

January 14, 1982

LB 138, 231, 233, 622,
664, 722, 825-833

SPEAKER MARVEL PRESIDING

DR. PALMER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Record.

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

SPEAKER MARVEL: Do you have anything under item #3?

CLERK: Yes, sir, Mr. President, your committee on Administrative Rules and Regulations gives notice of hearing for Wednesday, January 20.

Mr. President, your committee on Business and Labor gives notice of hearing for January 20, 27 and February 3 and that is signed by Senator Barrett and Senator Johnson.

Mr. President, I have two Attorney General's opinions, one addressed to Senator Labeledz regarding LB 138 and one addressed to Senator Fowler regarding LB 231. (See pages 280-282 of the Legislative Journal.)

Mr. President, Senator DeCamp would like to print amendments to LB 622 or 233. (See pages 282-283 of the Journal.)

Mr. President, I have received two reports from the Middle Republic NRD and the Lower Platte South NRD regarding payment of attorney fees. (See pages 283-284 of the Legislative Journal.)

I will have on file in my office a report I received from the Director of State Engineer Department of Roads pursuant to LB 722.

Mr. President, new bills: (Read by title for the first time LB 825-833 as found on pages 284-286 of the Legislative Journal.)

SPEAKER MARVEL: We are ready for item #5, Final Reading, and the Chair recognizes Senator Vard Johnson.

CLERK: Mr. President, Senator Johnson would move to suspend Rule 6, Section 7(b) to permit the Final Reading of LB 664 today.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I want to thank you for your indulgence with this particular measure. As you know this is the bill that would name the gymnasium for the Nebraska School for the Deaf after Mr. Nick Peterson who is an alumnus of the Nebraska School for

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LB 139, 413, 573, 633,
647, 681, 696, 744,
767, 779, 827

Senator Wagner would like to print amendments to 696.

Your committee on Education whose Chairman is Senator Koch reports LB 827 to be advanced to General File with committee amendments. Signed by Senator Koch.

Your committee on Government reports 647 advanced to General File; 696 General File; 767 General File; 681 General File with amendments; 744 General File with amendments. All signed by Senator Kahle.

Mr. President, Senator Marsh would like to print amendments to LB 139 in the Journal.

Senator Chambers moves that the body reconsider its Final Reading vote on LB 413. That will be laid over.

Your committee on Rules gives notice of hearing.

Your committee on Public Works reports LB 573 advanced to General File with committee amendments; 633 advanced to General File with amendments. Signed by Senator Kremer.

SENATOR CLARK: LB 779.

CLERK: Mr. President, LB 779 (read title). The bill was read on January 12, referred to the Banking Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SENATOR CLARK: Senator DeCamp, committee amendments.

SENATOR DeCAMP: Mr. President, since the committee amendments are nothing more than putting in four words that were left out by the bill drafter when the bill was drafted which coordinate with the rest of the bill, what I thought would be proper then would be to explain the whole bill or attempt to and deal with the whole bill rather than just deal with the amendment separately. LB 779 has several sections and several purposes and once again it was a bill introduced at the request of the Nebraska Bankers Association. It deals with matters in banking. As everybody knows, banks also need on occasions to borrow money to meet day to day reserve and other requirement. Okay, Section 1, in line 5, in other words, Section 1 of the bill eliminates a term called "rediscounts and bills payable". The reason this is eliminated is because it is obsolete and nonapplicable language and we substitute instead the modern language of "direct borrowing". Now this section broadens, so everybody understands, I am broadening the

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LB 827

SPEAKER MARVEL: Okay, Mr. Clerk.

CLERK: Mr. President, LB 827 offered by (Read title.) The bill was read on January 14 of this year. It was referred to the Education Committee. The bill was advanced to General File. Mr. President, there are Education Committee amendments.

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: Mr. President, members, the Education Committee amendments simply narrow the scope of LB 827 down. As introduced, LB 827 was confined to that technical community college area that included a city of the metropolitan class but the real intention of the introducers of this piece of legislation was to affect only one campus, the North Omaha campus within the Metro-Tech area. So the committee amendments simply do that, narrow it down so that it is now down to that specific campus within the Metro-Tech area and I would urge this body's adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to 827. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

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

SENATOR DUDA: Mr. President, members of the Legislature, you have a handout on your desk and on one side is a letter which I hope gives you a brief overview of this legislation and on the back is a map of the Fort Omaha campus. I would like to begin with a brief history of Fort Omaha as a campus of Metro-Tech. In 1975, the federal government declared this surplus and gave it...this coincided nearly with the beginning of Metro-Tech so this is the home campus of Metro-Tech. At that point they began remodeling some of these buildings. Now if you would count these buildings, there are about forty buildings on this Fort. They generally fall into two broad categories. Most of the buildings, about thirty of them go back before the turn of the century and they are solid brick wall buildings and they are really built and Fort Omaha is a good name. There are ten wooden buildings that were put there during World War II as temporary barracks type buildings. Now when Metro-Tech began using this campus, they took the buildings that were the easiest to remodel which mostly were these wooden buildings. They made shop

classes and used them for whatever purpose they needed and they got into the remodeling of the brick buildings. Now over the years, in the past six years, Metro-Tech has steadily been growing until last fall their enrollment topped 2400. They do have the space available to keep up with their enrollment but several months ago the Board of Metro-Tech decided this remodeling was getting very expensive. The maintenance on these old buildings is getting very expensive. Their energy bills are being constantly escalated. They decided before they went any further they would study this situation and see if this was the best course to pursue, and that is remodeling these old buildings. To study this thing they put out six options. Incidentally, one of the options was to abandon the Fort because of the cost of operating there, but of the six options, they selected what they call Option #4. This option primarily is to build a new classroom building and the new building is on the right side of this map. It is the large black area. This building would be about 84,000 square feet. It would be a two story building. That area that it would be built on, there are no present buildings there. There is an old officers' club swimming pool which has not been used for a number of years because it leaks and the filtration plant doesn't work anymore. So where this building would fit is in virtually vacant ground at the present. Now what this would do is it would give them the needed space now and it is projected that it would take care of their space requirements to the year 2000. They also in this program would eliminate the wooden buildings which some of them are being eliminated by termites now and the rest are just too costly to maintain. So the Xs there are the old World War II wooden buildings which would be removed. The buildings that they have already refurbished, the brick buildings, some would be used for classes. Largely they would be used for administrative offices. Now the whole ball of wax here is that it is costing them about \$35 a foot to remodel the existing buildings. It would cost them about \$45 a foot to build a new building. The new building would be so much more efficient than the old. They feel they would have a payback period in six to eight years that the new building would pay for itself as opposed to remodeling the old buildings. But in 1980 the Legislature put a \$200,000 capital ceiling on construction on technical community colleges so this ceiling has to be lifted. The committee amendments would put a sunset on this lifting until January 1, 1984, but what this would enable Metro-Tech Board to do, it would give them the option of building this new building. The ceiling would be \$4 million, their projected cost is \$3.8 million and it would replace much of the old inefficient space that they now have, and now, what I must say, the financing of

this would come from \$2 million that Metro-Tech now has in their capital fund. They have a levy of thirty-five hundredths of a mill and they are allowed a half a mill and their present levy is thirty-five hundredths which produces \$1.2 million a year. So they have funds available of \$2 million. They would have approximately a year and a half to two years to get this under construction. In that time their mill levy would produce the difference they need. So at the end of the construction without any bonded indebtedness, without raising the mill levy on capital construction, this whole project would be completed and it would be paid for. There would be no debt remaining. I guess in closing, that is the sum and substance of the bill and so it all boils down to this. They can at this point under the law, they can pay \$35 a foot for remodeling but they need this legislation in order to go to new construction and my father had a lot of sayings, truisms. One of his sayings which I think fits this situation, he says, "If you need something, you are going to pay for it whether you buy it or not." And this is where this falls into the category. We are going to spend the money but in order to spend it wisely we need this legislation. Thank you.

SENATOR KAHLE PRESIDING

SENATOR KAHLE: Senator Cullan, you are next.

SENATOR CULLAN: Mr. President, members of the Legislature, I am not going to oppose Senator Duda's bill at this point in time but I think this is an appropriate time to take a look at what has happened in the technical community college system over the last several years and particularly, I think, in the metro area. Those of you who are familiar with Metro Technical Community College System I think are familiar with the fact that they built a new campus out in Elkhorn. I have had the chance to visit that campus and to look at it and it is quite an impressive facility. I guess we talk an awful lot about local control and I don't think there are too many people in Omaha, I doubt that there are too many Omaha legislators who believe that that facility should have been constructed prior to this one. We can't go back and correct I think that mistake but I think it bears mentioning here today that we probably would not need Legislative - Bill 827 if there were not some appropriate priorities placed in the capital construction in the Metro Technical Community College system much earlier and now we are going to see a new facility and one that is needed and one that I would even support building with state funds if we were under a state system and we see a need to come today and authorize that with LB 827. So I am not going to oppose the bill,

but when you hear these local control arguments in the technical community college system, think about them because those regions are so large and the membership of those boards are not really known to the citizens in the area to any great extent and I think that is part of the problem and that is part of the reason that we have LB 827 here today because, in my opinion, this regional system of postsecondary education has not worked well. I think we are going to have to take a serious look at moving to state control and moving to see these budgets go through the budget process of the State of Nebraska and away from that property tax. So I guess I am going to give Senator Duda a vote but I hope that we take a very serious look at a proposal before the Legislature this year to place the technical community college system under the control of the State of Nebraska insofar as funding is concerned so that we don't have unnecessary construction of facilities in the future. The other point I would make is that if there were one dollar of bonded indebtedness in this bill, I would oppose it very strenuously, but since there isn't, I am not going to fight it today.

SENATOR KAHLE: Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Legislature, I rise to speak in support of Senator Duda's proposal in LB 827. Here are the reasons. Several years ago when these institutions were brought into being, there was a great deal of fear that most of the money that came solely from tax purpose at that time would be used for the building of facilities rather than offering a good educational program and that was the reason for it. We are past that stage and what Senator Duda is proposing here is to take the same dollars and use them more wisely than if they tried to keep up these old buildings. All we are doing here, we are removing the restrictions imposing a limit of \$200,000 for upkeep or building. Now Senator Duda has very ably pointed out why it is better to spend this more than \$200,000 and in the long run save money. That is exactly what he is doing. We have got the same thing, Sunday we are going to blow up the old Cornhusker Hotel. There was a builder in Lincoln that wanted to remodel the hotel. The owners of the hotel said, no, it won't pay. It is better to do the thing and do it right right away. We have got the same thing here. It is better than keeping these old buildings that have been there for years and years. They are not constructed for this purpose. Do away with them and build something that is permanent. In the long run we will not use any more money. We are seeing a great deal of interest in technical education today. That is what young people want. That is

indicated by the enrollment that we see today. Now I could argue with Senator Cullan what he said about going to a state supported school, I will not do that at this time. The time will come this session if that bill gets up here I will argue with him on that. So I do support Senator Duda in his proposal.

SENATOR KAHLE: Senator Pirsch.

SENATOR PIRSCH: Thank you, Senator Kahle. Members of the body, I just rise to support Senator Duda. I think he has explained it very adequately and pointed out in very detailed the financing and I just wanted to add that usually on the Metro-Tech Board there is division and that there was unanimous consent to do this. The ten members of the Board voted unanimously, and I hope that you will recall that when we took the tour of the Near North Side on Sunday morning the inadequacy of those small buildings and remember that this is truly needed and absolutely wanted by the Omaha area. Thank you.

SENATOR KAHLE: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I am going to speak briefly because much of what I had to say or had has been adequately covered. This proposal has been unanimously supported by the Board, which is highly unusual. I think Senator Cullan's arguments are very good inasmuch as there was great controversy around the Elkhorn Campus. I personally wish that things would have been different, Senator Cullan, and that we had not made the decision that we did, but at this point in time, those decisions are in fact made and we are about trying to make the North Omaha campus as efficient as we possibly can as an educational institution. It was built as a military facility. That facility was given to the people of the Metro-Tech Community College area and that facility needs to be remodeled, upgraded, and fitted for educational use, not military use. That is what this proposal does. The arguments, the finances, and so forth have been eloquently discussed. I think the logic is ever so present and I think that is what we are asking for. We have only said and we have only requested the very specific authorization for a very specific project that we brought forth that is basically laid out here. It is basically laid out and not completely laid out because that is the responsibility of that Board but it will only be authorizing the North Omaha, Fort Omaha campus, it will only be authorizing a building of a specific dollar amount, not to exceed \$4 million. It will only be authorizing that construction and no other. For that reason,

I think it is a legitimate exercise of legislative prerogative to authorize this legislation at this time and I would urge this body to support and accept this proposal. Thank you.

SENATOR KAHLE: Senator Cope.

SENATOR COPE: Mr. President, members, I am not sure how I am going to vote on it but I do have this problem and that is precedence setting. Now I know that this specifically is for metropolitan areas but you open the door and I can see the other tech colleges around the state can very well say, look, you did this for Omaha. We need a building over the \$200,000 limit and so forth. The best example I think is the IDA bond theory and the different bills we have been discussing today. The original bill, IDA bonds to encourage industry, I supported it a hundred percent. I thought it was the greatest thing in the world but we are abusing it, I truly believe now, and I am just worried about the precedent that this could set for Nebraska. The \$200,000 limit was put on for a reason because we had overbuilding in the tech college community.

SENATOR KAHLE: Senator Vickers.

SENATOR VICKERS: Mr. President, I rise to support Senator Duda in this piece of legislation also. I would remind this body that we have in fact maybe some of these precedents already by perhaps not the tech schools but the other institutions of higher learning in this state. We have decided that certain buildings were of enough value that we should appropriate specific amounts of dollars to them, new dollars. In this particular instance as Senator Duda so aptly pointed out, these are not new tax dollars. It will not cause an increase in taxes. Senator Duda mentioned a saying that his father used and I thought it was very, very appropriate. Another one I think that could be used and should be considered is that it is sometimes not smart to be penny wise and pound foolish and it seems to me that what this is an attempt to do is to give the Metro-Tech area the ability to not be penny wise and pound foolish, to make their buildings so that they are more economical to keep up and to restore some buildings that are definitely going to lose value if they are not given the ability to expend these funds. So I certainly support Senator Duda on LB 827.

SENATOR KAHLE: Senator Duda, you may close.

SENATOR DUDA: Very brief, Mr. President, very briefly in response to Senator Cope. I, too, I hate to fly into the

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LB 827, 669A

intent of the Legislature in this thing and, granted, the intent had a firm foundation when it was established in 1980, but in this specific instance, and this is why this bill is so restrictive, it is specific for one problem in one area. I do feel that statewide if other areas come into this problem, they should bring it here and this should be the forum in which it is presented. I do hope that this has enough support, that you will make this exception. So I close with that and move the passage of the bill.

SENATOR KAHLE: The issue before us is the passage or movement of LB 827 as amended. Those in favor vote aye, those opposed vote no.

CLERK: Senator Kahle voting yes.

SENATOR KAHLE: Have you all voted? The Clerk will record the vote.

CLERK: 32 ayes, 3 nays, Mr. President, on the motion to advance the bill.

SENATOR KAHLE: The bill passes. We are going to attempt to move the next bill, 669A. Senator Kremer.

CLERK: Mr. President, 669A is a bill offered by Senator Kremer. (Read title.)

SENATOR KREMER: Mr. Chairman and members, last week we discussed LB 669 which completely revamped the Boundary Commission. At that time we were not ready for an A bill. This bill this morning is an A bill to 669 which appropriates \$2500 for the operation of the newly organized commission. It does not permit anything for per diem or for salary, only for expenses only. The second year in operation the appropriation goes to \$4000 rather than \$2500 because there should be more activity by that time. I move the advancement of the bill.

SENATOR KAHLE: Having no other lights on, is that your closing also, Senator Kremer? The issue before us then is the A bill for LB 669. Those in favor vote aye. Those opposed vote no. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR KAHLE: The bill passes. The Clerk has some items to read in.

CLERK: Mr. President, I have priority bill designation from the Speaker.

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LR 225, 226, 227
LB 454, 378, 440, 623, 645,
673, 679, 717, 759, 827

clause. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 769 and 770 of the Legislative Journal). 34 ayes, 9 nays, 1 excused and not voting, 5 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk has got some business to read in to the.....

CLERK: Mr. President, I have a motion from Senators Nichol, Wesely, Higgins, Rumery, Kilgarin, L. Johnson, DeCamp, Kahle, Remmers, Koch, and Haberman to advance LB 679 to General File notwithstanding the action of the Judiciary Committee That will be laid over.

I have a lobby registration report for February 11 through February 18.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 759 advanced to General File; 645 indefinitely postponed; 673 indefinitely postponed.

Senator DeCamp would like to print amendments to 623.

Mr. President, I have new resolutions. LR 225 by Senator Nichol calls for a study of considering the legislative solution allowing the Mexican American Commission to provide direct services, assisting both the area service providers, agencies, and organizations. The second study resolution from Senator Nichol calls for a study on the way to improve the older Hispanic's knowledge of and participation in applicable service programs. (LR 226.) Mr. President, LR 227 by Senator Marsh. (Read resolution. See pages 773 and 774, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Higgins offers explanation of vote; Senator Haberman offers explanation of vote.

Senator Higgins would like to withdraw her name as co-introducer from 827; and Senator Koch to add his name as co-introducer to 440.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: I have Attorney General opinions, one to Senator Cullan regarding LB 378; and one to Senator DeCamp regarding LB 717.

And Mr. President, I have a hearing notice from the Appropriations Committee.

LR 211, 224
LB 131, 192, 198, 211, 224, 231,
239, 263, 270, 274, 274A, 287,
314, 402, 440, 448, 450, 454,
465, 511, 547, 589, 592, 634,
646, 649, 669A, 672, 827

February 22, 1982

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer will be delivered by the Reverend Palmer.

REVEREND PALMER: Prayer offered.

SPEAKER MARVEL: Record your presence, please. While we are waiting for a quorum, underneath the South balcony from Scottsbluff, Nebraska, Audrey Towater is the guest of Senator Nichol. She is the one that has that large object there she is working on. I suggest that at your convenience you take a look at it. It is very interesting. Record, Mr. Clerk.

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

SPEAKER MARVEL: The Clerk has got some items to read into the Journal.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 634 and recommend that same be placed on Select File with amendments; 672 Select File with amendments and LB 827 Select File and 669A Select File, all signed by Senator Kilgarin. (See pages 790-791 of the Journal.)

Your Enrolling Clerk respectfully reports that she has presented to the Governor on February 19 at two-fifty, bills passed on Final Reading that day. (Re: LB 131, 274, 274A, 287, 314, 402, 440, 454 and 589.)

Mr. President, I have communications from the Governor. The first is addressed to the Clerk. (Read communication re: LB 239 as found on page 791 of the Legislative Journal.) The second communication is addressed to the Clerk. (Read re: LB 192, 198, 231, 263, 270, 448, 450, 465, 511, 592, 131, 274, 274A, 287, 314, 402, 454 and 589.)

Mr. President, your committee on Urban Affairs whose chairman is Senator Landis reports LB 904 as indefinitely postponed. That is signed by Senator Landis as Chair.

Senator Schmit would like to print amendments to LB 547 in the Legislative Journal. (See page 792 of the Journal.)

Mr. President, LR 211, 224 and LB 646 and 649 are ready for your signatures.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LR 211, LR 224, engrossed LB 646, LB 649. (See page

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LB 634, 827, 449

CLERK: 25 ayes, 16 nays, Mr. President.

SENATOR CLARK: The bill is advanced. We have one more bill. It has no amendments on it. LB 827. We will take that up now.

CLERK: I have nothing on the bill, Senator.

SENATOR KILGARIN: Thank you, Mr. Speaker. I move we advance LB 827.

SENATOR CLARK: You heard the motion. All those in favor say aye, opposed. All those in favor vote aye, opposed vote no. Record the vote. You usually do that on Friday afternoons.

CLERK: 29 ayes, 1 nay, Mr. President.

SENATOR CLARK: The bill is advanced. Senator Duda, would you care to adjourn us until tomorrow morning at nine o'clock after he reads something in here? He also wants to announce what we are going to do tomorrow.

CLERK: Mr. President, Senator Wesely would move to reconsider the vote on the motion to return LB 449 to Select File for specific amendment.

Mr. President, Senator Wesely offers a Rules Committee report. Both will be laid over.

SENATOR CLARK: The Clerk will tell you what the agenda is tomorrow morning.

CLERK: Mr. President, as I understand it, the Speaker's agenda calls for Final Reading for an hour, from about nine to ten o'clock tomorrow morning, followed by the consent calendar. Copies have been distributed. They are available through my office if you want to see them. We will have hopefully a revised consent calendar for you showing the bills that have been struck pursuant to the three member rule. So if you need copies of that we will have that available for you probably first thing in the morning.

SENATOR CLARK: Senator Duda.

SENATOR DUDA: Mr. President, I move that we adjourn until nine o'clock tomorrow morning.

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

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

SENATOR CLARK PRESIDING

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

CLERK: Quorum present, Mr. President.

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

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

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

SENATOR CLARK: Senator Chambers.

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

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LB 628, 722, 782, 827

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

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

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

CLERK: (Read LB 722 on Final Reading.)

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

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

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

CLERK: (Read LB 782 on Final Reading.)

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

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

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

CLERK: (Read LB 827 on Final Reading.)

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

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

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LB 827, 69, 359, 428

PRESIDENT: LB 827 passes. The next bill on Final Reading, Mr. Clerk, is LB 69.

CLERK: (Read LB 69 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 69 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read as found on page 1253, Legislative Journal.) 34 ayes, 11 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 69 passes. We will proceed then with the Final Reading of LB 359, Mr. Clerk.

CLERK: (Read LB 359 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 359 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1253 and 1254, Legislative Journal.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT: LB 359 passes. The next bill on Final Reading is LB 428, Mr. Clerk.

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

PRESIDENT: Read the motion.

CLERK: Senator Beutler would move to return, Mr. President, LB 428 to Select File for specific amendment. (Read Beutler amendment found on page 1254, Legislative Journal.)

PRESIDENT: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I think there is an important question that we should discuss before we proceed to pass this bill and that is a question that this Legislature as I understand it discussed a number of years ago when it passed the Uniform Probate Code, and the basic question that I am addressing with this amendment is whether in the case of guardianships the court should be required to appoint an attorney for each and every incapacitated person that comes before it or whether that should be left to the court's discretion after reviewing the facts of

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

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

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

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

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

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

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

Mr. President, LBs 628, 722, 782, 827, 69, 359 and 435 are ready for your signature.

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

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

PRESIDENT: The Chair recognizes Senator Howard Peterson.

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

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

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

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

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

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

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

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

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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