

January 12, 1981

LB 81-91

since the death of one such as this, a certain amount of time must elapse before a commemorative stamp can be issued. It is also my understanding that this time has now passed and I would urge that the Nebraska Legislature immediately proceed with whatever action is necessary for the issuance of a commemorative postal stamp. Thank you.

PRESIDENT: Senator DeCamp, do you wish to speak on your resolution?

SENATOR DeCAMP: Mr. President, I think Senator Goll has said everything that needs to be said and I urge you to support the resolution.

PRESIDENT: Any further discussion on LR 2? Senator Goll, is there any closing then?

SENATOR GOLL: No, there is none, sir.

PRESIDENT: All right, the matter before the House is the adoption of LR 2 found on page 96 of the Journal. All those in favor signify by voting aye, opposed nay. Has everyone voted? Record the vote.

CLERK: 39 ayes, 0 nays on adoption of LR 2, Mr. President.

PRESIDENT: Motion carries and LR 2 is adopted. We are ready for agenda item #6, introduction of new bills and those of you who have not brought the bills up to the Clerk's desk might do so now so again we can process as many today as possible so, Mr. Clerk, you may proceed with the reading of the new bills.

CLERK: Mr. President, new bills: Read LB 81-86 by title for the first time as found on pages 113-114 of the Legislative Journal.

Mr. President, while we are waiting for bills, I have a new resolution, LR 3. Read LR 3 as found on pages 114-115 of the Legislative Journal. Mr. President, it is offered by Senator Beutler and that will be laid over.

Mr. President, Senator Fowler would like to have a meeting of the Retirement Committee upon adjournment underneath the North balcony, Retirement Committee underneath the North balcony, upon adjournment.

Read LB 87-91 by title for the first time as found on pages 115-116 of the Legislative Journal.

February 20, 1981

LB 50, 84, 89, 174, 475

Mr. President, Senator Richard Peterson offers explanation of vote.

Mr. President, your committee on Judiciary whose Chairman is Senator Nichol to whom we referred LB 84 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 89 General File; LB 174 General File; LB 50 General File with amendments; LB 475 to General File with amendments. That is all I have, Mr. President.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: We now turn to item #5 and the Chair recognizes Senator Lamb.

CLERK: Mr. President, Senator Lamb moves that appointment of Marshall A. Lux as Ombudsman and asks that the Legislature vote for its approval as required by Section 81-8,241.

SENATOR LAMB: Mr. President, members of the Legislature, after a long and involved selection process, the Executive Board has selected Mr. Lux to replace the retired Mr. McNeil as Ombudsman. This is a very important position. The process by which Mr. Lux was selected was extended probably more than it should have been partly because two Executive Boards were involved. Mr. Lux became the acting Ombudsman on July 31st upon the retirement of Mr. McNeil. The Executive Board then advertised in fifteen papers throughout the state and the distribution of the job availability notice was made to all the legislative staff. The job was advertised statewide with a closing date for applying of October 31st, 1980. One hundred and nineteen persons submitted resumes and/or applications for the position. The sixteen applicants were selected from this group of one hundred and nineteen. The interviews of these persons were held on February 4th, 5th and 10th of 1981. The Executive Board made their selection on February 18th, 1981. This requires a two-thirds vote of the Legislature. I move that the motion be approved.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I am not sure where the report of the committee is but wherever it is you will find that I had passed on the vote for Mr. Lux and I want to explain that to you. Because of illness, I was not able to attend any of the interviews that were held on any of the candidates and that my abstaining was not in opposition to in any way, shape or form. The committee apparently, as I understand, were in strong agreement that Mr. Lux

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LB 313, 84

that they are for a school district to issue refunding bonds to finance the redemption premium or expenses of issuance or to take advantage of the lower interest cost by issuing refunding bonds at a lower rate prior to the actual redemption date. Now what this bill would accomplish if enacted into law would be to provide for the issuing of refunding bonds to not only pay the principal on those outstanding bonds but redemption premium and any interest to accrue on the bonds to the date of the redemption. Then if the proceeds of the refunding bonds were not immediately used to pay off the outstanding bonds, they could then be invested in United States obligations. Now this proposal was brought to my attention by the Millard School District. They have experienced a problem and feel that they would have an opportunity if this change were made in the present statute to provide them with greater flexibility and an advantage presently that we experience with the fluctuating interest rates would give them the latitude to take advantage of this. Now I think with the economy the way that it is, with the school districts experiencing the problems that they do have, that providing them with this additional opportunity to take advantage once again of the fluctuating interest rates is a rational and a sensible approach to allow them this opportunity. So I would move that you would advance LB 313.

SPEAKER MARVEL: The motion is to advance 313 to E & R for review. All those in favor vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The bill is advanced to E & R for review. The next bill is LB 84.

CLERK: Mr. President, LB 84 was introduced by Senator Larry Stoney. (Read title.) The bill was read on January 12, referred to Judiciary, advanced to General File. I have no amendments on the bill, Mr. President.

SENATOR STONEY: Mr. Speaker, members of the Legislature, the intent of this proposal is to increase the fee which is presently being charged by the Clerk of the District Court from \$10 to \$25 for each case commenced by the filing of a transcript of judgment from another court in this state for the purpose of obtaining a lien. Examples of those would be garnishments and also executions. Now the reason for this requested change is the volume of garnishments that are presently being filed. There are

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LB 84, 47

more filings to recover on debt when we see the economy in the state that it is today. The filing of a transcript involves a similar procedure with the Clerk of the District Court as is required in the filing of a new case in their office. The only exception being is that there is less paperwork involved here than there would be in an original filing. The cost of an original filing is \$35 and the Clerks of the District Courts felt that the increase to \$25 would be sufficient to handle the cost of the increased volume of cases that they are seeing in these filings. So I would move that LB 84 be advanced from General File to E & R Initial.

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

CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: The motion is carried. The bill is advanced. The reason that we pause for a minute is that we are trying to find some bills that members who are here now are ready to take up. Senator Rumery, are you ready to take up LB 47?

SENATOR RUMERY: Yes, Mr. President.

CLERK: Mr. President, LB 47 was a bill introduced by Senator Myron Rumery. (Read title.) The bill was read on January 8, referred to the Public Works Committee. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SPEAKER MARVEL: Senator Kremer. It is LB 47.

SENATOR KREMER: Mr. Chairman, it caught me kind of off guard but I think what we do here is we add the emergency clause and make a couple of technical changes. Inserts a new section, Section 5, and adds the emergency clause.

CLERK: No, sir.

SENATOR KREMER: Oh, 47?

CLERK: Yes, sir, 47. It should be in your bill book, Senator.

SENATOR KREMER: Oh, yes, thank you. I got a hold of the wrong bill. Okay, the committee amendments clarifies which tenants can give permission to park and can request that a vehicle...to give a law enforcement officer the discretionary

March 13, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Reverend Larry Spader, Central Alliance Church.

REVEREND SPADER: Prayer offered.

PRESIDENT: Roll call. While we are waiting to get everyone checked in this morning we will take this opportunity to introduce from Senator Wesely's district some 9 students from Riley Elementary School here in Lincoln, Mrs. Barth and Mrs. Frogge, teachers. They are up here in the North balcony. Would you welcome Riley Elementary School up here in the North balcony. Welcome to your Legislature. Record the presence.

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. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 56 and recommend that same be placed on Select File with amendments; 313 Select File; 84 Select File; 47 Select File with amendments, (Signed) Senator Kilgarin, Chair.

Mr. President, engrossed LBs 55, 114, 128, 217, 246, 279, 388, 434, 462 and LR 33 and 34 are ready for your signatures.

PRESIDENT: While the Legislature is in session and capable of doing business I propose to sign and I do sign LB 55, LB 114, 128, 217, 279, 388, 434, 462, LR 33 and LR 34. We will proceed then with Final Reading. The Sergeant at Arms will secure the floor. All members of the Legislature will please return to your desks and as soon as everyone is at your place we will commence with Final Reading. All unauthorized personnel, non-legislative personnel will leave the floor of the Legislature. We are on Final Reading. We are awaiting Final Reading then. All legislators will be at their desks. We will commence with Final Reading.

CLERK: Mr. President, while we are waiting...

PRESIDENT: Go ahead, Mr. Clerk.

March 19, 1981

LB 313, 84, 47

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

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move LB 313 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 313 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 313 is advanced to E & R for engrossment. The next bill is LB 84.

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

PRESIDENT: Senator Kilgarin.

SENATOR KILGARIN: I move LB 84 be advanced to E & R for engrossment.

PRESIDENT: Motion to advance LB 84 to E & R for engrossment. Any discussion? All those in favor signify by saying aye, opposed nay. LB 84 is advanced to E & R for engrossment. The next bill is LB 47, Mr. Clerk.

CLERK: There are E & R amendments, Mr. President.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 47.

PRESIDENT: The motion is to adopt the E & R amendments on LB 47. Any discussion? All those in favor of adopting the E & R amendments on LB 47 signify by saying aye, opposed nay. The E & R amendments on LB 47 are adopted. Any further amendments?

CLERK: Yes, Mr. President. Senator Newell moves to amend the bill and the Newell amendments are found on page 999 of the Legislative Journal.

PRESIDENT: Page 999 of the Journal, amendment to LB 47 by Senator Newell. Is Senator Newell here? Does the Sergeant at Arms know where Senator Newell is? Oh, he is back there in the telephone booth. We will be at ease until Senator Newell gets done. The Chair recognizes Senator Newell on your amendment on LB 47, Senator.

SENATOR NEWELL: Mr. President, members of the body, the amendment that I offer is one that I have discussed with the introducer of the bill, Senator Rumery. It basically allows cities of the primary class which is Lincoln and cities of the metropolitan class which is Omaha to develop

March 23, 1981

LB 17, 47, 56, 79, 84, 151,  
220, 224, 313, 446, 485, 544.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain Coordinator Palmer.

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Roll call. Has everyone registered your presence?

CLERK: Mr. President, Senators Fitzgerald, Koch, Howard Peterson, Wagner excused; Beutler, Cullan, Gc11, Hoagland and Vard Johnson until they arrive.

PRESIDENT: While we are waiting for those to register their presence, the Chair would like to recognize from Senator Sieck's District, seven students from Benedict High School, Bud Exstrom, their teacher. They are up here in the north balcony. Would you folks stand up and be recognized. Welcome to your Legislature. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: No, sir, there are no....

PRESIDENT: The Journal then stands correct as published. Any messages, reports or announcements, Mr. Clerk?

CLERK: Mr. President, the committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 17 and recommend that LB 17 be placed on Select File, LB 446 Select File with amendments. (Signed) Senator Kilgarin. (See pages 1050 and 1051 of the Legislative Journal.)

Mr. President, your committee on Public Works whose Chairman is Senator Kremer, reports LB 224 to General File with amendments, 485 General File with amendments, 544 General File with amendments and LB 79 indefinitely postponed. (Signed) Senator Kremer as Chair. (See pages 1051 and 1052 of the Legislative Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 47 and find the same correctly engrossed; 56, 84, 151, 220, 313, all correctly engrossed. (Signed) Senator Kilgarin.

I have a report from the Legislative Accountant regarding legislative employees. It will be inserted in the Journal. (Page 1052 of the Journal.)

March 31, 1981

LB 56, 84, 151, 220, 313

return.

PRESIDENT: The motion fails. Anything further on the bill? It is right there, it is on E & R for engrossment. We are then ready, Mr. Clerk, for Final Reading on LB 84.

CLERK: (Read LB 84 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 84 pass? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See pages 1206 and 1207, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 84 passes. Next bill on Final Reading is LB 151, Mr. Clerk.

CLERK: (Read LB 151 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 151 pass? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Record vote read. See page 1207, Legislative Journal.) 27 ayes, 21 nays, 1 excused and not voting, Mr. President.

PRESIDENT: LB 151 passes. The next bill on Final Reading is LB 220.

CLERK: (Read LB 220 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 220 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Record vote read. See page 1208, Legislative Journal.) 46 ayes, 1 nay, 1 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 220 passes with the emergency clause attached. Before we take up the last bill for this morning on Final Reading, the Chair would like to introduce some guests of Senator Wagner, Harry Knecht, Bonnie Dzingle, Elaine Reiter, all from Loup City. They are in the South balcony. Would you folks stand and be recognized by the Nebraska Unicameral? Welcome to your Legislature. The final bill on Final Reading this morning is LB 313.



April 1, 1981

LB 44, 47, 56, 84, 113, 151,  
173, 218, 220, 308, 313, 331,  
370, 379, 392, 478.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Reverend Sidney D. Ellis of the Church of Christ, Lincoln, Nebraska.

REVEREND SIDNEY D. ELLIS: Prayer offered.

CLERK: Mr. President, Senators Beyer, Fowler and Vard Johnson would like to be excused for the day. Senators Hoagland, Cullan and Wiitala until they arrive.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: Quorum present, Mr. President.

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

CLERK: Yes, sir. Mr. President, first of all I have got a correction in the Journal found on page 1221. (See page 1230 of the Journal.)

Mr. President, your committee on Education whose Chairman is Senator Koch reports LB 218 to General File with amendments; 370, General File with amendments; and 308 indefinitely postponed. (Signed) Senator Koch. (See pages 1230 through 1235 of the Journal.)

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 56 and find the same correctly reengrossed.

Mr. President, LBs 47, 84, 151, 220 and 313 are ready for your signature.

Mr. President, I have a Reference Report from the Executive Board referring LB 556 to the Appropriations Committee and that is signed by Senator Lamb as Chairman of the Reference Committee.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 47, LB 84, LB 151, LB 220, LB 313.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 379 and recommend that same be placed on Select File with amendments; 44, Select File with amendments; 173, Select File with amendments; 331, Select File with amendments; 392, Select File with amendments; 478, Select File with amendments; 113, Select File with

April 1, 1981

LB 17, 40, 47, 84, 151, 220,  
245, 245A, 313, 478

particular bill. I will get another shot on Select. But I hope you mark well what you are doing this morning, and I hope the impact of it will not be lost on you. So, Mr. Chairman, I am making that request for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor vote aye, opposed no. Okay, record.

CLERK: 17 ayes, 11 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. Senator Beutler, Senator Newell, Senator Schmit, Senator Hoagland. Mr. Sergeant at Arms, will you see if you can find Senator Schmit, please?

CLERK: Mr. President, while we are waiting for Senator Schmit, I have an Attorney General's Opinion that is addressed to Senator Carsten and one addressed to Senator Haberman. (See pages 1247 through 1252 of the Legislative Journal.) Senator Pirsch would like to print amendments to LB 17, and Senator Landis and Howard Peterson to LB 478, and your Enrolling Clerk respectfully reports that she has presented to the Governor for his approval the following bills: 47, 84, 151, 220, and 313.) (See pages 1252 through 1256 for amendments to LB 17 and 478 in the Legislative Journal.) And your Committee on Enrollment and Review respectfully report that they have carefully examined and engrossed LB 245 and find the same correctly engrossed, and 245A correctly engrossed.

SENATOR CLARK PRESIDING

SENATOR CLARK: Do you want to continue, Senator Chambers, or do you want to wait for Senator Schmit? Call the roll.

CLERK: (Read the roll call vote as found on page 1246 of the Legislative Journal.)

SENATOR CARSTEN: Mr. President, may we have the motion restated. I am not quite sure that anybody knows....

SENATOR CLARK: The Clerk will restate the motion.

CLERK: Mr. President, the motion is to overrule the Speaker's agenda by removing LB 40.

SENATOR CLARK: If you want to support the Chair, you vote no.