

January 14, 1982

LR 205

meantime I think it is highly necessary that we pass this resolution and at least put our Attorney General in a position so he can hire someone and defend our good people of Nebraska that are losing their property.

SPEAKER MARVEL: The motion is the adoption of LR 205. All those in favor of the resolution vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 36 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you have any other items in there before we go to General File?

CLERK: Mr. President, new bills. (Read by title for the first time LBs 834-836 as found on pages 287-288 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign engrossed LB 664. Okay, the Clerk will read LB 278.

CLERK: Mr. President, LB 278 was a bill offered by Senators Goodrich, Hefner and Howard Peterson. (Read.) The bill was first read on January 16 of last year. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. The Legislature considered the bill yesterday, Mr. President. At that time there was a motion to adopt committee amendments. That was approved and a motion to amend offered by Senator Beutler that was also accepted. I now have, Mr. President, a motion to advance the bill.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Yes, Mr. President and members of the body, this is the bill that you will recall that we left off with yesterday. Just to reiterate to refresh everybody's memory, the bill provides that if a contractor and an owner sign a contract to build a particular building and the contract is going to extend over a two year period, the contractor doesn't buy the material he is buying for that project until possibly a year later. If the sales tax goes up he can apply for a refund from the Department of Revenue for the amount of the increase only. If the rate of tax goes down, he must then refund to the State of Nebraska the difference between what the contract provided for in the form of the rate or the rate that was in effect at the time of the signing of the contract and the lower

February 9, 1982

LR 214

LB 127A, 636, 724, 778, 823, 834

SENATOR NICHOL: One minute left. Senator DeCamp.

SENATOR DeCAMP: I wasn't going to talk but it just occurs to me that you are all maybe going the opposite way on this. All the resolution says, if you read it, is exactly, precisely the opposite of what Ernie wants. The resolution says, look, we realize there are some touch economic times and we have already indicated support for this particular road, and if it gets into trouble, it is the intent...and that is all it says, the intent of the Legislature to try to continue it on. Well, that seems to me to make sense for those, I don't know, 40 or 50 that wanted the doggone road, and I guess they think it is a necessary road. I think Ernie is the one that is the winner. Everytime you vote against him you are voting against him without reading the resolution because the resolution is the last thing he ever wants. He wants a record that shows everybody opposed the state doing what they said they wanted, which was the road. So I suppose if you were smart, you would just pass the dumb resolution and he would be the only loser, it just occurs to me.

SENATOR NICHOL: Senator Chambers, did you wish to close? Senator Chambers, did you wish us to vote on your motion to reconsider, or do you wish to with....okay, he will withdraw. Is there any objection to Senator Chambers withdrawing his motion? Senator Haberman. The motion is withdrawn. Mr. Clerk, do you have some things to read in?

CLERK: Yes, sir. Mr. President, Senator Sieck would like to print amendments to 127A; Senator Vard Johnson to 724. (See page 606 of the Legislative Journal).

Mr. President, your committee on Miscellaneous Subjects gives notice of cancellation and resetting of a public hearing.

Senator Vickers would like to print amendments to LB 778 in the Journal. (See page 607 of the Journal).

Your committee on Urban Affairs whose Chairman is Senator Landis, reports 636 advanced to General File with committee amendments attached; 823 advanced to General File with committee amendments attached. Those are signed by Senator Landis. (See page 607 of the Journal).

Your committee on Public Health whose Chairman is Senator Cullan, reports LB 834 advanced to General File. (See page 607 of the Journal).

SPEAKER MARVEL: The motion is to advance the bill. All those in favor of that motion vote aye, opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill is advanced.

CLERK: Mr. President, Senator Hefner would ask unanimous consent to expedite LB 685.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: While we are waiting, Senator Fowler asks unanimous consent to be excused Wednesday and Thursday of this week.

SPEAKER MARVEL: The next order of business, LB 834.

CLERK: Mr. President, LB 834 was offered by Senators Nichol and Cullan. (Read.) The bill was read on January 14 of this year. It was referred to the Public Health and Welfare Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments to the bill.

SENATOR NICHOL: Mr. President, members of the Legislature, you all remember the background on this bill. LB 7 which the Legislature passed during the Special Session last November included in Section 3 of the bill the requirement that the Clerks of the District Courts impose a 10% collection fee against the individuals who owed delinquent child support obligations. This was done to meet federal requirements in order to be eligible to receive 75% federal matching monies for the title 4-D child support enforcement program. LB 7 included in it at Section 6 the provision that Section 3 would be repealed effective March 1 of 1982. Federal law continues to require that states continue to impose this collection fee on delinquent child support payments and the failure to maintain this section of LB 7 in Nebraska law could result in the determination that Nebraska is out of compliance with federal regulations and could also result in the imposition of a 5% penalty against Aid for Dependent Children federal program matching monies. What LB 834 does is to repeal Section 6 of LB 7 and leaves the collection fee charge in effect. I move for the advancement of the bill.

SPEAKER MARVEL: The motion is to advance the bill as explained by Senator Nichol. All those in favor of advancing the bill vote aye, opposed vote no. Record the vote.

CLERK: 35 ayes, Mr. President, on the advancement of 834.

SPEAKER MARVEL: Before we proceed it is my privilege to introduce underneath the North balcony 9 guests from Blair and Arlington, guests of Senator Goll. Would you folks please stand so we may welcome you to the Unicameral. There is a request to temporarily pass over 383 so we honor that request and now we go, Mr. Clerk, to the next item.

CLERK: Mr. President, LB 5...Senator Beutler, you had a request on 547 to pass over. Do you want to do that? That was previously filed. Yes, well it was dated earlier. Okay. Mr. President, in that case LB 590 offered by Senators Kilgarin and Beutler.....

SPEAKER MARVEL: The Legislature will be at ease for a few moments.

CLERK: Mr. President, I'm sorry, LB 547 offered by the Ag and Environment Committee and signed by its members. (Read.) The bill was first read on March 2 of last year, Mr. President. At that time it was referred to the Ag and Environment Committee for public hearing. The bill was advanced to General File. There is a committee amendment pending by the Agriculture and Environment Committee, Mr. President.

SENATOR SCHMIT: Members of the Legislature, the amendment which the...

SPEAKER MARVEL: The committee amendment.

SENATOR SCHMIT: ...Ag and Environment Committee has offered appears to be extensive but it is actually not that extensive of an amendment. I would just like to call your attention to a little of the history that has gone along with this bill and if you will recall last year the Legislature enacted LB 487 and under that bill there were sections of the law dealing with innkeeper liability which were stricken from the statute. Senator Wagner then came back this year with LB 897. And actually the amendment which I offer you today, Sections 1 through 14, is Senator Wagner's bill, 897, which reinstates those provisions of innkeeper liability and it also adds the emergency clause. Section 15 of the amendment which we have offered incorporates the provisions of LB 593 which was introduced by Senator Remmers and Senator Richard Peterson. Those provisions exempt the temporary food handlers from the fee required by the Department of Agriculture for the inspection services performed for such occasions as the church dinners, the occasional food sale.

February 22, 1982

LB 429, 599, 601, 610, 702,
732, 748, 765, 808, 809,
834, 854, 864, 869, 937, 959

SENATOR NICHOL: Senator Clark, did you wish to close, please?

SENATOR CLARK: Mr. President, I would move that the bill be advanced to E & R. I think that Senator Newell might have an amendment on for Select File. Is that right, Senator Newell? Alright, then I would move the bill be advanced.

SENATOR NICHOL: The question is, shall LB 702 be advanced. All those in favor vote aye, opposed no.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 29 ayes, 2 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: The bill is advanced. I would like to announce that Senator Don Wesely has some guests under the North balcony, Brad Pennington, Marty Walters, John Ahrends, all from Robin Mickle Junior High School in Lincoln, Nebraska. Would you please welcome them to our Legislature. Mr. Clerk, do you have something you would like to say?

CLERK: Something I must say, Senator. Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 834 and recommend that same be placed on Select File and that is signed by Senator Kilgarin as Chair. (See page 804 of the Journal.)

Your committee on Business and Labor whose chairman is Senator Barrett reports LB 765 advanced to General File with committee amendments; 599 indefinitely postponed; 610 indefinitely postponed; 732 indefinitely postponed; 864 indefinitely postponed; 937 indefinitely postponed and 959 indefinitely postponed, all signed by Senator Barrett as Chair. (See pages 804-805 of the Legislative Journal.)

Your committee on Government, Military and Veterans Affairs reports LB 601 advanced to General File; 748 General File and 854 General File with committee amendments attached. Those are signed by Senator Kahle as Chair. (See page 805 of the Legislative Journal.)

Your committee on Miscellaneous Subjects reports LB 808 advanced to General File; 809 General File; 869 General File; 429 indefinitely postponed, all signed by Senator Hefner as Chair. (See page 805 of the Legislative Journal.)

February 22, 1982

LB 684, 816, 834

Mr. President, Senator Fenger would like to print amendments to LB 616 in the Journal. (See pages 805-806 of the Legislative Journal.)

The Speaker has a list of priority bills as designated by the Speaker. (See page 806 of the Legislative Journal.)

Senator Cullan would like to expedite LB 834.

SENATOR NICHOL: If there are no objections, so ordered.

CLERK: And again, Mr. President, a reminder that the Education Committee will have an executive session immediately following their public hearing this afternoon.

I have an Attorney General's opinion, Mr. President, addressed to Senator Cullan. That will be inserted in the Legislative Journal regarding LB 684. (See page 807 of the Legislative Journal.)

SENATOR NICHOL: Senator Marsh, for what reason do you rise?

SENATOR MARSH: I rise to ask the body to adjourn until tomorrow morning.

SENATOR NICHOL: Wait just a minute. I think the Speaker has something to say to us, Senator Marsh, and then I will call on you.

SENATOR MARSH: Thank you.

SENATOR NICHOL: We will be at ease for just a moment. The Speaker will be with us in a minute.

EASE

SENATOR NICHOL: The Speaker will be back with us momentarily so if you would just hang on we'd appreciate it. Mr. Clerk, do you have something to read in?

CLERK: Mr. President, just very quickly I have a list of priority bill designations by the Speaker to be inserted in the Journal. (See page 806 of the Legislative Journal.)

SENATOR NICHOL: Senator Marsh, would you please adjourn us until nine tomorrow.

SENATOR MARSH: Thank you, Mr. Chairman, I move that we adjourn until nine o'clock tomorrow, February 23rd.

SENATOR NICHOL: All those in favor signify by saying aye, opposed nay. We are adjourned.

EDITED BY:

Mary A. Turner
Mary A. Turner

7878

February 23, 1982

LB 628, 685, 834

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by the Reverend Emmet Haas, East Lincoln Christian Church.

REVEREND HAAS: Prayer offered.

SPEAKER MARVEL: Record your presence, please. Will you please record your presence? Record.

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

SPEAKER MARVEL: Item #3, messages, reports and announcements.

CLERK: Mr. President, very quickly, Banking, Commerce and Insurance will hold an Executive Session at 2:00 p.m. today in Senator DeCamp's office. That is Banking Committee at 2:00 p.m. in Senator DeCamp's office. And Senator Howard Peterson would like to print amendments to LB 628 in the Legislative Journal, Mr. President. (See pages 809 and 810 of the Journal.)

SPEAKER MARVEL: Okay, item #4, Select File. Senator Kilgarin, are you...these are motions with a....Select File.

CLERK: Senator, I have no E & R to LB 685.

SPEAKER MARVEL: Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 685.

SPEAKER MARVEL: All those in favor say aye. Opposed no. The motion is carried. The bill is advanced.

CLERK: Nothing on 834, Senator.

SENATOR KILGARIN: I move we advance LB 834.

SPEAKER MARVEL: All in favor of that motion say aye. Opposed no. The motion is carried. Okay, may I have the attention of the Legislature, please. We had a meeting of the Chairmen this morning and I intend to lean as heavily as possible on the Chairmen, depending on what the issue may be, and lean heavily on you. Now if this is not successful, then you just as well pack up and go home and try it ten years from now. We are not solving the problems that face this Legislature and usually when I sit here and preach, we get some result.

February 23, 1982

LB 593, 611, 619, 660,
675, 685, 697, 773, 794,
834, 840, 861, 873, 897

first motion. The motion is, shall we go under Call?
All those in favor of that motion vote aye, opposed
vote no. Record.

CLERK: 16 ayes, 10 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Unauthorized personnel please leave the floor. Senator Burrows, do you want to record your presence? Senator Cope, will you please record your presence? Senator Kremer, will you please record your presence? Senator Newell, will you please record your presence? Senator Dworak, will you please record your presence? Senator Chambers. Senator Vickers, will you please record your presence? How many have we got? Senator Newell, everybody is here? Shall we proceed with the roll call? Okay.

CLERK: (Read the roll call vote as found on page 814 of the Legislative Journal.) 19 ayes, 28 nays, Mr. President.

SPEAKER MARVEL: The motion lost. The Clerk has got some items to read in.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 685 and find the same correctly engrossed, and LB 834 correctly engrossed.

Your Committee on Public Works reports LB 611 advanced to General File, 660 advanced to General File, 794 advanced to General File, all signed by Senator Kremer. (See pages 811 and 812 of the Legislative Journal.)

Your Committee on Ag and Environment reports LB 593 advanced to General File, 619 General File, 697 General File, 861 General File, 897 General File, 675 General File with amendments, 873 General File with amendments, and 840 indefinitely postponed, all signed by Senator Schmit as Chair. (See page 812 of the Legislative Journal.)

SPEAKER MARVEL: The Chair recognizes Senator Fowler to introduce a new bill.

CLERK: Mr. President, Senator Fowler would move to suspend Rule 5, Section 5(d) so as to permit the introduction of Request #1665.

SENATOR FOWLER: Yes, I think this is a joint of Senator

February 23, 1982

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, 834, 139

clause attached? All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on page 847 of the Legislative Journal.) 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The next bill is 834. The Clerk will read.

CLERK: Mr. President, I had a motion from Senator Schmit but I understand he wishes to withdraw that motion.

SENATOR CLARK: It is withdrawn. Anything further on the bill?

CLERK: No, sir.

SENATOR CLARK: Go ahead and read.

CLERK: (Read LB 834 on Final Reading.)

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

CLERK: Senator Clark voting yes.

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

CLERK: (Read the record vote as found on page 848 of the Legislative Journal.) 37 ayes, 0 nays, 10 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed with the emergency clause attached. The next bill the Clerk will read is LB 126.

CLERK: Mr. President, I have a motion on LB 126 from Senator Chambers who is excused until he arrives.

SENATOR CLARK: We will pass over that bill temporarily. LB 139. The Clerk will read.

February 25, 1982

LR 215, 230
LB 304, 139, 139A, 456, 685,
686, 710, 786, 830, 834, 835,
884, 906, 936, 962

(Read record vote found on pages 853 and 854, Legislative Journal.) 28 ayes, 15 nays on the adoption of the resolution, Mr. President.

SPEAKER MARVEL: Motion is carried. The resolution is adopted. The Clerk has a couple of items to read into the record and then we will proceed with LB 304 on the agenda.

CLERK: Mr. President, your Committee on Education whose Chairman is Senator Koch instructs me to report LB 710 advanced to General File with committee amendments attached. That is signed by Senator Koch. (See page 854 of the Legislative Journal.) Your Committee on Ag and Environment reports LB 786 advanced to General File, and 962 advanced to General File, both signed by Senator Schmit as Chair. Senator Schmit would like to print amendments to LB 686 in the Journal; Senator DeCamp to print amendments to LB 936. (See pages 854 through 861.)

Mr. President, I have a report of Registered Lobbyists for the week of February 19 through February 24.

Your Committee on Public Health reports LB 456 advanced to General File with committee amendments attached; 835 to General File with committee amendments attached; 830 indefinitely postponed; 884 indefinitely postponed; 906 indefinitely postponed. (See pages 861 through 866 of the Legislative Journal.)

New resolution, LR 230 by Senator Wesely. (Read LR 230 as found on page 867 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 685, 834, 139 and 139A are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 685, engrossed LB 834, re-engrossed LB 139, engrossed LB 139A. Now we are going to read the motion on LB 304.

CLERK: Mr. President, I have a motion from Senators Carsten and Warner to return LB 304 to Select File for a specific amendment. The amendment would read as follows: (Read the Carsten-Warner amendment.)

SPEAKER MARVEL: I failed to do one thing and I will do that and then we will come back to this. Senator Nichol asked for a short Exec Session of the Judiciary Committee

March 1, 1982

LR 232
IB 522, 646, 649, 768,
831, 860, 874, 885, 834

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, open the Board and record your presence. Record your presence.

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

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

CLERK: Mr. President, a few items. A communication from the Governor addressed to the Clerk. (Read. Re: LB 646 and 649, and 834.)

Your committee on Public Health and Welfare reports 768 advanced to General File with committee amendments attached; and LB 831 General File with committee amendments attached; both signed by Senator Cullan.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 860 advanced to General File with committee amendments attached; 874 and 885 General File with committee amendments attached. All signed by Senator Kremer.

Mr. President, Senator Vard Johnson would like to print amendments to LB 522 in the Legislative Journal.

SPEAKER MARVEL: Visiting the Legislature today from Senator Marsh's District, May Morley; Mrs. Johnson, Mrs. Pedersen, Mrs. Weisser, teachers; and they are in the North balcony. Can you hold up your hands so we can see where you are? Now, Mr. Clerk, do we have a resolution?

CLERK: Mr. President, we do. Mr. President, LR 232 offered by Senator Schmit, Carsten and Hefner. (Read.) Mr. President, Senator Carsten would move to suspend Rule 4, Section 6, so as to permit consideration of LR 232 today.

SPEAKER MARVEL: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I would ask the Legislature to support us in the move to suspend the rules and adopt this resolution today and that it be in proper form and be carried by Senator Hefner tomorrow to Senator Burbach's funeral and hand delivered to Mrs. Burbach. I would hope that this body would agree to this procedure. Thank you, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Hefner.