823 and 824 of the Journal.)

SPEAKER MARVEL: Senator Sieck, do you want to adjourn us until nine o'clock tomorrow morning?

SENATOR SIECK: Mr. President and members of the body, I move that we adjourn until nine o'clock the 30th of February....that isn't right....the 24th of February.

February 25, 1982

LB 685, 801

SENATOR CLARK PRESIDING

SENATOR CLARK: The Legislature will come to order. Prayer this morning by Reverend Andrew Doiel from the Wesleyan Church in Lincoln.

REVEREND DOIEL: Prayer offered.

SENATOR CLARK: Roll call. Will you all record your presence, please? We are going to have to have at least 30 to suspend the rules for the first two bills. Record the attendance.

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

SENATOR CLARK: Messages, reports or announcements.

CLERK: Mr. President, one item, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 801 and recommend that same be placed on Select File with E & R amendments attached. (See page 846 of the Legislative Journal.)

SENATOR CLARK: We are ready for number 4, Final Reading. The first order is a motion to suspend the rules to take up 3....or 685, 834. Senator Marvel.

SPEAKER MARVEL: I so move.

SENATOR CLARK: You have heard the motion. All those in favor of suspending the rules will vote aye, opposed will vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: We are voting to suspend the rules to take up two bills. Have you all voted on suspension of the rules? Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

SENATOR CLARK: The rules are suspended. The first bill we will take up will be 685 on Final Reading. All Senators will return to their seats for Final Reading, please. The Clerk will read the bill.

CLERK: (Read LB 685 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency

March 4, 1982

LB 139, 139A, 304, 353,
431, 458, 685, 801

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend Robert Hansen, First Lutheran Church, Fremont, Nebraska.

REVEREND HANSEN: Prayer offered.

PRESIDENT: Roll call. 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 will stand correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your....received a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 139A, 304, 685, 139, 353 and 431.)

Mr. President, Senator DeCamp would like to print two amendments to LB 458 in the Legislative Journal. (See pages 965 through 975 of the Legislative Journal.)

PRESIDENT: We are ready then, Mr. Clerk, for Select File, Special Order. We are going to start, however, at the advice of the Speaker with LB 801 rather than 717 because there are some people that are still trying to get here through the traffic this morning and the snow. So we will start with 801 and come back to LB 378. That is agreeable to Senator Cullan, I understand, so we will do that according to the Speaker. So we will start with 801, Mr. Clerk.

CLERK: Mr. President, I have E & R amendments to LB 801.

PRESIDENT: Who wants to handle the E & R amendments? Senator Barrett, would you just handle the E & R amendments on 801? We will just move the E & R amendments.

SENATOR BARRETT: Mr. President, I move the E & R amendments.

PRESIDENT: Motion to adopt the E & R amendments on LB 801. Any discussion? Senator DeCamp, did you wish to discuss the E & R amendments? This is on 801.

March 4, 1982

LB 801, 717

SENATOR DeCAMP: I move they be adopted, whatever they might be.

PRESIDENT: Okay, the motion then is to adopt E & R amendments on LB 801. All those in favor signify by saying aye. Opposed nay. The E & R amendments on LB 801 are adopted. Any further amendments, Mr. Clerk?

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

PRESIDENT: Senator....well, I think Senator Barrett is... Okay, Senator Kilgarin, do you want to move the bill then?

SENATOR KILGARIN: I move we advance LB 801.

PRESIDENT: All right, motion is to advance LB 801 to E & R Final. All those in favor signify by saying aye. Opposed nay. Very vigorous sound there. Thank you, Senator Clark. The motion carries and LB 801 is advanced. We will take up next LB 717.

CLERK: Mr. President, I have E & R amendments to LB 717.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 717.

PRESIDENT: Motion to adopt the E & R amendments on LB 717. Is there any discussion? The motion then is the adoption of the E & R amendments on LB 717. All those in favor signify by saying aye. Opposed nay. The E & R amendments on LB 717 are adopted. Anything further, Mr. Clerk?

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

PRESIDENT: Senator Kilgarin, do you wish to move the bill?

SENATOR KILGARIN: I move we advance LB 717. LB 717 advance... the motion is to advance to E & R for Engrossment. Any further discussion? All those in favor of advancing LB 717 signify by saying aye. Opposed nay. LB 717 is advanced to E & R for Engrossment. Now we are ready to come back to LB 378. Mr. Clerk, are there some E & R amendments?

March 10, 1982

LB 127, 127A, 421, 606, 630,
654, 692, 703, 801, 824, 829

PRESIDENT LUEDTKE PRESIDING

REV. JOHN MINERT: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence now? 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: I have no corrections, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 127 and find the same correctly engrossed; 127A, 606, 630, 654, 692, 703, 801 and 829 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 824 as indefinitely postponed. That is signed by Senator Kremer.

PRESIDENT: We'll start with the agenda then on agenda item... we're going to reverse the items #4 and #6 according to Speaker Marvel and we'll start with agenda #6, motions, LB 421, Mr. Clerk.

CLERK: Mr. President, Senator DeCamp would move to reconsider the vote on Final Reading of LB 421. Senator DeCamp offered his motion on March 3. It can be found on page 941 of the Legislative Journal.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, people in this body are very concerned about health costs. Any time there is fraud or payment of a claim that is improper that costs everybody, whether it is for a drug abuse situation, whether it's for error through payment that shouldn't have been made, it costs everybody, not the insurance company, we all pay for it. This bill is designed to try to correct that particular problem in Nebraska. There were some reservations by some members, Senator Landis and some of the attorneys that there was some language that wasn't clear enough. Maybe that's the reason the bill failed, maybe the fact that several members were absent that day, whatever. I would

March 17, 1982

LB 654, 692, 703, 801

SENATOR CLARK: All provisions of law according to procedure having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting aye.

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

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1220 of the Legislative Journal.

SENATOR CLARK: Bill is declared passed on Final Reading. The Clerk will read 692.

ASSISTANT CLERK: Read LB 692.

SENATOR LAMB PRESIDING

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in support vote aye, those opposed vote no. Have you all voted?

ASSISTANT CLERK: Senator Lamb voting aye.

SENATOR LAMB: Record.

ASSISTANT CLERK: 44 ayes, 0 nays, 4 excused and not voting, 1 present and not voting. Vote appears on pages 1220-21 of the Legislative Journal.

SENATOR LAMB: LB 692 passes on Final Reading. Clerk will read LB 703.

ASSISTANT CLERK: Read LB 703.

SENATOR CLARK PRESIDING

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. Those in favor vote aye, those opposed vote nay. Have you all voted? Record the vote.

ASSISTANT CLERK: 45 ayes, 0 nays, 4 excused and not voting. Vote appears on page 1221 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed with the emergency clause attached on Final Reading. The Clerk will now read LB 801.

ASSISTANT CLERK: Read LB 801.

8998

March 17, 1982

LB 801, 829, 421

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: 36 ayes, 8 nays, 5 excused and not voting. Vote appears on page 1222 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 829.

CLERK: Read LB 829.

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: 43 ayes, 0 nays, 5 excused and not voting, 1 present and not voting. Vote appears on page 1223 of the Legislative Journal.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will read LB 421.

CLERK: Mr. President, I have a motion on the desk.

SENATOR CLARK: Read the motion.

CLERK: Senators Landis and Schmit move to return LB 421 to Select File for a specific amendment. That amendment is found on page 1093 of the Legislative Journal.

SENATOR CLARK: Senator Schmit. Senator Landis, do you want to take it?

SENATOR LANDIS: Thank you. I will yield some of my time to Senator Schmit but I thought I would go over the terms of the amendment for the body. I had voted on Final Reading against LB 421, because in discussions with the authors of the bill they were unwilling to make any change in their immunity section, which if you read it in the original or in the blue copy of the bill, it is simply a total grant of immunity for any civil or criminal action unless there

March 18, 1982

LR 243
LB 202, 267, 449, 579, 606, 628, 630,
654, 662, 692, 702-703, 717-719,
728-729, 778, 801, 829, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by LeRoy Hofker, Treasurer of Gideons International, the bible distribution society, from Lincoln, Nebraska.

LeROY HOFKER: (Prayer offered).

PRESIDENT: Roll call. Have you all registered your presence so we can get underway? Senators Wagner and Fowler, if you would go over there to the desk and push that button, we could get underway. Senator Higgins, if you will push that button, I will show you are here. Okay, have you all registered your presence? 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: I have no corrections this morning, Mr. President.

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

CLERK: Mr. President, LBs 267, 702, 717, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 801, 703, 692, 654, and 829 are ready for your signature; as is LR 243.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 267, 702, 449, 579, 662, 718, 719, 728, 729, 778, 606, 630, 654, 692, 703, 801, and 829.

CLERK: Mr. President, Senator Wagner would like to print amendments to LB...I am sorry, Senator Wesely, to print amendments to LB 852.

And Senator Chambers would move to reconsider the vote to indefinitely postpone LB 202. That will be laid over.

PRESIDENT: Okay, so ordered. We are ready then for Final Reading. The Sergeant at Arms will secure the Chamber, all members will return to your desks, and all other people will leave the floor of the Legislature. We are ready for Final Reading. All right, Mr. Clerk, I guess we are all in place so let's proceed with the reading of LR 628 on Final Reading.

CLERK: (Reading of LB 628 on Final Reading.)

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

March 22, 1982

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