

January 18, 1982

LR 206
LB 852

signed by its members. (Read title). LB 852 by the Public Works Committee and signed by its members. (Read title). (See pages 317 and 318 of the Journal).

PRESIDENT: We will proceed then with taking up the resolutions while we are getting some of the bill prepared to read in. Start with, Mr. Clerk, LR 199.

CLERK: Mr. President, LR 199 offered by Senators Labeledz and Fowler.

PRESIDENT: The Chair recognizes Senator Labeledz.

SENATOR LABEDZ: Could we pass over that for a few minutes? I understand Senator Schmit has got an amendment coming up.

PRESIDENT: All right, we will just....

SENATOR LABEDZ: We should be ready in about five or ten minutes.

PRESIDENT: Yes, we will just take it up right after.... we will take up 206 then. Is Senator Chambers ready for 206? Proceed, Mr. Clerk, with LR 206.

CLERK: Mr. President, LR 206 offered by Senator Chambers. It is found on page 267 of the Legislative Journal. (Read LR 206). That is found on page 267 of the Journal, Mr. President.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I talked to Senator Labeledz about the possibility of amending her resolution relating to the Polish situation to also include South Africa. Now there are a number of Senators sympathetic with what I am trying to do but they felt that it would be better to have a separate resolution, even Senator Labeledz thought that would be the best idea. So I think that is the thing to do also. I was going to take it up after the resolution on Poland because some of the issues that I am going to discuss would have been clarified during that discussion. However, I think that it won't be necessary for me to go through the entire Polish crisis because most people will be familiar with that. However, on the issue on South Africa it may be necessary to make some comments because you may not be quite as familiar with the specifics causing me to offer this resolution. I have put on your desk a handout. The

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LB 635, 623, 644, 739,
742, 852

you please record your presence? Senator Von Minden, will
you please record your presence? Senator Haberman, will
you please record your presence? Senator Higgins, will
you please record your presence? Now the Clerk will read
some items in.

CLERK: Mr. President, while we are waiting, your committee
on Revenue gives notice of hearing in Room 1520 for
February 16, 17, 22, 23, and 24.

Your committee on Public Works whose Chairman is Senator
Kremer reports 644 to General File; 739 General File;
742 General File; 852 General File with amendments.

SPEAKER MARVEL: Senator Kahle, we are down to Senator
Beutler and he is on his way. Do you want to start the
roll call? If you will check with item #4 on the agenda,
you will find the motion. It has to do with LB 635.
Call the roll.

CLERK: (Roll call vote taken. See pages 583 and 584,
Legislative Journal.) 20 ayes, 24 nays, Mr. President.

SPEAKER MARVEL: The Call has been raised. Motion lost.

SENATOR CLARK PRESIDING

SENATOR CLARK: We are ready for item #5, General File,
LB 623.

CLERK: Mr. President, LB 623 (read title). The bill was
read on January 6th of the year, referred to the Banking
Committee for public hearing. The bill was advanced to
General File, Mr. President, with committee amendments
attached. I believe you will find the committee amendments
in your bill books. It is request #2565. The Legislature
considered the bill, Mr. President, on February 4 of this
year. At that time Senator Kilgarin had an amendment pending
to the committee amendments. Senator Kilgarin's amendment
is on page 559 and 560 of the Legislative Journal.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I yield to Senator DeCamp.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature,
over the weekend, I tried to get together everybody who
in any way remotely is affected by the legislation including,

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LB 264, 309, 347, 403, 418, 542
563-66, 572, 579, 642, 659, 677
703, 705, 718, 719, 722, 724,
764, 774, 778, 779, 797, 852,
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

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

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)

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SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Reverend Ralph Sturdy, First Covenant Church, Lincoln, Nebraska.

REV. STURDY: Prayer offered.

SPEAKER MARVEL: Item #2, please record your presence. We need one more vote. Okay, record.

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

SPEAKER MARVEL: Do you have any other items for #2? #3?

CLERK: Mr. President, an Attorney General's opinion to Senator DeCamp regarding LB 76. That will be inserted in the Journal. (See pages 715-716 of the Journal.)

I have amendments from Senator Kremer to be printed in the Journal on LB 852. (See page 717 of the Journal.)

Mr. President, LRs 219, 220 and 221 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 LR 219, LR 220 and LR 221. Okay the next item of business item #4, Select File. The first bill, LB 431.

CLERK: Mr. President, LB 431 was on Final Reading on February 11. At that time Senator Newell made a motion to return the bill for a specific amendment. We did return the bill. The amendment is pending. I understand, Senator Newell, that you wish perhaps to withdraw?

SENATOR NEWELL: (Mike not on.) ...withdraw the amendment. Yes, just withdraw the amendment.

SPEAKER MARVEL: Any objections? If not, so ordered. The motion is to readvance the bill to E & R for engrossment. All those in favor of that motion say aye, opposed no. The motion is carried. The bill is readvanced.

CLERK: Mr. President, in that event, Senator Labeledz would now move to return LB 431 to Select File for a specific amendment, that amendment being to add the emergency clause.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Yes, very briefly, the amendment that I withdrew dealt with credit cards, a very complicated issue.

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LB 215, 304, 353, 408, 431,
608, 641, 653, 688, 702,
852, 873, 896, 938, 953, 969

if it readvances we will be done with the issue for the day. To reacquaint the members, this is where we allow... the District Court does not appeal the issue of whether or not it is the appropriate forum on child termination cases as described earlier in today's session.

SPEAKER MARVEL: The motion is to adopt the Landis amendment. All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 39 ayes, 0 nays on the motion to adopt the amendment.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion is to readvance the bill to E & R for Engrossment. All in favor of that motion say aye. Opposed no. The motion is carried. The bill is readvanced. Senator Nichol has a meeting underneath the south balcony, and the Clerk has several items to read in- to the record.

CLERK: Mr. President, Senator Newell would like to print amendments to 702 in the Journal. (See pages 879 and 880 of the Journal.) Senator Beutler to print amendments to LB 852. (See pages 878 and 879 of the Journal.) Notice of hearing from Public Works for LB 969 set for Thursday, March 4. Your committee on Education whose Chairman is Senator Koch reports 653 advanced to General File with committee amendments attached; 688 General File with committee amendments attached; 896 General File with committee amendments attached; 938 General File with committee amendments attached, and 641 indefinitely postponed. (See pages 873. (See pages 873 and 874 of the Legislative Journal.) Your Enrolling Clerk has presented the bills passed on Final Reading this morning to the Governor. LB 608 offered by the Public Works Committee has been advanced to General File. Senator Chambers would like to print amendments to LB 408. (See pages 875 and 876 of the Journal.) The Ag and Environment Committee reports LB 953 advanced to General File with committee amendments attached. (See page 876 and 877 of the Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 304, re-engrossed LB 353, re-engrossed LB 431. This announcement from the Nebraska Livestock Feeders Luncheon at the Airport Inn. Transportation for those who have made reservations will be at the west entrance. Senator Marsh, do you want to adjourn us to

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LR 244
LB 458, 520, 568, 605, 892,
629, 714, 799, 809, 817, 852

allowed to us by law. I move the advancement of 817.

SENATOR CLARK: The question before the House is the advancement of 817 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted on the advancement of the bill? Have you all voted, one more time. Record the vote.

CLERK: Mr. President, Senator Cullan requesting record vote. (Read the record vote as found on pages 1049 and 1050 of the Legislative Journal.) 26 ayes, 15 nays, Mr. President.

SENATOR CLARK: The bill is advanced. The next bill is 852. The Clerk wants to read some things in.

CLERK: Mr. President, a series of items to read in. New resolution, LR 244 offered by Senator Chambers. (Read LR 244 as found on page 1050 of the Legislative Journal.) That will be laid over, Mr. President. Mr. President, Senator Fenger would like to print amendments to LB 714; Senator Vard Johnson to print amendments to LB 520; Senator Koch to 629; Senator Koch to 892; Senator Koch to 799; Senator Koch to 605; Senator Haberman to 568; Senator Fowler to 458; Senator Stoney to 809. (See pages 1051 through 1055 of the Legislative Journal.)

Mr. President, LB 852 was a bill introduced by the Public Works Committee and signed by its members. (Read title.) The bill was read on January 18th of this year. It was referred to Public Works for hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending. In addition, I have an amendment to the committee amendments that is offered by Senator Kremer that is found on page 717 of the Legislative Journal.

SENATOR CLARK: Senator Kremer on the committee amendments.

SENATOR KREMER: Thank you, Mr. Chairman and members of the Legislature, I think I should first of all very briefly explain the bill and then you will understand the amendments. This is a bill submitted by the Public Works Committee and brought to us by the rural power people that would provide for joint financing simply because financing as in the past is being discouraged. The need for electrical energy in the rural areas continues to increase greatly and

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the ability to finance the expansion of this service is getting to be more and more difficult, consequently the rurals have asked for the same type of legislation we provided for the munies in LB 132 in the 1981 session. So that is what the bill does. Now then, after the bill was drafted we discovered there were some technical amendments needed outside of this one part of the amendments. I will say again, most of them are technical in nature, but it does change in one respect at least it changes the words "financial stake". In other words, the voting powers...the voting strength that any member of the joint venture, instead of using the wordage "the voting power is dependent upon a financial stake", we have stricken that language and say, "financial obligations" to the joint agency. So, Mr. Chairman, I do move the committee amendments, and then I will... Mr. Chairman, would it be best to move the committee amendments and then ask for my amendment, or ask for my amendment first?

SENATOR CLARK: We will take your amendment to the committee amendments.

SENATOR KREMER: My amendment to the committee amendments is just putting in one word that was inadvertently left out and it brings in the language production "or transmission". It was just production at first and now we add the word.... production was first and then we added the word "transmission". That is all we do to the committee amendments. I move my amendment.

SENATOR CLARK: The motion before the House is the adoption of the amendment to the committee amendments by Senator Kremer. All those in favor vote aye, opposed vote nay. Record the vote.

CLERK: 23 ayes, 0 nays on adoption of Senator Kremer's amendment.

SENATOR CLARK: It is adopted. Now we have another amendment to the committee amendments.

CLERK: No, sir.

SENATOR CLARK: All right. Senator Kremer.

SENATOR KREMER: Mr. Chairman, I move for the adoption of the committee amendments as amended.

SENATOR CLARK: All those in favor of adopting the committee amendments as amended vote aye, opposed vote nay. Record the vote.

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CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amended committee amendments.

SENATOR CLARK: The committee amendments are adopted. The next amendment.

CLERK: Mr. President, Senator Beutler had an amendment found on page 878 in the Journal that he wishes to withdraw, as I understand it, Senator, is that true?

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: No, Pat, what I want to do is ask for a ruling on germaneness on that particular set of amendments, all three of them.

SENATOR CLARK: Senator Beutler, we don't really have any in chapter....you are in chapter 18 here. I would have to rule them not germane, all of them not germane.

SENATOR BEUTLER: That is....there is a legitimate germaneness question, Mr. Speaker. The bill itself doesn't deal with any particular chapter or article, as you know.

SENATOR CLARK: That is right.

SENATOR BEUTLER: Because there is a creation of a new political subdivision. The amendments reference Chapter 18. The amendments deal with similar subject matter but as it is applicable to different entities.

SENATOR CLARK: Similar subject matter but in a different section of the municipal section.

SENATOR BEUTLER: Yes.

SENATOR CLARK: So I would have to rule it not germane.

SENATOR BEUTLER: Okay. Could I ask, Mr. Speaker, that that be put in the book of precedence that the Speaker is now keeping and that Pat has, because it is a unique situation and I think it is good to get it down in our book, Pat. Thank you.

SENATOR CLARK: We will do that. Senator Lamb, did you want to be recognized for some reason? Anything further on the bill?

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

SENATOR CLARK: Senator Kremer.

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SENATOR KREMER: Then, Mr. Chairman, I move the bill be advanced to E & R as amended. I have explained it rather simply. I know that it is rather simple and it is quite necessary that this legislation be passed. As I tried to explain before because of funding and this is a financial intensive program that the rurals are in because of the expanded need for electrical energy especially in the rural areas as especially irrigation wells are changing from natural gas and propane to electrical energies operating our pumps and it is of such nature that we actually have to have something and we have got to get more financing if we are going to beat this demand for electrical energy. It is important that the rural power districts obtain the necessary capital at the lowest possible interest rates because of the problem that we now have with making ends meet especially as we see the economy that is related to the rural areas at this time. To summarize, the rural electrics must acquire more supplemental financing. We do have federal financing but it is not going to be sufficient. The federals are discouraging...or rather trying to encourage local financing and by this joint venture we can do that, and that is exactly what we are trying to do, work together to borrow capital at the least cost possible basis and LB 852 will save money for the rural and the rural customers. So I move the advancement of LB 852 to E & R.

SENATOR CLARK: The question before the House is the advancement of 852 to E & R. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. The next bill is 647.

CLERK: Mr. President, LB 647 is a bill introduced by Senator Hefner. (Read title.) The bill was read on January 6th of this year. It was referred to the Government, Military and Veterans Affairs Committee for hearing. The bill was advanced to General File, Mr. President. I have no amendments. I do have some amendments to the bill, however.

SENATOR CLARK: Senator Hefner, do you want to explain

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LR 231, 233, 234, 237, 238, 239
LB 571, 687, 817, 841, 852

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Pastor Leland Oswald,
First Mennonite Church here in Lincoln.

PASTOR LELAND OSWALD: (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: A quorum being present, Mr. Clerk, are there
any corrections to the Journal?

CLERK: I have no corrections this morning, Mr. President.

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

CLERK: Mr. President, your committee on Enrollment and
Review respectfully reports we have carefully examined
LB 817 and recommend that same be placed on Select File with
E & R amendments; and LB 852 with E & R amendments.

Mr. President, your committee on Miscellaneous Subjects
whose Chairman is Senator Hefner instructs me to report
LB 687 advanced to General File with committee amendments
attached; and LB 841 advanced to General File with committee
amendments attached.

Mr. President, LR 231, 233, 234, 237, 238, and 239 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 LR 231,
LR 233, LR 234, LR 237, LR 238, and LR 239.

CLERK: Mr. President, Senator Clark would like to print
amendments to LB 571 in the Legislative Journal.

PRESIDENT: All right, Mr. Clerk. While we are waiting to get
started I think that we should recognize that Senator Kil-
garin is going to have...she is really getting old, she is
going to have a birthday tomorrow, I think all of 24, is
that right? I think we should all wish her a happy birthday,
particularly since she is supplying cookies this morning.
Happy Birthday. Senator Labeledz, we probably ought to con-
sider whether you want to go with LB 824 on motions.

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LB 582A, 670A, 852

and father and brother of our Page over here, Bruce Froendt, and they are Swede and Helen Kalin. They are over here under the north balcony. Would you welcome them to our Legislature? Would you folks stand up and be recognized? Welcome to your Unicameral. The Clerk will read some matters into the record at this time.

CLERK: Mr. President, a couple of items very quickly. LB 670A is a bill offered by Senator Kremer. (Read title on first reading.)

Mr. President, Senator Wagner would like to print amendments to LB 852 in the Legislative Journal, two sets of amendments to LB 852. (See page 113⁴ of the Journal.)

Mr. President, I have a new A bill, LB 582A. That is offered by Senator Kilgarin. (Read title on first reading.)

PRESIDENT: Senator Lowell Johnson, I believe you have your light on, did you wish for some reason...okay, thank you. We were going to give you an opportunity whatever it was you wanted to do.

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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.)

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PRESIDENT: Motion carries and LB 817 is advanced to E & R for Engrossment. The next bill on Select File is LB 852, Mr. Clerk.

CLERK: Mr. President, there are E & R amendments to LB 852.

PRESIDENT: The Chair recognizes Senator Kilgarin.

SENATOR KILGARIN: I move we adopt the E & R amendments to LB 852.

PRESIDENT: Motion to adopt the E & R amendments on LB 852. Any discussion? All those in favor of adopting the E & R amendments signify by saying aye. Opposed nay. The E & R amendments are adopted on LB 852. Any other amendments?

CLERK: The next amendment I have is from Senator Wagner. It is on page 1134 of the Journal.

PRESIDENT: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, on that particular page there, Pat, do you want to read that amendment or do you want me to kind of like explain it?

PRESIDENT: Read the amendment.

CLERK: Page 17, line 22, strike the word "determine" and insert the word "assess".

SENATOR WAGNER: Yes. Okay, when you look at when I read this bill and when you get down to that area there, it says, they shall determine their qualifications and my purpose here is to change "determine" to "assess", and assess means evaluate. And that is the purpose of the amendment there is those people then they can evaluate their qualifications. And with that explanation, I... unless somebody has some objections or questions, I would move the amendment.

PRESIDENT: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, just a word to support. I talked this over with Senator Wagner and I agree and I lend my support.

PRESIDENT: All right, any further discussion? Senator Wagner, I guess that will be your close then. So the

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motion is the adoption of the Wagner amendment to LB 852. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the first Wagner amendment.

PRESIDENT: The motion carries. The Wagner amendment is adopted. Further amendment.

CLERK: Mr. President, Senator Wagner would move to amend the bill. (Read the second Wagner amendment as found on page 1134 of the Journal.)

PRESIDENT: The Chair recognizes Senator Wagner.

SENATOR WAGNER: Okay. Mr. Speaker and members, again this is, to me it is kind of a technical amendment but it does clarify one thing. If you will look back on page 10, it talks about "and their Board of Directors and on that Board of Directors could be an employee of a public power district". My purpose of striking that per diem was essentially so that an employee in addition to his compensations should not receive any per diem. So by making this change and adding that new language in there, striking per diem and his and her actual necessary expenses takes care of that problem I had there. I would urge your adoption of the amendment.

PRESIDENT: Any further discussion on the second Wagner amendment? I guess that is your opening and closing, Senator Wagner. So the motion before the House is the adoption of the second Wagner amendment to LB 852. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the second Wagner amendment.

PRESIDENT: Motion carries. The second Wagner amendment is adopted. Any further amendments?

CLERK: Senator Wesely would now move to amend, Mr. President, and that is on page 1248 of the Journal.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Thank you, Mr. President, and members of the Legislature, these amendments essentially do two things, and I think they are both very positive and helpful

to the bill. You have a handout that I think each of you have already received a little bit ago to explain them. I would just tell you this, they are attempting to do these two things. Number one, increase the accountability of the expenditures that are going to occur from this joint financing board that would be created by this act. Now Senator Wagner just clarified exactly what expenses would be provided for. This bill would clarify that those have to be accounted for to the public who...and the rate payers who would have to pay for those expenses. And I think this is very important in light of a number of recent occurrences about expenses of public power districts. I know there have been a lot of controversies over the past few years in this area and I think it is always clear that it is important that when we have expenditures by a public entity, whatever that entity may be, public power or otherwise, there should be accountability and the public should know what is being spent and how it is being spent and who is spending it. And that is what this amendment would attempt to do, at least the first part of it. The second part of the amendment deals with the Chapter 70 provisions of our statutes which deal with public power, and this amendment would attempt to clarify that not only would the new entity created under this act be under the restrictions or the language would be applicable to it but it would it make very clear that the obligations under those sections that we are talking about would also be applicable and that the Power Review Board would have authority to have oversight over this entity and would be able to provide direction on the state level. I guess my concern is that this bill is in its best form possible before it is passed. I did not vote for its advancement out of committee because I felt there were a number of technical flaws. Senator Wagner has caught a couple of those. I am trying to point out a couple more, and I think Senator Kremer has additional amendments. These will help the bill tremendously and would ask for your support for the amendments.

PRESIDENT: Any further discussion? Senator Kremer.

SENATOR KREMER: Mr. Chairman and members, I strongly oppose the Wesely amendments and I will tell you why. We have asked the munies and the rurals to get together on their differences and we did the same thing last year with LB 132. This they did and they agreed upon them. We did the same thing with LB 852 and they did not agree on the Wesely amendments. I have six amendments, well, it's a package of one, I guess, that does adopt the

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amendments agreed on by both. And because they have not agreed upon them, I would like to further say that this one amendment would require an out of state travel to arrange bond financing to be approved by the Governor. Now LB 852 already provides the procedure for handling of expenses comparable to those which exist under the public power districts, and I can see no sensible reason to adopting a different procedure just because the munies choose to follow that procedure in LB 132 which as you will recall is at their request. So I object to the Wesely amendments.

PRESIDENT: All right, any further discussion? The Chair recognizes Senator Sieck.

SENATOR SIECK: Mr. President and members of the body, I also feel that this is an issue that each organization should take it upon themselves and not try to slap something on a bill here that the public power districts are trying to do and I don't want to do anything here to hurt us from getting into the bonding market because this is something we are going to have to do. Senator Wagner did have a question, Senator Kremer, and I am going to ask Senator Wagner to address that question to Senator Kremer. Senator Wagner.

PRESIDENT: Senator Wagner. Do you have a question for Senator Wagner?

SENATOR SIECK: Yes. Senator Wagner had a question and I didn't catch the question....

PRESIDENT: Will you respond, Senator Wagner?

SENATOR SIECK:I wanted him to address the question.

SENATOR WAGNER: Well, I would have a...if you can, my question is to Senator Kremer.

SENATOR SIECK: Right, that's what I want you to do.

SENATOR WAGNER: Okay. Well, Senator Kremer, what I wondered is, and I might have missed this because I was doing something else at the particular time, what all did you...when you people were getting together, what all did you agree upon? Is these the....

SENATOR KREMER: Senator Wagner, my amendments are still to be addressed and those are the ones we agreed upon.

SENATOR WAGNER: Okay. Now are these amendments that Senator

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Wesely has, are they something that was discussed?

SENATOR KREMER: The information I have, they were discussed.

SENATOR WAGNER: Okay.

SENATOR KREMER: But they did not agree upon them.

SENATOR WAGNER: All right.

SENATOR KREMER: They came in afterward.

SENATOR WAGNER: Okay, no. I guess that is really my question, is what did you essentially agree upon then, and was this a part of that package, you might say?

SENATOR KREMER: No, sir, the information I have the agreement was made on the amendment that I will offer.

SENATOR WAGNER: Okay. All right, thank you.

SENATOR SIECK: Thank you, Senator Wagner and Senator Kremer. Since there is no agreement in this particular area, why should we come up with an amendment of this type and let's consider the amendment that Senator Kremer has so that we can have something that was agreed by the different utilities. So I ask you to oppose the amendments.

PRESIDENT: Okay, any further discussion on the Wesely amendments? Senator Wesely, you may close.

SENATOR WESELY: Thank you, Mr. President and members of the Legislature, I think this is a bit ridiculous to talk about, well, if this isn't agreed to then we shouldn't do anything. Is this body able to stand on its own feet and decide what is right for the State of Nebraska or does everything that we do here have to be agreed upon outside of this Chamber? I think it doesn't have to be. I think if this amendment is right for the state, then we should consider it something that we ought to adopt as a policy for the State of Nebraska, and I think as far as whether or not the rurals agreed with these amendments, well that is a moot point really at this stage of the debate. The question that we have to decide is as representatives of the people of the state what is best for the state, and it seems to me quite clear that even though the rurals may not like the idea of having some accountability and may not like the restrictions that would be placed with

these amendments, what's good for the goose is good for the gander, and what is attempted with these amendments is to put them into basically the same compliance that the munies had to go under when LB 132 passed last year. Well, that was all placed on the muny power pool by the rurals and that was maybe not agreed to by the municipal power pool. Well, at this time we are turning the tables a little bit and it is not agreed to by the rurals, but if it is good for the muny power pool it should be good for the rurals. And maybe the rurals don't like this for a number of different reasons. I know for a fact that they have a tendency when they take trips board members like to take their spouses along and that has been a concern of mine for some time. Perhaps that is one of the reasons they don't like the idea of accountability on these expenses that they have. Well, I think that is an improper practice and I think if people knew about it they would be upset. So I think we ought to let the people know about what is happening with expenses not only in the area of these individual boards but I think what we are talking about here with this newly created board there ought to be some restrictions. If there are problems, if there are concerns, as Senator Kremer talked about, we can always make adjustments for those, but what this amendment is basically is a what is good for the goose is good for the gander amendment, pointing out the fact that previous legislation has called for these restrictions and if it was good in that case shouldn't it be good in this case for a similar type of an organization that we are forming under this legislation. Again, I would ask for your support. The two basic premises of these amendments are to hold accountable the board members on this joint financing board so that their expenses are accounted for and that secondly make it clear that Chapter 70 provisions would be applicable to this board so that they are obligated to follow the Power Review Board in the state in regulatory matters. I don't think that is unreasonable. I think it is fair. And whether the rural people like that or not, I don't think it is for us to decide. Our decision is whether it is good for the state and I ask that you support this because it is good for the State of Nebraska.

PRESIDENT: The question is then the adoption of the Wesely amendment to LB 852. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 6 ayes, 26 nays, Mr. President, on adoption of the amendment.

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LB 852

PRESIDENT: The motion failed. Any other amendments, Mr. Clerk?

CLERK: Mr. President, Senator Kremer would now move to amend the bill.

PRESIDENT: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, do you wish to take these one at a time or as a package? I will try to explain them all. Do you want to take them one at a....?

CLERK: Were you asking me a question, Senator?

SENATOR KREMER: I asked our Speaker on that...or the Chair.

PRESIDENT: Yes, you said you had...go ahead, Senator.

SENATOR KREMER: I would like to take them all as a package and explain each section, unless someone wants to divide the question.

PRESIDENT: All right, go proceed and do it that way, sure.

SENATOR KREMER: Okay, a moment ago I had these amendments laid on your desk. I hope you had a chance to look at them. I will try to explain each section of the amendment very briefly. If you want to refer to the bill, on line 15, line 16, after the word "of" we insert "the State of Nebraska". Now here is the reason for this. This amendment would allow the agency created here, that is the rural agency to participate with LB 132 or the municipalities in energy of Nebraska or any other joint agency to work together if they so choose. That is all it does. Number two addresses the committee amendments on line 27, strike the word "article" and insert "articles" after 10 and insert "13". This amendment places the Public Works Committee amendments to place...this amends the Public Works Committee amendments to place an 852 created agency under the arbitration statutes. This was agreed upon again. Next, number three, on page 32 add the emergency clause. This third amendment includes the request made by the Rural Electric Association. And then fourth on page 11, line 23, strike the period and insert "in compliance with the provisions of section 70-622." Now this amendment is included at the request of the Nebraska Municipal Power Pool, at their request, which feels that LB 852 does not provide for open records. Now they have agreed they will do that. Inclusion of this amendment ensures that the books and records of the rurals are available for public

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inspection. This is something that Senator Wesely also wanted. And last of all, on page 26, line 26, we strike the word "conducting" and insert "consulting" which is the proper word. And then it also...let's see, we got the emergency clause. That, Mr. Chairman and members, explains the amendments to LB 852 and I move their adoption.

PRESIDENT: All right, any discussion on the Kremer amendment as he has discussed completely? I guess none, Senator Kremer, so we are ready to vote. All those in favor of adopting the Kremer amendment vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 1 nay, Mr. President, on adoption of Senator Kremer's amendment.

PRESIDENT: The motion carries. The Kremer amendment is adopted. Any further amendments?

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

PRESIDENT: Senator Kremer, do you wish to move to advance the bill? Motion to advance. Any further....

SENATOR KREMER: Mr. Chairman, I move to advance the bill as amended.

PRESIDENT: Any further discussion? If not, all those in favor of advancing LB 852 signify by saying aye, opposed nay. LB 852 is advanced to E & R for Engrossment. Do you want to read some matters in, Mr. Clerk, at this time, and then we are ready to recess for lunch.

CLERK: Mr. President, two items. Your Enrolling Clerk has presented to the Governor bills that were read on Final Reading this morning.

Mr. President, new resolution, LR 257 offered by Senator VonMinden. (Read LR 257 as found on page 1309 of the Legislative Journal.) That will be laid over, Mr. President.

PRESIDENT: All right, Senator Lamb, do you want to move to recess until what...until 1:30. Senator Lamb.

SENATOR LAMB: I move to recess until 1:30 this afternoon.

PRESIDENT: Motion to recess until 1:30. All those in favor signify by saying aye, opposed nay. We are in recess until 1:30.

Edited by:

Marilyn Cank
Marilyn Cank

9219

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LB 966, 522, 817, 852

SENATOR WARNER: Mr. President, I would move the bill be advanced and, again, the bulk of this bill is for the purpose of reducing the impact of the General Fund, to have some of these costs partially shared by fees, and again if there are some aspect of it that you feel may not be workable or is not fair or equitable, why we can look at those amendments on Select File.

SENATOR KAHLE: Okay, we are voting on the Warner amendments to LB 966. This takes 25 votes. Please vote. We need to move along. I know a number of you are going to be leaving in a bit and perhaps we can get this bill out of the way. Record the vote.

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

SENATOR KAHLE: The committee amendments are adopted. Is there anything else on the bill?

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

SENATOR KAHLE: Senator Warner, would you like to close?

SENATOR WARNER: Mr. President, I move the bill be advanced.

SENATOR KAHLE: Okay, the issue before us is the advancement of LB 966 as amended.

CLERK: Senator Kahle voting yes.

SENATOR KAHLE: Senator Burrows, did you have something you wanted to tell us?

SENATOR BURROWS: Yes, I would like to explain that I oppose the bill because I think every portion of this is a general revenue function.

SENATOR KAHLE: Senator Warner has closed. Record, Mr. Clerk.

CLERK: 27 ayes, 1 nay, Mr. President, on the motion to advance LB 966.

SENATOR KAHLE: The bill is advanced. The Clerk has something to read into the record.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 522 and find the same correctly engrossed; LB 817 and LB 852 all correctly engrossed.

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LB 766, 790, 817, 852

CLERK: (Read LB 766 on Final Reading.)

PRESIDENT: 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 nay. Record the vote.

CLERK: (Read record vote as found on pages 1515-1516 of the Legislative Journal.) 32 ayes, 12 nays, 4 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 766 having received the constitutional majority necessary for constitutional amendment passes. The next bill on Final Reading is LB 790.

ASSISTANT CLERK: (Read LB 790 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 790 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote, Mr. Clerk.

ASSISTANT CLERK: (Read record vote as found on page 1516 of the Legislative Journal.) The vote is 39 ayes, 7 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 790 passes with the emergency clause attached. Before we go on to the next bill the Chair would like to introduce some guests of Senator Labedz, some 8 students, 5 adults from St. Francis of Assissi. They are up here in the North balcony with Leanne Jarvis and Zita Maly, their teachers. Would they just indicate where they are and we welcome you to your Unicameral Legislature. The next bill on Final Reading, Mr. Clerk, is LB 817.

ASSISTANT CLERK: (Read LB 817 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 817 pass. All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 1517 of the Legislative Journal.) The vote is 28 ayes, 18 nays, 3 excused and not voting, Mr. President.

PRESIDENT: LB 817 passes. The next bill on Final Reading is LB 852.

CLERK: (Read LB 852 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 852 pass

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LB 852, 869

with the emergency clause attached. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 1517-1518 of the Legislative Journal.) (28 ayes, 18 nays, 3 excused and not voting.)

PRESIDENT: LB 852 passes with the emergency clause attached. The next bill on Final Reading, Mr. Clerk, is LB 869.

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

PRESIDENT: Read the motion, Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to return LB 869 to Select File for a specific amendment, that amendment bring to strike the enacting clause.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I sought an Attorney General's opinion on this bill because I do think it is overbroad in its reach and if you will turn to pages 1462 through 1464 of the Journal you will be able to see some of the comments that the Attorney General wrote which I will refer to. Now his conclusion is that the bill probably can withstand constitutional challenge. In other words in the opinion of the Attorney General's office there is no serious constitutional problem with the vagueness or broadness found in this bill. I disagree with that opinion but, nevertheless, I wanted to get that out of the way first. His concluding paragraph is this and it is found on page 1464. "While we question the necessity of proscribing such a wide range of conduct, we leave that decision to the best judgment of the Legislature and are of the opinion that if this provision is enacted, it most likely would be upheld as being constitutional." Now in the paragraph above that the last sentence in the next to the last paragraph says, "we question in passing whether its authors intended such broad application." Some of the questions I raised in my letter to the Attorney General I talked to you about on the floor. One of them dealt with the age or the youth of the individual who could be prosecuted under this act for altering any form of identification and the Attorney General did agree that because of the language of this bill there is no limitation as to age. It could be anybody no matter how young so long as they could form the requisite intent to alter this identification. So you are not just dealing with adults. You're not even dealing with those who are in their upper teens. You're dealing with kids who could just be

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LB 761, 790, 817, 852, 869
875, 892, 751, 766, 807,
573, 633, 668, 739,

SENATOR CLARK: The motion carried. Yes, Senator Warner.

SENATOR WARNER: Well, I was wondering if it was too late to change a vote.

SENATOR CLARK: Yes, it is now. He has announced the vote.

SENATOR WARNER: I was just going to vote no for purposes of reconsideration.

SENATOR CLARK: You did vote no, I think.

SENATOR WARNER: I mean yes so I could move.

CLERK: Mr. President, while we are waiting your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 807 and find the same correctly engrossed.

Mr. President, the bills read on Final Reading yesterday are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LBs 573, 633, 668, 739, 751, 766, 790, 817, 852, 869, 875 and 892. Did I hear somebody raise the Call? The motion is to raise the Call. The Call is raised.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Mr. Clerk.

CLERK: Mr. President, I have a motion. Senator Wesely would move to reconsider the vote just taken on adoption of Senator Koch's amendment.

SENATOR NICHOL: Senator Wesely.

SENATOR WESELY: Thank you, Mr. President. I would like to yield my time to Senator Warner. He didn't get much of a chance to discuss the situation with that amendment. Although I support the concept, I understand there is an alternative perhaps we ought to take a look at, and so I am asking you to reconsider that vote and I will yield the rest of my time to Senator Warner, please.

SENATOR WARNER: Thank you, Senator Wesely. Mr. President and members of the Legislature, if the body wishes to increase

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LB 875, 892, 893
LB 127, 573, 633, 668, 739, 751,
761, 766, 790, 816, 817, 852, 869

and nail him then and we can go on with the proceedings so that we can proceed with the business.. Would that be okay with you?

SENATOR HIGGINS: I don't know whether I want to vote to stay here or not because I don't know if it is going to do any good, because I don't know what might be on special order tomorrow and the next day.

SENATOR NICHOL: Well, I don't know that we are going to resolve that by debating that and I would really strongly suggest that we stick to the procedure that we are in right now. If you don't get a.....

SENATOR HIGGINS: I wish we would have stuck with the procedure we voted on two weeks ago.

SENATOR NICHOL: Let's get in our seats, please, so we can continue with the roll call vote and we will get going here. You have been very patient and I appreciate it but let's try to hang on there a little bit longer. Maybe we can get this bill passed or on its way. Proceed with the roll call, please. Please go to your seats.

CLERK: (Read the roll call vote as found on pages 1592 and 1593 of the Legislative Journal.) 23 ayes, 15 nays, Mr. President, on adoption of the amendment.

SENATOR NICHOL: The amendment is not adopted. Shall we move on to the next one, Pat? Do you want to read something in first?

CLERK: Very quickly, Mr. President. I have an Attorney General's Opinion addressed to Senator DeCamp, one to Senator Sieck and one addressed to Senator Warner. (See pages 1593 through 1597 regarding LBs 816, 127 and 893 in the Legislative Journal.)

Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading yesterday, Mr. President. (Regarding LBs 633, 790, 573, 668, 739, 751, 766, 817, 852, 869, 875 and 892.)

Mr. President, the next amendment I have is one offered by Senator Burrows.

SENATOR NICHOL: Senator Burrows.

SENATOR BURROWS: Mr. Chairman and members of the Legislature, this amendment simply strikes the language that